



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, October 21, 2019

7:00 PM

Council Chambers

Roll Call

Present: 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Tim Gould

Also Present: 11 - Scott Andrews, Scott Cochran, Terri Graham, Russell Martin, Chris Addicks, Frank Martin, Kristin Robinson, Joey Staubes, Kay Bolick, Jennifer Bennett and Tina Monaghan

Call to Order

Mayor A. Max Bacon called the October 21, 2019 Mayor and Council meeting to order at 7:00 PM.

1. Invocation and Pledge:

Pastor John Burney, Cumberland Community Church (3059 South Cobb Drive) delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

A. [2019-339](#) Proclamation in Recognition of National Friends of Libraries Week, October 20-26, 2019.

Sponsors: Wilkinson

Councilmember Susan Wilkinson read aloud the Friends of the Library Week Proclamation.

Library Director Mary Moore introduced the attendees.

The Friends of the Smyrna Library in attendance were:

Charles Stannard

Geegee Walters

Marvin Patterson

Anne Borders-Patterson

William Marchione

Mary Ann Marchione

Ellie Wolf

Louisa Cohn

Mayor Bacon spoke positively about the Library and its programs. He hopes that future leaders appreciate the library and what it does for the community.

4. Land Issues/Zonings/Annexations:

A. [2019-305](#) **Public Hearing** - Zoning Request Z19-012 - Rezoning from NS to GC with conditions for use as a special event center - 1.84 Acres - Land Lot 381 - 652 Concord Road - Drew Ihrig

Sponsors: Blackburn

Assistant City Administrator Scott Andrews provided the background information. The applicant wants to turn this property into a special event center where weddings and similar events would take place. It is expected to have approximately 60 events a year with an average of 175 people per event.

Mayor Bacon announced the public hearing, and no one came forward.

Councilmember Maryline Blackburn introduced the applicant Mr. Ihrig.

Mr. Ihrig provided information about his plans for the proposed property to Mayor and Council. He is gearing this project toward Atlanta's wedding market. The plan is to offer a value driven event experience. He made clear that he is not out to compete against the City and its facilities but rather to enhance what the City already has to offer.

Community Development Director Rusty Martin provided some more information on the property. Mr. Drew Ihrig is requesting a rezoning from NS (Neighborhood Shopping) to GC (General Commercial) for the ability to use the existing building as a special event center. The building was previously used as a restaurant for Crafty Hog, and Howard's Restaurant. The proposed special event center is expected to average sixty events per year with an average of 175 people per event. The site will be accessed from the existing drive on Concord Road and Smyrna Hill Road. The site currently provides 105 parking spaces for the existing building and all will remain with the proposed change in use. No changes to the exterior of the building are proposed, however the applicant plans to replace the sand patio and bocce ball court with gravel, trees, and decorative plants.

Community Development recommends approval of the rezoning from NS to GC on 1.84 acres for the use as a special event facility, with the following conditions:

1. The building fire alarm system shall be brought into compliance with the local and state fire code requirements.

2. A Life Safety Plan shall be submitted to the Fire Marshal to determine occupancy load for the building and the proposed use.

