



Meeting Minutes - Final
City Council

Monday, May 19, 2014

7:30 PM

Council Chambers

Roll Call

Present: 7 - Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

Also Present: 13 - Chelsea Jackson, Eric Taylor, Scott Cochran, Steve Ciaccio, Chris Addicks, David Lee, Kay Bolick, Toni Jo Howard, Lisa Moore, Tammi Saddler Jones, Terri Graham, Roy Acree and Kevin Klosterboer

Call to Order

Mayor Max Bacon called the meeting to order at 7:30 PM.

1. Invocation and Pledge:

Mayor Max Bacon called on Father Ramon Betances, St. Benedicts' Episcopal Church, 2160 Cooper Lake Road, Smyrna, Georgia to deliver the Invocation and to lead all in the Pledge of Allegiance.

2. Agenda Changes:

There were no changes to the Agenda.

3. Mayoral Report:

A. Proclamation in Recognition of Memorial Day Poppy Weekend (May 24-26, 2014)

Councilmember Wade Lnenicka read the proclamation in recognition of Memorial Day Poppy Weekend. Members of the American Legion accepted the award and distributed poppies which were handmade by veterans to the Councilmembers.

B. Citizens Fire Academy Recognition

Deputy Fire Chief Roy Acree recognized the participants in the 2014 Citizen's Fire Academy: Mary Ellen Leonard, Christy Bailey, April Payton and Michael Tsompanas. This is the last week of a nine week in-depth view of the Smyrna Fire Department in which they learned about the organizational structure of the fire department, fire behavior, used fire tools and equipments, learned about arson investigations, inspectors, extrication tools, search and rescue techniques, emergency medical, and incident management. They will graduate May 22. Participants were impressed with the knowledge and skill of the Fire Department. Councilmember Fennel asked Mr. Acree how citizens can be involved in the program. Mr. Acree stated that information

about the fall classes will be on the website at smyrnacityfire.com and encouraged anyone interested to participate.

The Mayor announced that an election will be held on May 20, 2014 and asked if there were any candidates who would like to speak to come forward. Ms. Susan Thayer spoke about her candidacy for Cobb County School Board. The Mayor encouraged all citizens to vote.

4. Land Issues/Zonings/Annexations:

A. **Public Hearing** - Zoning Request Z14-009 - Approval of a zoning amendment to modify the currently approved site plan and building elevations - 1.38 Acre Tract - Land Lots 485 & 486 - 1155 Concord Road - Peacock Partnership, Inc.

The Mayor called on City Administrator Eric Taylor to give the background on the zoning request amendment to modify the currently approved site plan and building elevations. The property was originally zoned on May 21, 2007 for a retail development and then rezoned on December 17, 2007. In 2008, construction began and later halted due to the economic downturn. The property had been foreclosed on and then it was bought by the Smyrna Downtown Development Authority in March 2012. Community Development has reviewed this application and recommended approval. The Mayor announced a public hearing on the issue and no one came forward to speak. City Attorney Scott Cochran swore in Bryant Conway from Peacock Partnership.

Councilmember Welch called on City Planner Rusty Martin to detail the proposed rezoning. There will be no change in zoning and no change in land use. This will change the building's use from retail to professional medical offices. They will redesign the parking lot to include nine additional spaces which will accommodate all the minimum parking requirements. Peacock Partnership will modify building elevations and have asked to eliminate or modify zoning conditions what are no longer applicable. The zoning maps, future development maps, proposed site plans along with the adjacent properties were shown. Staff recommended approval.

The following Standard Conditions were proposed:

1. The storm water detention plan shall be designed to create at least a 10% reduction in a 100-year storm event. The City Engineer shall approve all plans. Any retention pond shall be placed and screened appropriately to be unobtrusive to homes adjacent to the development.
2. All utilities within the development shall be underground.
3. 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.
4. No debris may be buried on the subject parcel.
5. The developer will install decorative streetlights within the development, subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting,

the illumination of which shall be confined within the perimeter of the subject property through the use of full-cutoff lighting.

6. The developer will comply with the city's current tree ordinance. 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. There shall be a landscaped front entrance, with monument, indicating the name of the development.

