



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

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Monday, November 3, 2014

7:30 PM

Council Chambers

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### Rollcall

**Present:** 8 - Mayor Max Bacon, 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:** 9 - Ken Suddreth, Heather Corn, Terri Graham, Dat Luu, Chelsea Jackson, Scott Cochran, Jennifer Bennett, Christy Ullman and Eric Taylor

### Call to Order

The meeting of the Mayor and Council was called to order by Mayor Max Bacon at 7:32PM.

#### 1. Invocation and Pledge:

The invocation was given by Reverend Steve Lyle of Smyrna First United Methodist Church located at 1315 Concord Rd SE, Smyrna. Reverend Lyle also led the Pledge of Allegiance.

#### 2. Agenda Changes:

Mayor Max Bacon announced there was an agenda change to Formal Business. Item 6D would be tabled until the January 5, 2015 Mayor and Council meeting.

#### 3. Mayoral Report:

##### A. Proclamation in Recognition of Veteran's Day Poppy Weekend (Nov 8-9, 2014)

Sponsors: Welch

Mayor Max Bacon recognized the American Legion and Poppy Weekend on Veteran's Day. Councilmember Charles Welch read the proclamation in recognition of Veteran's Day 2014. Councilmember Welch presented the proclamation to American Legion representatives.

##### B. Smyrna's Vision Plan Presentation

Sponsors: Pritchett

Mayor Pro Tem/Councilmember Melleny Pritchett introduced the Vision Committee and Kathy Young who gave the Vision Plan Presentation. All members of the Vision Steering Committee were present and introduced.

The following members of the committee were present:

Councilmember Teri Anulewicz, Ward 3  
Councilmember Ron Fennel, Ward 7  
Melvin Pender, Ward 2  
Slade Gulledge, Ward 6  
Angie Bolton, IBM  
Jeff Belle, Ward 5  
David Monroe, Ward 7  
Paula Weeks, Ward 4  
Maryline Blackburn, Ward 4  
Holly Bass, Ward 7  
Michelle Murphy, Ward 4  
Derek Norton, Ward 1  
Tony Britton, BB&T  
Colin Gallagher, Ward 3  
Kim Brinson, Ward 2  
Dan Penick, Ward 1  
Susan Morgan, Ward 2  
Charles Welch, Jr., Ward 6  
Christy Ullman, Ward 7  
Jennifer Bennett, Ward 4

All members of the advisory group were also present. The advisory group consisted of City Administrator Eric Taylor, Community Development Director Kenneth Suddreth, Community Relations Director Jennifer Bennett, Economic Development Manager Tom Boland and Executive Assistant to Mayor and Council Christy Ullman.

Kathy Young with Market Street Services began the video presentation and passed out executive summaries to the Mayor and Council.

She started the presentation by stating that this committee was not at the end of the process but only the beginning. The presentation reviewed the Steering Committee's vision statement, the 10 year vision plan, detailed the community assessment that was given, talked about the three cornerstones that came from the assessments and showed several graphs of progress made and future plans. She mentioned they had held six total meetings lasting 2 - 2.5 hours each with a lot of discussion and participation.

The vision plan was completed and would now move into the implementation phase. The meetings allowed the Steering Committee to come away with a better understanding of community through one on one interviews, surveys, and group meetings and gave insight into what they wanted to accomplish short and long term. The technological advisory group was very important and very supportive with helping provide the information to the steering committee.

The online survey reached over 1700 people and that information from them was given to the steering committee and helped them focus on the repeat priorities that surfaced from the surveys. Some of the repeated themes were community attachment and commitment. People expressed their love for living in the City and that they wanted to be more committed to seeing the City move forward.

The committee spoke at length about how they would morph into the executive committee and discussed five focus groups that were established to work from. They would keep the original three cornerstone groups and add Schools and Economic Development as the fourth and fifth groups. They plan to move forward with these frameworks, with the executive committee leading them.

There are measures of progress and success for them to report on and keep the committee focused on the pieces of the puzzle that still need to be completed.

Finally, they want to build on the work groups involved in the communities and move forward with the implementation of the overall vision for Smyrna.

Ms. Young thanked the City for allowing Market Street to work with them on this project and stated she looked forward to seeing this long term plan come to fruition. She also introduced team member Ms. Katie Bass.