3. The applicant shall restripe the parking lot prior to the issuance of an occupation tax certificate.

4. Inspection and analysis of kitchen hood may be required if cooking equipment is maintained.

5. The grease trap shall be replaced with a minimum 1,500 gallon grease trap.
6. The applicant shall either remove the non-conforming freestanding pole sign or bring the sign into compliance with the sign ordinance prior to the issuance of an occupation tax certificate.
7. The applicant shall plant street trees along Concord Road for the length of the property frontage. The trees shall be planted with a spacing of 40 feet between trees. The trees shall be a minimum of 3 caliper inches at planting. A tree plan shall be submitted to the City Arborist for review and approval.
8. The following uses shall not be permitted on the subject parcel:
- Adult Entertainment and Adult Novelty Shops as defined by the City of Smyrna's Code of Ordinances
 - Carnivals, Circuses and other similar transient activities
 - Automobile Leasing
 - Automobile Parts - wholesale
 - Automobile Sales
 - Automobile Major Repair
 - o Automobile major repair is defined as an establishment wherein engines, transmission, drive shafts, bodies fenders are dismantled, repaired, replaced or painted.
 - Billiard Parlor (Shall not preclude a restaurant/brew pub from having billiard tables. However, the billiard tables shall not exceed 35% of the gross floor area of the establishment)
 - Boarding and Breeding Kennels. However, this stipulation shall not preclude the opportunity to lease retail space to a doggie day-care or dog obedience school with the added stipulation that no dogs shall be allowed outside, boarded or bred.
 - Boat Sales and Repairs. However, this stipulation shall not preclude retail stores such as a Dick's Sporting Goods which sells bass boats, kayaks, rafts, etc. There shall be no outside display of boats.
 - Bowling Alley
 - Self Service Automobile Wash Facilities. However, self-contained automated car washes shall not be prohibited provided that they are consistent with the architectural style and composition as aforementioned.
 - Drive-in Restaurants such as Sonic. However, drive-thru restaurants such as Chick-fil-a, Zaxby's, etc., shall be allowed provided that they are consistent with the architectural style and composition as aforementioned.
 - Drive-in Theater
 - Farm Equipment Sales and Service - Outparcel only
 - Full Service Gasoline Stations. However, grocery stores and convenience stores with gas sales shall be allowed.
 - Game Arcades. However, this stipulation shall not preclude recreational facilities or restaurant/brew pubs from having accessory game arcades which do not exceed 15% of the gross floor area of the establishment.
 - Gun Shops
 - House of Worship
 - Linen and Diaper Services (Plant only)
 - Massage Parlor (This requirement shall not prohibit the operation of Health Spas)

o Health Spa is defined as an establishment which provides as one (1) of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. Treatment shall include, but not limited to, personal services such as body wraps, hydromineral wraps, body polish, body wash, baths and hydrotub soak. Massages may be an accessory service provided by the health spa.

- Mobile Home and Travel Trailer Sales*
- Motorcycle Sales and Service with outside display of motorcycles.*
- Pawnshops and Check Cashing Establishments*
- Printing Plant. However, said prohibition shall not apply to establishments such as FedEx, Kinkos, Blueprinters, etc.*
- Skating Rinks*
- Stations and Terminals for Bus and Rail Passenger Service*
- Target Ranges*
- Tattoo and Body Piercing Parlors*
- Taxi Stands*
- Movie Theaters*
- Wholesale Establishments which sell only to businesses and not to customers*

The Mayor asked about the condition relating to the grease trap. The property currently has a 1500 gallon trap and the condition states that there needs to be a 3000 gallon grease trap. Public Works Director Frank Martin explained that the City's ordinances require an increase in size when property changes possession. A restaurant versus an event facility may change the requirements for the size of the grease trap.

Mr. Welch mentioned that it went from 6 day a week service to a one or two day a week service, so it seems off to have to double the grease trap. The applicant noted that grease traps have to be emptied every three months (quarterly) and the cost to increase the grease trap is approximately \$18,000.

Councilmember Tim Gould asked about the fire marshal and the input they gave on the amount of people that the venue will hold and how that might impact the plans. The current legal occupancy is 340 people, but Mr. Ihrig does not anticipate having that many people there because he is looking to house smaller events than that. He foresees the max being 250 and that is really pushing it as far as the comfort of space is concerned.

Councilmember Welch asked about the variance process if that would be the case and the Mayor asked how long the building has been vacant which is right around a year.