8. All common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions:

9. The development shall maintain the following setbacks: Front - 12', Street Side - 12' Interior Side - 5', Rear - 12', Adjoining Residential Property - 50'

10. The right-of-way along Dunton Street and Dell Avenue shall be increased to 50 feet to match other residential road right-of-ways. Therefore, a dedication of 5 feet is required for Dell Avenue and a dedication of 6' is required for Dunton Street. Setbacks shall be measured from the new right-of-way.

11. Requested to be Omitted.

12. The developer shall improve Dunton Street by widening the street by 4' 8".

13. Requested to be Omitted.

14. There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the retail center.

15. Any proposed dumpsters shall be surrounded by a three-sided brick or stucco enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.

16. Any utility boxes, HVAC components, or accessory components to the commercial building shall be screened from the public right-of-ways and adjoining property owners.

17. The developer shall install and maintain a 10' wide evergreen buffer consisting of 8' to 10' trees installed in a staggered manner on 5' centers along the western property line that adjoin single-family residences.

18. Requested to be Omitted.

19. The developer shall install a 6' tall opaque fence along the western property line that adjoins single-family residences.

20. Deliveries and trash pick-up shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m.

21. The developer shall install directional sign that directs all delivery trucks to Concord Road.

22. Requested to be Omitted.

23. Requested to be Omitted.

24. The commercial building shall have entry doors along Concord Road.

25. The following uses shall be prohibited in the proposed shopping center:

- Automotive sales/repair
- Automobile wash service
- Boarding and breeding kennels
- Dry cleaning plants
- Adult Novelty Stores & Adult Entertainment
- Pawnshops
- Check Cashing Stores
- Pool Hall or Arcade
- Service stations
- Coin Operated Laundry
- Composting Facility
- Funeral Homes
- Group Homes
- Shelter for the Homeless
- Tattoo Parlor

26. Approval of the proposed amendments shall be conditioned upon the development of the property in substantial compliance with the submitted site plan titled "Smyrna Heights Pavilion" and submitted 4/11/2014.

27. The applicant shall be bound to the building material and architectural features illustrated on the elevations titled "Smyrna Heights Pavilion and submitted 4/11/2014. If there is any change to the elevations it must be approved by the Director of Community Development.

28. The developer shall add an additional driving lane going south on Dunton Street from the proposed project entrance to the intersection with Concord Road. This road widening shall be done in addition to the required widening previously stipulated. This additional lane shall be used to separate southbound traffic on Dunton Street by providing one dedicated left turn lane for traffic wishing to go east on Concord Road and another straight/right turn lane for traffic traveling south on King Springs Road or west on Concord Road.

29. Requested to be Omitted

30. Requested to be Omitted.

31. The developer shall provide 4" caliper trees in the landscape buffer along Dell Avenue.

Councilmember Lnenicka asked that stipulation #30 be added back into the stipulations which is "30. No live music or bands shall be permitted on-site." to allow for potential changes in the development in the future. Mr. Martin stated that he doesn't feel that a live band would come in since in the new site plan there is no room for outdoor seating. Councilmember Welch asked Mr. Martin that if the building went back to being a restaurant site, would it require a zoning change? Mr. Martin stated no, it will not. Mr. Welch stated that he would not object to leaving the stipulation #30 in the zoning. Peacock Partnership would like to start building this summer.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2014-125 Zoning Request Z14-009 a zoning amendment to modify the currently approved site plan and building elevations a 1.38 Acre Tract in Land Lots 485 & 486

at 1155 Concord Road for Peacock Partnership, Inc. with stipulation #30 remaining, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

B. Public Hearing - Zoning Request Z14-011 - Approval of a zoning amendment for additional wall signs for the McDonalds at 3260 South Cobb Drive - 1.07 Acre Tract - Land Lot 380 - 3260 South Cobb Drive - Integrity Engineering & Development Services, Inc.

The Mayor called on Mr. Taylor to give the background on the zoning amendment. The applicant requested to break the two signs that are currently permitted into four individual signs that will not exceed the total square footage currently allowed. Each sign will be about 14 square feet per sign. Staff reviewed the amendment and recommended approval. The Mayor announced the public hearing and no one came to speak.