Mayor Bacon inquired if the presented information and charts would be available on line and the answer was yes, at SmyrnaVision.com.

Mayor Pro Tem/Councilmember Pritchett announced the Executive Committee had already scheduled their first meeting and it would be held on December 2, 2014.

They would be contacting about 300 people who had previously expressed interest in participating. She thanked all of the participants from the bottom of her heart, and noted that there was not enough thank you's for the group and their hard work.

Mayor Bacon remarked that Tuesday was election day and the polls would be open from 7:00AM - 7:00PM.

Mayor Bacon invited candidates to come forward. The following candidates came forward and spoke briefly:

Susan Thayer, Cobb County School Board Candidate  
Kenya Pierre, Cobb County School Board Candidate  
Eric Allen, State House District 40 Candidate

Mayor Bacon announced the birth of Arthur Leland Jones to Assistant City Administrator Tammi Saddler Jones.

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

There were no Land Issues/Zonings/Annexations

#### **5. Privilege Licenses:**

There were no Privilege Licenses

#### **6. Formal business:**

##### **A.** Approval of the reappointment of George Davis to the Civil Service Board for a 2-year term to expire November 16, 2016.

Sponsors: Lnenicka

Councilmember Lnenicka spoke about Mr. George Davis' reappointment to the Civil Service Board and his years of service already to the board and the employees of Smyrna.

A motion was made by Councilmember Wade Lnenicka to approve the reappointment of George Davis to the Civil Service Board for a 2-year term to expire November 16, 2016, seconded by Councilmember Susan Wilkinson. 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.** Authorize Resolution 2014-14 the Execution of a Non-Binding Letter of Intent and/or Financial Advisor Agreements from Time to Time with Raymond James & Associates, Inc

Sponsors: Anulewicz

City Administrator Eric Taylor read the background for this resolution. Effective July 1, 2014, the United States Securities and Exchange Commission put into place new rules regarding the types of communications that bond underwriters can have with

people they represent regarding issues of municipal debt. This resolution covers the types of information the City can discuss with Raymond James and the staff recommended approval.

A motion was made by Councilmember Teri Anulewicz to approve Resolution 2014-14 the Execution of a Non-Binding Letter of Intent and/or Financial Advisor Agreements from Time to Time with Raymond James & Associates, Inc, 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

**C.** Authorize an agreement with Doug Howser and allow the mayor to sign and execute all related documents

**Sponsors:** Fennel

City Administrator Eric Taylor gave the background. Several years ago the City was approached by Doug Howser, resident, who was having some adverse drainage conditions on his property. The City had several different organizations and different engineers look at the problem and it appeared that the City had some negligence. The City had been working with Mr. Howser to fix the problems and a result of recent discussions, it was decided to issue a check to Mr. Howser in the amount of \$21,158.00 for repairs needed on the property in exchange for a release of liability to the City. Staff recommended approval.

Councilmember Ron Fennel talked about working with Mr. Howser for several years and after review from the City Engineer and Council it was decided that this would be a remedy that addressed Mr. Howser's concerns and would make the necessary repairs to the property. It was noted that the settlement is reasonable.

A motion and second were made and the Mayor asked for discussion.

Councilmember Lnenicka voiced his disagreement to this proposed settlement. He stated that he has strong concerns about the principles that underline this agreement. He stated that in the previous 24 hours prior to the meeting, he had spoken with two former city engineers, and they remarked that the drainage issue was not the City's issue, it was a runoff issue from private property. He expressed concern for the City involving themselves in any private property disputes and using taxpayer monies to settle that dispute. He remarked that it was easy to spend other people's money.

During the discussions with former city engineers, Ken Hildebrand and Keith Williams, it was stated that neither believed that the City had responsibility for creating the problem or solving the problem. They advised Councilmember Lnenicka that no one from the City had called either and spoken to them about Mr. Howser's drainage problem, they each had worked on this particular issue for several years and they had concerns about the precedent the City would be setting.

City Attorney Scott Cochran was also approached by Councilmember Lnenicka. Mr. Cochran provided understanding in regards to the release that would be signed, but Councilmember Lnenicka remained troubled that should the City give a \$20,000 christmas bonus check to one neighbor that somebody next door or downstream could decide they'd like a \$20,000 bonus check from the City as well.