Councilmember Maryline Blackburn made a motion to approve Zoning Request Z19-012 - Rezoning from NS to GC with conditions for use as a special event center - 1.84 Acres - Land Lot 381 - 652 Concord Road - Drew Ihrig. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

B. [2019-306](#)

Public Hearing - Zoning Request Z19-013 - Rezoning from LI to

RHR-PD for the development of a 65 unit age-restricted senior living community at 24.8 units per acre - 2.62 Acres - Land Lot 381 - Smyrna Hill Drive - Prestwick Land Holdings LLC

Sponsors: Blackburn

Mr. Andrews gave a summary on the request including how it will be limited to 62 years of age and up and that the community will be made up of rental units. Both the Community Development Department and Planning and Zoning Commission recommended approval.

Councilmember Blackburn asked Mr. Martin to come forward to present additional information.

Mr. Martin explained that these are independent units and it will not be an assisted living facility. Prestwick Land Holdings, LLC is requesting rezoning from LI (Light Industrial) to RHR- PD (Residential Highrise-Planned Development) for the development of a 65-unit age-restricted senior housing community. The proposed senior housing units would be limited to persons 62 years of age or older and would be rental units. The submitted site plan reflects a four-story building with a 4/5 split fronting on Smyrna Hill Drive. The site will be accessed from Smyrna Hill Drive via a full access drive on the east side of the building. The site plan provides 53 parking spaces for the development at a ratio of 0.82 parking spaces per unit. There will be an additional 8 parallel spaces on Smyrna Hill Drive that will also serve as a traffic calming measure. The site plan reflects a stormwater detention facility at the east end of the site. Finally, the site plan shows one encumbrance on the subject property; and a stream buffer on the eastern side of the property. Prestwick Land Holdings, LLC has submitted building elevations with the rezoning application. The submitted building elevations are of projects previously developed by Prestwick Land Holdings, to reflect the type and quality of the development planned for this site. Prestwick Land Holdings, LLC proposes to use a mixture of façade materials for the buildings, including but not limited to brick, fiber cement siding, cast stone, and board & batten.

Community Development recommends approval of the rezoning from GC to RHR-PD on 2.62 acres for the development of an 65-unit age restricted senior community at a density of 24.8 units per acre, including those variances supported by staff as shown above, with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 8, 10, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain 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 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.*
- 2. The retention 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 ten percent reduction in a 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. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.

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

7. 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".

8. 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.

9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

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

Special Conditions

11. The development shall maintain the following setbacks:

Front - 12.5'

Side - 20'

Rear - 30'

12. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

13. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

15. The trash dumpsters shall utilize rubber tops and be appropriately screened with a three-sided brick enclosure.

16. Utilization of low intensity, environmental type lighting shall be allowed within the development. The illumination of which shall be confined within the perimeter of the subject property through the use of "full cut-off lighting".

17. Approval of the subject property for the RHR-PD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 9/4/2019 and created by Long Engineering and all zoning stipulations above.

18. The applicant shall be bound to the elevations submitted on 8/9/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.
Mayor Bacon announced the public hearing, and no one came forward.

Councilmember Blustein asked if there was going to be an elevator since it will be four stories. Mr. Martin explained that the building would have to meet all ADA requirements.

Mayor Bacon asked about the stream buffer aspect. The State says it is a stream, so it is a stream regardless of whether or not there is water present at all times.

Councilmember Wilkinson asked if the units were town homes or flats. The answer was that the units are apartments which are all on one level.

Councilmember Gould wanted to know about the front setback change. The change has to do with the topography and the desire to move parking to the back of the units.

Councilmember Norton spoke if issues with keeping up the property. What kind of enforcement is there to keep the property up? Prestwick will have to do third party inspections on 20% of the units on an annual basis. Through the tax credit they will have to submit inspections to the Department of Community Affairs (DCA) annually as well.

The applicant was sworn in by City Attorney Scott Cochran.

Mr. Chuck Young, owner of Prestwick came forward and thanked everyone for the chance to present. There will be 65 units associated with the 14 million dollar project. Elevators will be present as will other amenities. The community will be made up of green buildings and earth craft certified. The activities will be made up of fun things as well as plenty of wellness related items.

Councilmember Blackburn mentioned the proposed development being across the street from Sparkles Skate Rink which can get loud.