City Attorney Scott Stokes swore in the applicant. City Planner Rusty Martin stated that the applicant has requested signage on one wall sign per elevation. Under current zoning, they are allowed two signs up to 200 square feet. The applicant would like to break the signage up into four signs. The site plans and building elevations were shown. Community Development recommended approval with one additional condition added which states:

"The approval of the zoning amendment shall be conditioned upon the sign rendering and building elevations submitted with the zoning amendment application dated 4/11/2014. The applicant shall be limited to one (1), 14 sq. ft. wall sign per building elevation."

Mayor Bacon recognized the applicant, Anthony Leach with Integrity Engineering. There were no questions from the Council. Councilmember Welch stated that they are happy with the new plans for the building. The Mayor reminded all that this is a new McDonald's in front of Kroger on South Cobb Drive, the current McDonald's will be demolished.

Councilmember Lnenicka asked for clarification on the zoning request numbers and asked that the motion reflect the correct requests as stated by Mr. Martin.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2014-127 Zoning Request Z14-011 a zoning amendment for additional wall signs for the McDonalds at 3260 South Cobb Drive, 1.07 Acre Tract in Land Lot 380, Integrity Engineering & Development Services, Inc. with the zoning condition added to Z11-009 and Z14-001, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

C. Public Hearing - Zoning Request Z14-010 - Approval of a Special Land Use Permit for the installation of a new modular classroom building at Whitefield Academy - 51.54 Acre Tract - Land Lots 542, 543, 610 and 611 - 1 Whitefield Drive - Whitefield Academy

The Mayor asked City Administrator Eric Taylor for the background of the request.

Whitefield Academy has experienced increased enrollment and are asking to place a modular classroom on the lower part of the campus. This is a special land use permit which is allowable for 24 months and will need to be reapproved after that time. Staff recommended approval. The Mayor asked the applicant to come forward and announced the public hearing on the issue. There was no one to comment and City Attorney Scott Cochran swore in the applicant. Councilmember Fennel stated that this will be needed until the larger campus structures are built. A public hearing was held last week with Mr. Fennel and Mr. Martin answering any questions. Mr. Martin gave details on the placement and size of the classroom. Community Development recommended approval with three conditions:

1. The modular building shall only be allowed for a period 24 months after the date of approval. If the applicant shall need the modular building for a longer period of time, the applicant shall reapply for approval of the temporary building. (Per Section 1510(4) of the Zoning Ordinance).
2. The location of the modular building shall be in substantial compliance with the site plan submitted for approval.
3. The exterior façade of the modular building shall be significantly similar to the renderings of the elevations submitted with the Special Land Use Permit application.

Michelle Durette from Whitefield Academy stated that the school is for students in grades K4 - 12th grade. They are anticipating having around 740 students next school year and need this structure to house four classrooms which will hold about 80 students.

A motion was made by Councilmember Ron Fennel to approve 2014-126 zoning request Z14-010 a Special Land Use Permit for the installation of a new modular classroom building at Whitefield Academy, 51.54 Acre Tract in Land Lots 542, 543, 610 and 611 at 1 Whitefield Drive, Whitefield Academy subject to staff stipulations as applied by Community Development, seconded by Councilmember Wade Lnenicka. Motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

D. Public Hearing - Zoning Request Z14-012 - Approval of a zoning amendment to eliminate zoning condition #9 that requires the new homes to have rear entry garages - 0.641 Acre Tract - Land Lot 489 - 2619 Hughes Street and 1146 & 1150 Fleming Street - 242 Development, LLC

The Mayor asked Mr. Taylor for the background on the amendment. On November 6, 2006, the zoning was approved which required rear entry garages. The applicant has asked for that condition to be removed. The Staff recommended approval. The Mayor announced the public hearing and no one came forward to speak. Mr. Cochran swore in the applicants. Mr. Martin gave the details of the request and showed the Council the site plan and elevations. There is a large tree in the middle of this property which the neighborhood is trying to preserve. The applicant is asking to eliminate stipulation #9. Community Development recommends approval with the following conditions:

The following proposed Standard Conditions will apply:
(Requirements # 2, 3, 4, 5, 6, 8, 9, 10, 12, 14, 15, 16 and 17 from Section 1201 of the Zoning Code are 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 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.

3. No debris may be buried on any lot or common area.

4. 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.

