



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

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Monday, February 15, 2016

7:30 PM

Council Chambers

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### Roll Call

**Present:** 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Doug Stoner and Councilmember Ron Fennel

**Absent:** 1 - Councilmember Teri Anulewicz

**Also Present:** 8 - Mike L Jones, Randy Edwards, Terri Graham, Heather Corn, Ken Suddreth, Virginia Davis, David Lee and Dan Campbell

### Call to Order

Mayor Max Bacon called the meeting of the Mayor and Council to order at 7:30PM

#### 1. Invocation and Pledge:

Pastor Kerrick Butler of Faith Christian Center located at 3059 South Cobb Drive, Smyrna Ga. gave the Invocation and led all in the Pledge of Allegiance.

#### 2. Agenda Changes:

There were no Agenda Changes.

#### 3. Mayoral Report:

##### A. Proclamation in Recognition of Georgia Arbor Day, February 19, 2016

Sponsors: Welch

*Councilmember Charles (Corkey) Welch read aloud the proclamation for Arbor Day. Virginia Davis of Keep Smyrna Beautiful was in attendance to accept the proclamation on behalf of Keep Smyrna Beautiful Arbor Day which will be celebrated Friday, February 19, 2016. Ms. Davis congratulated Smyrna for its 13th year as a tree city. Keep Smyrna Beautiful will hold a lunch and learn from 12:00 PM -1:00 PM at Brawner Hall February 19, 2016.*

##### B. Performance by Divas With A Cause and Dupsies African Clothing in honor of Black History Month

*Divas With A Cause and Dupsies African Clothing came forward dressed in African clothing sold at the local store in Smyrna, Georgia. They sang a song called Stand Together in honor of Black History Month.*

#### 4. Land Issues/Zonings/Annexations:

- A.** Public Hearing - Zoning Request Z16-001 - Rezoning from R-15 to R-12-Conditional for the construction of two single-family homes - 0.63 Acre Tract - Land Lot 664 - 2580 Bates Street - Habitat for Humanity of Northwest Metro Atlanta, Inc.

Sponsors: Anulewicz

*Mayor Bacon announced the Land Issues Zonings and Annexations and read the agenda item. He then asked City Administrator Mike Jones to read the following background for this item:*

*Habitat for Humanity was requesting rezoning from R-15 to R-12-Conditional for the construction of two new single-family residences at a density of 3.17 units per acre on an existing vacant lot on Bates Street. The proposed homes will be accessed from Bates Street. The submitted elevations reflect a more traditional style one-story ranch home with a mixture of exterior facade materials and architectural elements.*

*The Planning & Zoning Board approved this item with a vote of 7-0. Mr. Jones asked Community Development Director Ken Suddreth to come forward and provide further details.*

*Mayor Bacon announced the public hearing and asked anyone that wanted make public comment concerning this issue to come forward to be sworn in to make comments either for the project or against this issue. The applicant came forward to be sworn in and Attorney Randy Edwards (filling in for City Attorney Scott Cochran) swore in the applicant.*

*Community Development Director Ken Suddreth came forward to provide background and details for the rezoning request. He began with the zoning site map while explaining that the applicant was requesting a lot split for two new single family residences. The current zoning was R-15 and they were requesting to split the existing lot into two (2) R-12 Conditional lots to build two (2) habitat homes. The R-12 Conditional zoning exists across the street from this property. This rezoning will require, as part of the approval, a change from suburban residential to moderate density residential. The lot size was in compliance with the ordinances.*

*Community Development recommended approval along with the Planning and Zoning Board with a 7-0 vote, for the requested rezoning from R-15 to R-12-Conditional for the construction of two new single-family residences at a density of 3.17 units per acre with the following conditions:*

**Standard Conditions**

*(Requirement #2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not applicable)*

1. *The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding.*
2. *The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*
3. *All utilities within the development shall be underground.*
4. *The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb*

and sidewalk.

5. No debris may be buried on any lot or common area.
6. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, unless otherwise approved by the City's Arborist. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

*Special Conditions:*

10. The development shall maintain the following setbacks:  
Front - 35'  
Side - 10'  
Rear - 30'
11. Driveway - 22' minimum length from building face to back of sidewalk.
12. The development shall be developed with a minimum lot size of 13,763 square feet.
13. The homes shall have a minimum floor area of 1,500 sq. ft.
14. The right-of-ways along Bates Street shall be increased to 50 feet. Therefore a dedication of approximately 5' feet is required along the Bates Street right-of-way.
15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Bates Street for the length of the development.
16. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.
17. Approval of the subject property for the R-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 12/3/2015 created by Larry D. Neese.
18. The homes shall be built in substantial compliance with the elevations submitted and dated 12/3/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.

Mayor Bacon called the applicant David McGinnis forward to provide information on the request.

David McGinnis of Habitat for Humanity began to speak and provide information for his request, and an assembly of protestors moved forward and past him toward the dais. He was not able to be heard over the shouting crowd, Mayor Bacon repeatedly attempted to request that the attendees take their seats so the meeting could continue. The crowd continued to shout and chant as they moved toward the Mayor and Council. It was difficult for Mayor Bacon to be heard due to the overwhelming noise.

The protest assembly disrupted the public meeting and Mayor Bacon called for a recess at 8:10 PM noting that the meeting would reconvene.

The meeting of the Mayor and Council reconvened at 8:25 PM. Mayor Bacon called the meeting to order to resume.

Mr. David McGinnis re-introduced himself as the President of Habitat for Humanity Northwest Metro Atlanta located on Spring Road in Smyrna, he provided information

concerning Habitat for Humanity's rezoning request. He requested questions by the council. Councilmember Andrea Blustein asked if they were agreeable to the special conditions and he affirmed that they were agreeable.