Councilmember Welch asked about 62 years of age restriction and the concern that grandkids may move in. No children can live on site. Every year, residents have to recertify and if they have children they will need to relocate.

Prestwick Landholdings Company will own the property for at least 30 years which is the life of the financing.

Ms. Wilkinson wanted to know if there would be any priority given to those already living in Smyrna who need affordable housing. A waitlist will become available about three or four months before opening. Financing will take about a year so construction will be under way in about 18 months. The Sales contract on the property is contingent on the financing.

Councilmember Maryline Blackburn made a motion to approve Zoning Request Z19-013 - Rezoning from LI to RHR-PD for the development of a 65 unit age-restricted senior living community at 24.8 units per acre - 2.62 Acres - Land Lot 381 - Smyrna Hill Drive - Prestwick Land Holdings LLC. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

C. [2019-364](#)

Public Hearing - Approval of subdivision plat with variances for lot area and front setback - 0.46 Acres - Land Lot 378 - 2900 & 2930 S Cobb Drive - 2900 S Cobb Drive, LLC

Sponsors: Wilkinson

The details regarding this agenda item were presented by Assistant City Administrator Andrews. The parcel is already developed and operates as two separate businesses with two separate access drives. This is a matter of housekeeping to formally record the lot as a two lot configuration.

The Mayor announced the public hearing, and no one came forward.

Community Development Director Martin presented information on the plat subdivision. The applicant is requesting approval to divide an existing commercial retail center and out-parcel into two lots. The subject property is currently platted as one lot of record; however, the commercial retail center and out-parcel are addressed separately (2900 & 2930 S Cobb Drive) and each have their own tax parcel identification (17037800390 & 17037800520). Both the city and county reflect each as a separate parcel. The subject property is already developed and functions as two separate uses, each having independent access drives and required parking spaces. The applicant wishes to replat the property and formally record the two-lot configuration. The applicant has submitted a proposed site plan for the development for your reference. The subject property is 4.38 acres (190,723 sq. ft.) in size and is zoned GC (General Commercial). The proposed subdivision will result in two lots having access from S Cobb Dr. and Plaza Dr. The applicant is requesting a subdivision which results in a 3.92-acre lot (170,752 sq. ft.) for the commercial retail center and a 0.46 acre lot (20,038 sq. ft.) for the out-parcel. The existing out-parcel is non-conforming and encroaches the front setback on S Cobb Dr. Table 1 below shows a comparison of the proposed lots to the GC zoning district (Section 802 of the Zoning Ordinance) as well as the S Cobb Drive Corridor Design District (CDD-4). The Planning and Zoning Board recommended approval by a vote of 5-0 at the October 15, 2019 meeting. Community Development has reviewed the proposed reconfiguration and replatting against the requirements of the GC zoning district and CDD-4 Overlay District. The variance is necessary to reconfigure the two lots as they currently function. The subject property will maintain a GC zoning classification and will not increase the density for the property in its original configuration. Community Development recommends approval of the requested reconfiguration and replatting of 2900 S Cobb Dr.

Attorney Garvis Sams, representative for the applicant, came forward to speak. There are four retail suites and three are already leased and being utilized. The Smoothie King is the highest grossing business of its kind in the Metro Atlanta Area. No opposition has been heard as of the date of the meeting.

Councilmember Susan Wilkinson made a motion to approve subdivision plat with variances for lot area and front setback - 0.46 Acres - Land Lot 378 - 2900 & 2930 S Cobb Drive - 2900 S Cobb Drive, LLC. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

D. [ORD2019-20](#)

Public Hearing - Approval of Ordinance 2019-20 for code amendments to the City of Smyrna Zoning Ordinance, Appendix A, Article IV, Sec 402 and Article VII Sections 712, 714, 716 and 720 to include wineries as permitted uses in the General Commercial, Light Industrial, Central Business District and Mixed Use zoning districts.