The following proposed Special Conditions will apply:

5. The final plat for the development shall include a right-of-way dedication of 10' along Flemming Street and 10' along Hughes Street per the City Engineer. Setbacks shall be taken from the existing right-of-way.

6. The existing home is to remain on site.

7. Each residence will be a minimum of 2,500 square feet in area.

8. The shared driveways shall have a minimum width of 15'.

9. Requested to be Omitted.

10. The developer shall create deed covenants for the shared driveways in which the ownership, maintenance, and utilization are the shared responsibility of each homeowner. These covenants must be supplied to the City prior to the issuance of a building permit.

11. All utilities within the development shall be underground and will not be permitted in the tree save areas of the specimen trees on site.

12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for this site.

13. All yards and common areas are to be sodded, and landscaped. Irrigate with an automatic irrigation system. The Automatic irrigation system is not permitted with tree save areas. A landscape and irrigation plan must be submitted simultaneously to the Department of Community Development.

14. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either three 4" caliper trees. 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.

15. The development shall maintain the following setbacks:

Lot 1: Front – 20, Rear – 108', Interior Side – 5' (Minimum of 15' between buildings), Exterior Side – 10'

Lot 2: Front – 20', Rear – 45', Side – 5' (Minimum of 15' between buildings)

Lot 3: Front – 30', Rear – 20', Interior Side – 5' (Minimum of 15' between buildings), Street Side – 30'

Lot 4: Front – 20', Rear – 60', Side – 5' (Minimum of 15' between buildings)

16. A 6' chain link fence shall be installed for tree protection instead of the 4'-tall orange tree fence around the critical root zones of all specimen trees that will remain on the property and the 44" White Oak on the adjacent property to the east. The chain link fencing shall be placed outside the trench used for root pruning. The fencing shall be constructed immediately after root pruning has occurred.

17. All preventative measures must be in place before the issuance of any land disturbance permits. The preventative measures that must be in place include: (1) the cultivation of the soil to a depth of approximately six inches around the stem of the 55" White Oak and the 44" White Oak on the adjacent property to the east to a distance of 15 feet and selected portions of the root zone to approximately the edge of the canopy using air excavation, (2) Compost and other amendments will be incorporated per the soil analysis report to promote root development and plant health, and (3) Mulch will be applied to the treatment area to a depth of approximately three inches upon the completion of the work.

18. A five-year letter of credit or Insurance bond shall be provided to the City equal to the replacement cost (recompensing inch-for-inch with 4" caliper trees) associated with the specimen tree up to a density of 20 units per acre and to the removal cost of the tree to be determined by the Community Development Department. The five-year letter of credit or insurance bond will take effect the day in which a land disturbance permit is issued. After five years, when the letter of credit or insurance bond is requested to be released, an inspection and resistograph test performed by a Certified Arborist will be performed to assess the tree's vigor or decline. The resistograph will be compared to the resistograph conducted in September of 2006. If the arborist determines the tree to be in good health the letter of credit or insurance bond shall be released. If the arborist determines the tree to be in poor health or in decline, the tree must be removed with use of the letter of credit or insurance bond. The applicant must submit the results of the resistograph conducted in September 2006 to the Department of Community Development prior to the issuance of a land disturbance permit.

19. The developer shall provide arboricultural services from a certified arborist for a period of five years beginning prior to any type of construction or disturbance on the site. This service shall be provided in an attempt to help maintain the tree in its time of stress and to attempt to save the tree from decline. The maintenance plan submitted to the Department of Community Development on 10/31/2006 by the applicant shall serve as the maintenance required for the subject tree. Proof of Payment and the terms of the agreement of the services provided by the certified arborist must be submitted to the Department of Community Development prior to the issuance of the land disturbance permit. (The maintenance plan is attached to the zoning)

20. The subject tree shall not be counted towards the density requirement per the City of Smyrna's Tree Ordinance.

21. The City shall waive recompense for the 55" White Oak and the 33" Red Oak located along the southern shared property line.

22. The per unit value of the recompense shall be \$785.00 by the recommendation

from the City Arborist. This recommendation accounts for the current cost of an installed 4" caliper tree (approximately \$550.00 per installed 4" tree).

23. Any specimen tree on site other than the 55" White Oak in question must be removed if encroachment of the Critical Root Zone (CZR) is 20% or greater.