Councilmember Susan Wilkinson asked if there were any structures currently located on the property and the answer was no there were no current structures. Mr. McGinnis responded that there were at one time but all the foundations and houses had been removed so it was currently vacant.

Mayor Bacon called on Councilmember Andrea Blustein to act as sponsor of this item in the absence of Mayor Pro Tem / Councilmember Teri Anulewicz.

A motion was made by Councilmember Andrea Blustein to approve item 2016-41 for zoning request Z16-001 - Rezoning from R-15 to R-12-Conditional for the construction of two single-family homes - 0.63 Acre Tract - Land Lot 664 - 2580 Bates Street - Habitat for Humanity of Northwest Metro Atlanta, Inc., seconded by Councilmember Doug Stoner. The motion carried by the following vote:

**Aye:** 6 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

## 5. Privilege Licenses:

There were no Privilege Licenses

## 6. Formal Business:

- A.** Approval of Ward 2 appointment to the Parks and Recreation Commission, Irene Aggrey-Antwi, to fulfill the two-year term to expire December 2017.

Sponsors: Blustein

A motion was made by Councilmember Andrea Blustein to approve item 2016-94 for the Ward 2 appointment to the Parks and Recreation Commission, Irene Aggrey-Antwi, to fulfill the two-year term to expire December 2017, seconded by Councilmember Susan Wilkinson.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

- B.** Approval of Ward 1 appointment to the Smyrna Housing Authority, Antonia Williams. This is a five-year term to expire May 2020.

Sponsors: Norton

A motion was made by Councilmember Derek Norton to approve item 2016-98 for the Ward 1 appointment to the Smyrna Housing Authority, Antonia Williams. This is a five-year term to expire May 2020. seconded by Councilmember Charles (Corkey) Welch.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

- C.** Authorize the City to sell a remnant portion of property owned by the City located at 2975 and 2925 Atlanta Road to Halpern Enterprises for the appraised value, and authorize the Mayor to execute all documents necessary for the transaction.

**Sponsors:** Fennel

*Mayor Bacon asked City Administrator Mike Jones for the background on this item. Mr. Jones noted that this is a continuing process on an action that was taken on February 1, 2016 with what is termed as the Jonquil site. The property was recently rezoned to a mixed use development which will include a grocery store. The city owns two (2) remnant parcels at the site. Portions of the two (2) parcels were swapped for property along Glendale Road, which created 2 remnant parcels, the agenda item that is before council is to sell those 2 remnant parcels, one is approximately 5,619 square feet, about a 13th of an acre and the other is 7,060 sq ft or about a 16th of an acre. These parcels are being sold at the same appraised value as the property that was swapped. The combined total value of those 2 parcels is \$131,227.00 to Halpern Enterprises.*

A motion was made by Councilmember Ron Fennel to approve item 2016-99 to authorize the City to sell a remnant portion of property owned by the City located at 2975 and 2925 Atlanta Road to Halpern Enterprises for the appraised value, and authorize the Mayor to execute all documents necessary for the transaction; seconded by Councilmember Doug Stoner. The motion carried by the following vote:

**Aye:** 6 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

## 7. Commercial Building Permits:

There were no Commercial Building Permits

## 8. Consent Agenda:

*City Administrator Mike L. Jones read aloud the consent agenda for Mayor and Council approval.*

A motion was made by Councilmember Ron Fennel to approve the consent agenda, seconded by Councilmember Andrea Blustein. The motion carried by the following vote:

**Aye:** 6 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

## A. Approval of the February 1, 2016 Mayor and Council Meeting Minutes

Sponsors: City Council

- B.** Award RFP 16-023 Brentwood Drive Storm Drain Replacement to the lowest bidder Tucker Grading and Hauling for \$123,503.73 and authorize the Mayor to execute any related documents.

Sponsors: Welch

- C.** Award of RFQ 16-024 to the lowest and most responsive bidder, Fouts Brothers Fire Equipment, in the amount of \$89,900 for the scheduled replacement of a Heavy Rescue vehicle funded from the FY16 Vehicle Replacement Fund.

Sponsors: Norton

- D.** Approval of Atkins Park Annual Crawfish Boil April 23, 2016, from 12 p.m.-10:45 p.m. and Sun., April 24, 2016, from 12 p.m.-10 p.m.

Sponsors: Anulewicz

- E.** Approval of 2016 St. Patrick's Day Celebration in the Market Village - St. Patrick's Day - Thursday., March 17, 2016 - 1:00 p.m. -10:45 p.m. and Saturday, March 19, 2016 - 12:00 p.m. - 10:30 p.m.

Sponsors: Anulewicz

- F.** Approval to change the time for use of Council Chambers for Williams Park Neighborhood Annual HOA Meeting, Tuesday, February 23, 2016 originally from 7:00pm - 9:00pm, to now begin at 6:00pm

Sponsors: Anulewicz

## **9. Committee Reports:**

There were no committee reports.

Each Councilmember present verbally stated they did not have a report.

## **10. Show Cause Hearings:**

There were no Show Cause Hearings

## **11. Citizen Input:**

*Mayor Max Bacon opened Citizen Input and asked if there was anyone that had signed up to speak that was still present and wanted to come to the dias and make their comments. No one came forward that was on the original sign in sheet. He then recognized two candidates who were running for public office and offered the podium to them for public comment.*

*Nathan Wade who is running for Superior Court Judge in Cobb County and Kelly Hill who is running for State Court Judge in Cobb County were each recognized and came forward to speak about their campaigns and why they would be the best choice for the positions they would be seeking.*

## **12. Adjournment:**

Mayor Max Bacon adjourned the meeting at 8:52 PM