Sponsors: Gould

Mayor and Council heard the reasoning behind this ordinance addition from Mr. Andrews. The City's ordinances did not previously address wineries so the need for the addition came to light when a potential business owner came to apply for the necessary permits.

Mayor Bacon announced public hearing, and no one came forward to speak.

Councilmember Gould asked Mr. Martin to provide some additional details.

Mr. Martin reviewed the reasoning behind the changes and went over the changes to the zoning ordinance. Over the past year, the Community Development Department has met with a winery looking to locate their business within the City of Smyrna. Community Development staff has worked with the winery to identify potential business locations, as well as assist with the permitting and licensing process. The City's Zoning Ordinance is silent on wineries and does not list the use as a permitted use under any zoning district in the city. The City recently updated the Zoning Ordinance to include breweries and distilleries within the General Commercial (GC), Light Industrial (LI), Central Business District (CBD) and Mixed Used (MU) zoning districts. Wineries fall under a separate classification under the State Code of Georgia and are permitted separately from breweries and distilleries. Community Development is proposing a code amendment to the Zoning Ordinance to identify the zoning districts where wineries can be permitted. Community Development has researched the state law and surrounding municipalities to review how these governing authorities address wineries within their jurisdictions. These municipalities included Cobb County and Marietta. The proposed code amendments are consistent with state law and ordinances of surrounding municipalities. With these proposed code amendments, the City of Smyrna will be competitive with other municipalities in attracting wineries into the City. Therefore, Community Development recommended approval of the proposed code amendments to address wineries within the City's Zoning Ordinance.

Mr. Gould asked the applicant to come forward and City Attorney Scott Cochran swore

him in.

Mr. Robin Kosoris, one of the owners of Arcanum Ventures LLC DBA the Viking Alchemist, came forward to speak. The business has been operating in Marietta since 2015 but opened for business in 2016. They specialized in making Meade which is honey wine as well as cider. They strive to use local products from Georgia as much as possible including apple products and the honey. He thanked Mr. Martin for all the work he put in to making this a possibility. They are a small company that is growing very fast. A federal license is already in place but need a city permit in order to get a state license and hope to have all this done by the years end. The goal is to be able to soft open in February 2020 and have fourth anniversary grand opening in March 2020.

Councilmember Tim Gould made a motion to approve Ordinance 2019-20 for code amendments to the City of Smyrna Zoning Ordinance, Appendix A, Article IV, Sec 402 and Article VII Sections 712, 714, 716 and 720 to include wineries as permitted uses in the General Commercial, Light Industrial, Central Business District and Mixed Use zoning districts. Councilmember Susan Wilkinson seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

E. [ORD2019-22](#)

Public Hearing - Approval of Ordinance 2019-22 for code amendments to the City of Smyrna Zoning Ordinance, Appendix A, Article V, Sections 501 & 503 pertaining to fencing requirements

Sponsors: Gould

According to Mr. Andrews this agenda item deals primarily with the way that the finished side of the fence should face as well as condensing all fence related codes in the same section rather than in several different sections.

The Mayor announced the public hearing, and no one came forward to speak.

Mr. Gould gave Mr. Martin the opportunity to provide any additional details on the fence ordinance.

Mr. Martin stated that the purpose was to consolidate the fencing requirements into one section of the code. There was also an addition to the definition of fences in side and front yards and to address the proper placement of the finished side of a fence. Pictorial representations were provided in the new additions to allow for a better understanding of the regulations.

Councilmember Tim Gould made a motion to approve Ordinance 2019-22 for code amendments to the City of Smyrna Zoning Ordinance, Appendix A, Article V, Sections 501 & 503 pertaining to fencing requirements. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

A. [2019-381](#)

Approve a Bond Resolution, Bond Purchase Agreement and related documents, authorizing the issuance of its refunding tax allocation bond (Atlanta Road Corridor Project) Series 2019, in a principal amount of \$12,725,000 and authorize the Mayor or Mayor Pro Tem to execute all documents incident there to.