24. Driveway – 22' minimum length from building face to back edge of sidewalk. Each unit shall have a two-car garage. Staff shall have administrative capabilities to adjust the location of the sidewalk to accommodate the 22' from building face to back of sidewalk.

Stipulation 24 was added by Community Development to insure that the driveway is long enough to park cars without obscuring the sidewalk. Councilmember Anulewicz discussed the change in the trend of going from rear entry to front entry garages. She also thanked the builders for their desire to preserve the tree which is about 300 years old. The applicant wished to change the driveway length to a shorter length. These houses will comprise of two homes on Flemming Street and one on Hughes Street. Mr. Martin stated that this driveway length is a current standard stipulation. The applicant asked if there is a way to reduce the footage restriction in this amendment. Ms. Anulewicz shared her concern that the change in length will disturb the tree. Mr. Martin stated that the 2 foot beauty strip could be reduced to give additional length to the actual driveway. Ms. Anulewicz felt this decision could be made by City Staff. Ms. Wilkinson asked if all lots need to have the restriction. The applicant stated that all three homes would need the extra footage, but particularly the ones on Fleming need it most. Ms. Anulewicz believed the best plan is to keep the 22' and move the sidewalk back. Mr. Martin said that they have put a great deal of time and money into preserving the tree and the placement of these homes around the tree. Mr. Lnenicka stated that he understands the dilemma and wants to make sure that all interests are balanced when making the decision.

A motion was made by Councilmember Teri Anulewicz to approve 2014-128 zoning request Z14-012 zoning amendment to eliminate zoning condition # 9 that requires the new homes to have rear entry garages - 0.641 Acre Tract - Land Lot 489 at 2619 Hughes Street and 1146 & 1150 Fleming Street by 242 Development, LLC they will be determining any sidewalk issues with Community Development staff, also to include new stipulation # 24, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote.

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

E.

Approval of Item 2014-134 - Ordinance # 2014-08 - Annexation request (100% owners requesting annexation) - Land Lots 445 & 492, 17th District, 0.43 acre tract known as 1123 Park Drive, 1.21 acre tract known as 2201 Dixie Avenue, and 0.7 acre tract known as 2267 Dixie Avenue, Smyrna, 2nd Section, Cobb County, Georgia

Mayor Bacon called on Eric Taylor to give the background on the proposed annexation request. This is a 100% annexation request of three parcels with an effective date of June 1, 2014. The Mayor announced the public hearing and no one came forward to speak. Councilmember Anulewicz stated that the council loves to fill in unincorporated islands into the city. She believes this will be a catalyst for tremendous change in the area on Atlanta Road north of Windy Hill. Blake Barrow with Barrow Body Shop and Wrecker Service came forward to discuss their opportunity for expansion of their business and plans to remodel the existing building. They have been at that location since 1971.

A motion was made by Councilmember Teri Anulewicz to approve item 2014-134 Ordinance # 2014-08 for an Annexation request (100% owners requesting annexation) - Land Lots 445 & 492, 17th District, 0.43 acre tract known as 1123 Park Drive, 1.21 acre tract known as 2201 Dixie Avenue, and 0.7 acre tract known as 2267 Dixie Avenue, Smyrna, 2nd Section, Cobb County, Georgia becoming a part of Ward 3 effective June 1, 2014, seconded by Councilmember Ron Fennel. The motion carried by the following vote.

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal business:

A. Public Hearing: Approval of Proposed Budget for FY 2015

The Mayor announced that this is the first of two public hearings on the budget. There will also be an informational meeting at a later date. Mr. Taylor stated that the total proposed budget is \$73,670,022. There is no action on this item. Budget Officer Kevin Klosterboer presented the highlights of the proposed budget for Fiscal Year 2015. Mr. Klosterboer stated that the budget can be viewed on the City's website and there is a copy in the City Clerk's office and the Finance Department. The Mayor announced the public hearing and no one came forward to speak. Ms. Anulewicz stated that the proposed adoption date of the budget is June 2, 2014.

B.