Councilmember Lnenicka remarked that Mr. Hildebrand and Mr. Williams noted several other developments with drainage issues. He also expressed further concern that if the City decided to buy a settlement from one disgruntled homeowner then there would be expectations that other neighborhoods would also go to the City for settlements saying "where's my payoff?"

He reiterated that he thought this would be wrong; wrong to use City money to settle this dispute and was not convinced this would be the right thing to do for this situation. He declared he was strongly against the passage of this settlement.

Mayor Bacon replied that one of Councilmember Lnenicka's statements was

incorrect, as he had spoken to Mr. Williams about this issue. He also noted that Mr. Hildebrand had been gone from the City long before this particular subdivision was built.

Councilmember Fennel made a statement that for the last two detailed discussions on this matter, all members of council were present except one and now he had an objection. He thought it was important that all council members to hear the latest information from the City's professionals, such as our City Engineer and our City Attorney who had recommendations and understood precedence in the law and solutions and cost. If a member of council was not going to attend those discussions then it was unfair of them to opine otherwise in his opinion.

Mayor Bacon said that if Councilmember Lnenicka had additional information he needed to share that with the other members of the council instead of announcing it at a meeting.

Councilmember Lnenicka said he felt it was also important for the council to have adult discussions during COW Agenda meetings without name calling because questions were being asked.

Mayor Bacon mentioned that there was a meeting about this issue the past Monday night. The council spoke about Mr. Howser's issue at great length and he stated that it wasn't until two weeks ago, when the City Attorney suggested we had some liability, that he was aware the drainage problems still existed from three years ago. When the problem first arose Mayor Bacon spent two hours in Mr. Howser's back yard on Christmas Eve discussing the situation. He went on to say "as a City if we did something wrong then we should step up to the plate and put our big boy pants on and do something about it to correct the situation." Mayor Bacon was in agreement that the council needed to get all the information as a collective instead of being dumped on in a public council meeting.

Mayor Pro Tem/ Councilmember Pritchett remarked that Councilmember Lnenicka was not asking questions but was making incorrect statements. That was what he was called out for at the COW Agenda meeting. She told him at the time of that meeting those statements he made were untrue.

Councilmember Welch discussed the drainage issue in particular. He had also met with Mr. Howser and told him that he felt the City did have some liability. Mr. Welch noted his current position as president of a Smyrna Civil engineering Company that he has worked for the last 33 years. He said that the City can only take other cases that come forward one case at a time.

Mayor Bacon asked City Attorney Scott Cochran whether or not there was liability and the answer was yes. Mr. Cochran stated that should the City try to go to court and fight the issue, it could cost triple the current proposed settlement. Mr. Howser will get the drainage problem fixed and sign the release of liability with the City which is the best solution for the City.

A motion was made by Councilmember Ron Fennel to authorize an agreement with Doug Howser and allow the mayor to sign and execute all related documents, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

**Nay:** 2 - Councilmember Wilkinson and Councilmember Lnenicka

**D.** Consideration and approval to extend benefits to all benefit-eligible employees entering into a legally recognized marriage.

**Sponsors:** Lnenicka

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to table the extension of benefits to all benefit-eligible employees entering into a legally

recognized marriage, seconded by Charles (Corkey) Welch. Motion carried by the following vote:

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

**Nay:** 3 - Councilmember Anulewicz, Councilmember Wilkinson and Councilmember Lnenicka

## 7. Commercial Building Permits:

There were no Commercial Building Permits.

## 8. Consent Agenda:

Eric Taylor read the eight consent agenda items.

A motion was made by Councilmember Wade Lnenicka to approve Consent agenda items A, B, C, E, G, H and I, seconded by Councilmember Susan Wilkinson. The motion carried by the following vote:

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Nay:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Welch

## 8. Consent Agenda:

A motion was made by Councilmember Teri Anulewicz to approve consent agenda items

D and F, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

**Nay:** 2 - Councilmember Wilkinson and Councilmember Lnenicka

### A. Approval of the October 20, 2014 Mayor and Council Meeting Minutes

Sponsors: City Council

### B. Award RFP 15-011 to the lowest responsive bidder, AT&T, for E911 Next Generation VoIP Phone system for the amount of \$186,386.00

Sponsors: Fennel

### C. Award RFP 15-012 Roswell Street Storm Drainage Project to the lowest bidder D&H Construction Co. for \$89,900.00 and authorize the Mayor to execute any related documents.