Sponsors: Welch

The information on this item was presented by Mr. Scott Andrews. When the Atlanta Road Corridor Tax allocation district was formed, the value of the property as estimated by the Cobb County Tax Assessor, in 2003 was approximately 73.6 million. Today after the success of the redevelopment the value is in excess of 252 million. This success and value increase allows the original obligation to be refinanced at favorable. Due to the success of the redevelopment of the former Belmont Hills Shopping Center at the intersection of Atlanta and Windy Hill Roads, the city is able to refinance the original obligation at favorable terms.

Councilmember Welch reiterated that it will save the City a substantial amount of money and significantly shortens the length of the bond.

Mr. Gordon Martin spoke said that it will benefit both the City and the County. Refinancing will shorten debt to February 2032 rather than 2039. Savings will be approximately 3 million dollars to the city and 1.4 million dollars to the county.

Councilmember Charles "Corkey" Welch made a motion to approve a Bond Resolution, Bond Purchase Agreement and related documents, authorizing the issuance of its refunding tax allocation bond (Atlanta Road Corridor Project) Series 2019, in a principal amount of \$12,725,000 and authorize the Mayor or Mayor Pro Tem to execute all documents incident there to. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

B. [ORD2019-21](#)

Approval of Ordinance 2019-21 for proposed text amendments to the City of Smyrna's Code of Ordinances, Chapter 6, Alcoholic Beverage by amending Article I, Section 6-2 and Article II Sections 6-34, 6-37, 6-45, 6-46, 6-61, 6-62, 6-118 and adding Section 6-82 related to the licensing of wineries.

Sponsors: Gould

According to Mr. Scott Andrews, this agenda item covered the licensing aspect of wineries which were addressed earlier in the meeting.

Mr. Russell Martin explained that the requirements for wineries will be the same as the

brewery items that were adopted a little over a year ago. Necessary definitions were added to the alcohol codes as well as a section specific to wineries.

Councilmember Tim Gould made a motion to approve Ordinance 2019-21 for proposed text amendments to the City of Smyrna's Code of Ordinances, Chapter 6, Alcoholic Beverage by amending Article I, Section 6-2 and Article II Sections 6-34, 6-37, 6-45, 6-46, 6-61, 6-62, 6-118 and adding Section 6-82 related to the licensing of wineries. Councilmember Maryline Blackburn seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

C. [2019-378](#)

Approval to amend the City of Smyrna Fee Schedule for Community Development for Licenses to include a fee of \$1,700.00 for Wineries and a fee of \$1,700.00 for Breweries.

Sponsors: Welch

Since the background information for this was covered in an earlier agenda item, the Mayor turned it over to Mr. Welch for a motion.

Councilmember Charles "Corkey" Welch made a motion to amend the City of Smyrna Fee Schedule for Community Development for Licenses to include a fee of \$1,700.00 for Wineries and a fee of \$1,700.00 for Breweries. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

D. [2019-380](#)

Approval to amend the Fee Schedule to include an impoundment fee of \$100.00 for the shareable mobility devices removed from the right-of-way and a \$5.00 per day fee for storage.

Sponsors: Welch

Mr. Andrews reviewed the pertinent information for this agenda item. There will now be a \$100 impoundment fee and \$5 a day storage fee in place for shareable mobility devices that are abandoned around the city.

Councilmember Charles "Corkey" Welch made a motion to amend the Fee Schedule to include an impoundment fee of \$100.00 for the shareable mobility devices removed from the right-of-way and a \$5.00 per day fee for storage. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

E. [2019-367](#)

Approval of the 2020 Employee Insurance providers and plans and authorize the Mayor to execute all related documents

Sponsors: Blackburn

Mr. Andrews stated that this was just an annual procedure to put in place and make official the insurance plans for City employees for the upcoming calendar year.