Approval to allocate CIP money to purchase 25 SCBA's (self-contained breathing apparatus) at a total cost of \$87,500.00

The Mayor called on Eric Taylor to give the background on the allocation. The required SCBA's that are currently in use are nearing the end of their natural life span and need to be replaced. The Fire Department has been diligently working to find a source for the purchase of the new equipment and one has been found to purchase 25 SCBA's at a savings of \$1500 to \$2,000 per unit out of CIP funds. Staff recommended approval. The Mayor asked if there is anything else that the Fire Department needs that goes along with this purchase. Mr. Taylor stated that there are tanks that are needed but they are planned to be bought in the FY2015 budget. Councilmember Fennel stated that this is current technology brand new equipment and available today.

A motion was made by Councilmember Ron Fennel to approve item 2014-143 to allocate CIP money to purchase 25 SCBA's (self-contained breathing apparatus) at a total cost of \$87,500.00, seconded by Councilmember Teri Anulewicz. Motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

C. Approve the Amendment to the City of Smyrna's Code of Ordinance

Chapter 6 entitled Alcohol allowing alcohol to be sold by the drink at festivals under certain conditions

The Mayor asked City Administrator Eric Taylor for the background on the ordinance. The City has been approached by a person who operates festivals to allow to beer and wine to be sold by the drink at festivals. The City Attorney has researched the issue and has come up with an ordinance to allow this under certain circumstances with a special license.

A motion was made by Councilmember Teri Anulewicz to approve ORD2014-09 Amendment to the City of Smyrna's Code of Ordinance Chapter 6 entitled Alcohol to include sections 6-78 and 6-79 allowing alcohol to be sold by the drink at festivals under certain conditions, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

D. Approval to amend the fee schedule to include alcohol license fee for special event/catering

Mr. Taylor stated the fee schedule will be amended to \$50.00 per license.

A motion was made by Councilmember Teri Anulewicz to approve 2014-151 to amend the fee schedule to include alcohol license fee for special event/catering 1) Off Premises Alcohol Catering License, \$50.00, 2) Special Events Alcohol Catering Permit, \$50.00, 3) Non-Profit Organization Alcohol Sales Permit, \$50.00, seconded by Councilmember Ron Fennel. Motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

E. Approve the amendment to the City of Smyrna 's Code of Ordinance Chapter 46 entitled Environment to include Section 46-8 which prohibits smoking within all City owned facilities and parks properties

Mayor Bacon called on Eric Taylor to give the background on the new ordinance which specifically will ban smoking in the city's parks except in designated areas. Staff recommends approval. Councilmember Anulewicz noted that this is a result of citizen concern over the parks and trail system becoming more family-friendly. E-Cigarettes will not be included in the ordinance because there is not enough science behind the health risk of these cigarettes. In every park there will be an area where people can smoke. The Mayor noted that there are seven parks that do not have designated areas because they are small parks where the city has a right-of-way where smoking is not prohibited. Councilmember Fennel adds that Smyrna is a "family-friendly" community and this is a result of citizen requests to make the parks a smoke-free environment, but gives people who wish to smoke an area to do so. Councilmember Welch stated that he was originally opposed to this ordinance because smoking is legal in this country, but he now supports the ordinance with the designated smoking areas. Councilmember Wilkinson asked about whether smoking is prohibited in the smaller parks. Ms. Anulewicz answered that smoking will be prohibited, smoking citizens may smoke in the right-of-way (sidewalks), but there will not be designated areas. The Mayor asked if the City will be providing places to dispose of cigarette remains and ashes. Mr. Taylor answered

yes. The Mayor stated that he appreciates the hard work on Council and Staff's part in creating this ordinance. The Mayor stated that he would have preferred an ordinance that stated smoking was prohibited a certain number of feet from fields and concessions, but Mr. Cochran did not think it would be an enforceable ordinance in that form. The designated areas wording was a compromise with the Council. Councilmember Blustein stated that she had a hard time with this decision. She hopes that politeness will be prevalent and that the rights of all will be honored. Mayor Pro Tem/Councilmember Pritchett has always been in favor of the ordinance and she cited the dangers of second-hand smoke. She stressed the importance of protecting children and all citizens. Councilmember Lnenicka has thought hard about this and has decided to support the ordinance. He has been contacted by Ward 6 citizens about smoking in the parks and the dangers of second-hand smoke. This is an effort to be responsible to the rights of citizens on both sides of the issue. Councilmember Wilkinson stated she did not perceive this to be a problem and that smoking is legal. She believes that the designated areas honor the rights of smokers and non-smokers.