Sponsors: Anulewicz

D. Approval to award Cooperative Contract to Game Time in the amount of \$84,561.29 for Shade Additions to Existing Playgrounds

Sponsors: Wilkinson

E. Award RFP 15-007 Community Center Ceiling Tile Replacement to the lowest bidder ICS Inc. for \$64,850.00 and authorize the Mayor to execute any related documents.

Sponsors: Anulewicz

F. Approval of agreement for Content Management System upgrade for City of Smyrna website and associated expenses in the amount of \$35,000 and authorize Mayor to execute related documents.

Sponsors: Anulewicz

G. Mayor and Council approve and authorize the Mayor to execute the right-of-way deed to the roadway improvement of Concord Road and the right-of-way dedication for such purpose.

Sponsors: Welch

H. Approval to close road in Williams Park Subdivision, Anderson Circle for a Halloween event on October 31, 2014

Sponsors: Anulewicz

I. Approval to close Wisteria Lane and Brentwood Drive for a block party November 1, 2014, 2:30 PM to 8:00 PM

Sponsors: Anulewicz

## 9. Committee Reports:

Councilmember Ron Fennel spoke about the Halloween trick or treating evening. It was noted that there was additional police presence in the Wards and Councilmember Fennel was appreciative. He also thanked Grace Meadows Homeowners Association for the invitation and at that event, Chief David Lee and Officer Cason came and spoke to them regarding the neighborhood watch program.

Councilmember Wade Lnenicka thanked Ridgeview Institute for the meeting on October 22 where they discussed the expansion plans currently under construction. He also thanked Library Director

Mary Moore for the Meet Mr. Lincoln event. The Lincoln impersonator was marvelous. He spoke about the Veterans Day Memorial Service Tuesday, November 11 at 11:00am in front of the Veterans Memorial at City Hall.

Councilmember Susan Wilkinson began by stating she was at the COW Agenda meeting and there was name calling. She disagreed with the things said and the

names called. She mentioned the Chaney Woods Block Party and how much fun she had and thanked them for the invitation.

Councilmember Charles "Corkey" Welch attended the Grace Meadows HOA meeting and announced that Thursday, November 6th at Brawner Hall from 6:00pm - 7:30pm was a meeting on Concord Road Corridor Plan.

Councilmember Teri Anulewicz stated she would make an effort to attend the meeting at Brawner Hall. She talked about the great Halloween Fire Station 1 had for the kids and how they loved to have trick or treaters. She encouraged her Ward to vote and gave information on where they voted and the times.

Councilmemebr Andrea Blustein said it was a pleasure to put a face to a name with the Vision Committee annd she was encouraged by the Vision Implementation. She encouraged her Ward to vote as well. She asked citizens to support the SPLOST and said early voting at the Windy Hill Community Center was fast and easy for future reference.

Mayor Pro Tem/Councilmember Melleny Pritchett reminded citizens and attendees of the website Smyrnavision.com and commented on the dedication from the citizens to the Vision Committee. She encouraged Ward 1 to vote and gave information on the location and times.

Mayor Bacon interrupted Mayor Pro Tem Pritchett to ask Councilmember Fennel and Councilmember Lnenicka to stop talking and give Ms. Pritchett the respect she had given them during their reports.

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

There were no Show Cause Hearings

## **11. Citizen Input:**

Mr. Alex Backery spoke about same sex marriage public hearing last month. He continues to disagree with council's comments from the previous meeting. He still would like the people to have an opportunity to speak about this particular item. He stated he would go out and campaign himself for any member of council up for reelection that voted against this item when it was time for their reelection. He stated it violated the "good book" and violated state law.

Rebecca Newton of 1154 Fleming Street. She had comments regarding a large oak tree that was saved. She appreciated working with Mr. Russell Martin and an arborist to keep the tree.

## **12. Adjournment:**

The meeting adjourned at 8:37 PM