Councilmember Maryline Blackburn made a motion to approve the 2020 Employee Insurance providers and plans and authorize the Mayor to execute all related documents. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

F. [2019-359](#)

Approval to award RFP 19-009 Water/Sewer modifications for Windy Hill Blvd to the lowest bidder RDJE Inc. located at 679 HWY 29 South Newnan, Georgia 30263 in the amount \$4,276,185.50 to be funded from reductions in FY 2020 Water CIP, transfers in from the Water and Sewer Fund (505) and use of Water CIP (R&E) fund balance and authorize the Mayor to execute all related documents and amend the budget accordingly.

Sponsors: Welch

The information regarding the water/sewer modifications for Windy Hill Boulevard was disclosed by Assistant City Administrator Andrews. Public Works Requested Bids for the 2016 SPLOST Windy Hill Blvd Project, Water and Sewer modifications improvements. Ten contractors purchased the bid plans and two bids were received. The low bidder is RDJE Inc. in the amount of \$4,276,185.50 to be funded from reductions in FY 2020 Water CIP, transfers in from the Water and Sewer Fund (505) and use of Water CIP (R&E) fund balance.

Councilmember Charles "Corkey" Welch made a motion to award RFP 19-009 Water/Sewer modifications for Windy Hill Blvd to the lowest bidder RDJE Inc. located at 679 HWY 29 South Newnan, Georgia 30263 in the amount \$4,276,185.50 to be funded from reductions in FY 2020 Water CIP, transfers in from the Water and Sewer Fund (505) and use of Water CIP (R&E) fund balance and authorize the Mayor to execute all related documents and amend the budget accordingly. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

G. [RES2019-05](#)

Approval of RES2019-05 a Resolution of the City of Smyrna reminding restaurant owners of their ability to prohibit smoking.

Sponsors: Welch

A verbal summary of the resolution and its purpose was provided by Assistant City Administrator Scott Andrews.

Councilmember Charles "Corkey" Welch read aloud the smoking resolution.

Mayor Bacon said a few words about the Georgia Smoke Free Act of 2005.

Councilmember Maryline Blackburn wanted to have it on record that smoking bans assist with public safety and health related issues. The law gives local government the authority to have and enforce a nonsmoking ban. She feels that banning smoking should not be a voluntary act and that the city should enforce the ban by making it an ordinance. She read a statement from the CDC that emphasized there is no risk free level of second hand smoke.

Mayor Bacon disclosed that on July 19, 2018 he formed a Clean Air Ordinance Review Committee chaired by Councilmember Welch with Councilmembers Fennel and Blustein. The recommendation was that the State law was sufficient and that there were approximately five establishments in the City that wished to continue allowing smoking.

Councilmember Charles "Corkey" Welch made a motion to approve RES2019-05 a Resolution of the City of Smyrna reminding restaurant owners of their ability to prohibit smoking. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

Nay: 1 - Councilmember Blackburn

H. [2019-397](#)

Approval of Ward 5 appointment to the Parks and Recreation Commission, Kamma Manion. This is a two-year term to expire December 2021.

Sponsors: Wilkinson

Councilmember Susan Wilkinson made a motion to approve the Ward 5 appointment to the Parks and Recreation Commission, Kamma Manion. This is a two-year term to expire December 2021. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

I. [2019-375](#)

Approval to abandon a small strip of land consisting of 0.0185 acres adjacent to Windsor Subdivision on Fontaine Rd and the EW Connector that is no longer needed for surface water drainage and convey whatever interest the City has in the property to the adjacent property owner, Weekley Homes, LLC.

Sponsors: Welch

Mayor and Council were provided the details of the agenda item by Mr. Scott Andrews. The City was looking to abandon a small strip of land consisting of 0.0185 acres adjacent to Windsor Subdivision on Fontaine Rd and the EW Connector that is no longer needed for surface water drainage and convey whatever interest the City has in the property to the adjacent property owner, Weekley Homes, LLC.

Councilmember Welch added that this was a small strip of land that ran perpendicular

to Fontaine Road that was at one point a drainage easement which has become obsolete and is no longer needed.