A motion was made by Councilmember Teri Anulewicz to approve ORD2014-03 approving the amendment to the City of Smyrna 's Code of Ordinance Chapter 46 entitled Environment to include Section 46-8 which prohibits smoking within all City owned facilities and parks properties, seconded by Mayor Pro Tem Melleny Pritchett. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

F. Authorize a Resolution and Declaration of taking of 2419 sq. ft. of temporary construction easement at 2766 Stonecreek Road for the Belmont Hills Sanitary Sewer Rehabilitation project.

The Mayor called on Mr. Taylor to give the background, Public Works is working to replace a major sewer main on the west side of the city to Belmont Hills. The City has obtained all the necessary easements except the one for this property. The property has had some issues with ownership and the City has not been able to work out an easement for this property. Councilmember Fennel pointed out that this is merely an easement where the pipe is being replaced and the property will be returned to the same or better condition.

A motion was made by Councilmember Susan Wilkinson to approve RES2014-07 to authorize a Resolution and Declaration of taking of 2419 sq. ft. of temporary construction easement at 2766 Stonecreek Road for the Belmont Hills Sanitary Sewer Rehabilitation project, seconded by Councilmember Teri Anulewicz. The motion carried by he following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

7. Commercial Building Permits:

A. Issuance of a commercial building permit for a McDonald's at 3240 South Cobb Drive.

Mayor Bacon asked Mr. Taylor for the background that the City will be getting a new McDonald's on South Cobb Drive. The building will be 4,051 square feet in size and cost an estimated \$601,464 to construct. Staff recommends approval of this

Commercial Permit.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2014-124 the issuance of a commercial building permit for a McDonald's at 3240 South Cobb Drive, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

8. Consent Agenda:

A motion was made by Councilmember Wade Lnenicka to approve Items 8-A, 8-B and 8-C of the Consent Agenda, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- A. Approval of the May 5, 2014 Mayor and Council Meeting Minutes
- B. Approval of modification to Personnel Policy EMP 7-0 Overtime and Compensatory Time and authorize Mayor to sign related document
- C. Award RFP 14-023 United Drive to the lowest bidder Lori's Transportation and Excavation for \$91,735.02 and authorize the Mayor to execute any associated documents.
- D. Approval of lease agreement between the City of Smyrna and Smyrna Soccer Association for the space located at 2688 Atlanta Road and authorize the Mayor to execute any related documents

Councilmember Lnenicka stated he does not support this motion, that if City space is to be leased, regardless who the lessor is, there should be a bid process so that the process is open and available to anyone and everyone interested. The Mayor asked Mr. Taylor to give background on the lease. Smyrna Soccer has hired a full time staff member to assist with this transition. They are looking for office space where this person can be housed, as well as provide storage and board meeting space. The City has space located at 2688 Atlanta Road, formerly occupied by CMAR Credit Union that is appropriate for this use. To assist with the growth of this important City organization, staff is recommending leasing the front part of the building to the Club for two years at a rate of \$500 per month. The lease is open to termination at any time by either party. Mr. Welch wanted to clarify if the lease can be terminated for any reason. Mr. Taylor stated that is true. The Mayor stated he does not have a problem leasing the space to them and it is a good use for it. The league currently doesn't have any space to store equipment or have meetings. Councilmember Fennel stated that it is his understanding that the league would be paying for the lease and upkeep of the space. The league is interested in eventually finding a space that is closer to or in the park where they play, so this would be a good interim solution for them. Councilmember Wilkinson said she does not have a problem with Smyrna Soccer renting the space, she has a problem with the process and will have to oppose the motion because of the process.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve

2014-146 the lease agreement between the City of Smyrna and Smyrna Soccer Association for the space located at 2688 Atlanta Road and authorize the Mayor to execute any related documents, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 4 - Mayor pro tem/Councilmember Pritchett, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

Nay: 3 - Councilmember Blustein, Councilmember Wilkinson and Councilmember Lnenicka

9. Committee Reports:

Councilmember Melleny Pritchett thanked everyone who participated in the vision process; 1300 people have responded to the survey, which is a large response compared to other cities. On May 27, Market Street will come to the City Council to brief them and members of the Steering Committee on how the process has gone so far. The next meeting of the Steering Committee will be June 19th at the Wolfe Center where Market Street will share some of the data from the survey. Ms. Pritchett urged all Ward 1 constituents to go to vote tomorrow at Argyle Elementary School.

Councilmember Andrea Blustein urged people to please vote. There are important choices to be made in this election.

Councilmember Teri Anulewicz invited Chelsea Jackson to give an update on Community Development. Food Truck Tuesdays will continue every Tuesday through September 30, 2014. The first Smyrna Concert will be June 7th. She encouraged citizens to follow the city on social media. Ms. Anulewicz also thanked all who participated in the survey.

Councilmember Charles "Corkey" Welch called Public Works Director Scott Stokes for a report. The Concord Road project has slowed down due to utilities being slow to move their wires from the old poles. The Ward Street project is finished and the contractor is working on punch list items. Bids for landscaping on that project and Atlanta Road will be decided at the end of the month. The Belmont Hills Outfall Sewer is about 15% completed. The Argyle/Spring Road pedestrian bridge project is in progress to pressure wash and repair the bridge. In the 2011 SPLOST assessment, they have identified some repairs for bridges in the near future. The Mayor asked about the completion date for Atlanta Road. There is one median to be completed, but Mr. Stokes hopes completion will be the end of June. Ms. Blustein asked when Public Works will be coming back to finish up Campbell Road. Mr. Stokes stated that the pavement did not warrant replacement so they are finished with the project. Mr. Welch encouraged citizens who have budget questions about the budget to please call him.

Councilmember Susan Wilkinson called Steve Ciacco for a Parks and Recreation report. The Summer Concert series reservations are being taken now. The fee for June and July are \$30.00 per table for residents and \$40 for non-residents. The City is offering many camps for children this summer. Tolleson Park Pool opens at the end of May. Season long pool passes may be purchased at the Community Center. Swim lesson registration will be at the Community Center beginning May 31st. Memorial Veterans Park will host the Memorial Day Ceremony at 9:30 AM. Library Director Mary Moore discussed events at the Library. The Summer Reading program will be about Science with hands on experiments and reading opportunities.

Councilmember Wade Lnenicka reiterated the information about the Memorial Day Ceremony. Handicap parking available will be available behind City Hall. The

intersection at King and Bank Street will close about 20 minutes before the ceremony begins. There will be static displays, a band and two speakers. The American Legion will have barbecue at their facility. Atkins Park will have their mobile kitchen set up on the Village Green serving lunch and refreshments after the ceremony. He encouraged all citizens to attend.

Councilmember Ron Fennel invited Chief Lee to give a report on the activity this week at Campbell High School. The police received tips that people were going to come to the school with firearms. Smyrna Police Officers will be assigned to the school and will remain there until the end of school on Wednesday. Chief Lee recognized Detective Ramaley as she has been asked to sit on a Cobb County Commissioner Chamber discussion on mental health issues in the law enforcement community. Recently the department began revising the active shooter policy to include the fire department and EMS so that everyone will be able to work together in such an emergency. They are looking to find a place to have a joint training drill on the new policy. This Thursday night at the Marietta Square there will be a Cobb County service in honor of officers fallen in the line of duty at 7:30 PM. Mr. Fennel recognized the Smyrna Little League for a successful season.

Councilmember Fennel also acknowledged that Whitefield Academy had state champions in LaCrosse, Chess, Spelling, Track, and Baseball teams. Their varsity Girls Tennis Team won the 1A state championship. Mr. Fennel will be speaking at the Weatherbrook HOA meeting on May 29th. He reminded all to vote in the election this week.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

The Mayor called Alex Backry of 3459 Shawnee Trail, Smyrna, to come forward for Citizen Input. Mr. Backry believes that the improvements on Concord Road will not help traffic on the road. He believes that the sidewalks are too wide and the road could be improved in other ways to better help the flow of traffic. Mr. Backry questioned the purchase in 2005 - 2006 purchase of businesses at Jonquil Plaza. He finds that this should not have been bought and that the money could have been better used.

12. Adjournment:

The Mayor adjourned the meeting at 9:50 PM.