Councilmember Charles "Corkey" Welch made a motion to abandon a small strip of land consisting of 0.0185 acres adjacent to Windsor Subdivision on Fontaine Rd and the EW Connector that is no longer needed for surface water drainage and convey whatever interest the City has in the property to the adjacent property owner, Weekley Homes, LLC. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

J. [2019-384](#)

Approval for the City to paint "No Parking" on curbs in Cooper Lake Place neighborhood

Sponsors: Welch

Mr. Andrews conveyed that there were two areas of Cooper Lake Place that have been designated as "No Parking" by the Home Owners Association (HOA) Board. These areas create a blind spot for oncoming vehicles and cause safety situations for those traveling in the area. The Cooper Lake Place Board of Directors has requested that the City paint "No Parking" on the curbs in these areas.

Councilmember Welch summarized his involvement in this request as the Cooper Lake Place neighborhood is in his Ward.

Councilmember Charles "Corkey" Welch made a motion to approve the City to paint "No Parking" on curbs in Cooper Lake Place neighborhood. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

Mr. Scott Andrews read aloud the Consent Agenda to Mayor and Council.

Councilmember Tim Gould made a motion to approve the Consent Agenda as read aloud by Assistant City Administrator Scott Andrews. Councilmember Derek Norton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Gould

- A. [2019-368](#) Approval of the October 7, 2019 Mayor and Council Meeting minutes.
- B. [2019-369](#) Approval of the October 7, 2019 Pre-Council Meeting minutes.
- C. [2019-361](#) Approval of the October 3, 2019 Committee of The Whole Meeting minutes.
- D. [2019-371](#) Approval for Atkins Park Tavern to extend premises for Smyrna OysterFest January 24, January 25 and January 26, 2020 during hours of operation (Jan. 24 7:00 p.m. to 11:00 p.m./ Jan. 25 11:00 a.m. to 11:00 p.m. and Jan. 26 11:00 a.m. to 11:00 p.m.) and road closings.
Sponsors: Welch
- E. [2019-391](#) Approval to allow a road closure along Manson Avenue on November 3, 2019 between the hours of 3:45pm and 5:30pm for a neighborhood chili cook-off and fun run.
Sponsors: Welch

9. Committee Reports:

Councilmember Blackburn congratulated Parks and Recreation Department for the opening of the bike park that took place on Saturday, October 19th.

Councilmember Welch spoke about the ribbon cutting event for the bike trail and challenged any member of Council to run the children's course with him.

Councilmember Wilkinson spoke about the bike park and encouraged everyone to go check it out. She said she would be willing to take Mr. Welch up on his challenge. Library Youth Services Department is holding a fall festival on October 24, 2019 from 3pm to 5pm. The event is appropriate for ages 3 through 7.

Councilmember Gould spoke about the Forrest Hills Traffic Committee that was recently formed and stated that the meeting was very productive. He informed everyone of Campbell High School homecoming and how the Mayor was presented with a letterman jacket, helmet and a jersey.

Assistant City Administrator Scott Andrews gave credit to the Community Development Department for the extensive work they did on the agenda items including the rezonings and the ordinances.

City Clerk Terri Graham provided the details about advanced voting and that next week the City will have early voting at the Smyrna Community Center.

Councilmember Welch reminded everyone about the Fall Jonquil Fest and invited everyone to come out and enjoy the event on October 26th and 27th.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Ms. Susan Wilkinson, 2805 Stone Creek Road, announced that she was running for re-election for Ward 5 representative. She spoke about some projects that she has worked on while on Council.

Ms. Maryline Blackburn, Huntington Trace, announced that she was running for re-election for Ward 3 representative. She spoke about the importance of environmental stewardship, recruiting businesses that hire local and pay well, how transit for Smyrna is a priority and how safety is key so first responders must be paid well. She wants all voices should be heard and for everyone to embrace the diversity in the City.

12. Adjournment:

Mayor Bacon adjourned the October 21, 2019 Mayor and Council meeting at 9:06 PM.