



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, August 17, 2015

7:30 PM

Council Chambers

Roll Call

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: 11 - Scott Cochran, Terri Graham, Toni Jo Howard, Ken Suddreth, Heather Corn, Dat Luu, Russell Martin, Tammi Saddler Jones, Amy Snider, Scott Stokes and Eric Randall

Call to Order

Mayor Max Bacon called the August 17, 2015 meeting of the Mayor and Council to order at 7:30PM.

1. Invocation and Pledge:

Pastor Shell Osbon of Life Church Smyrna Assembly of God (located at 4100 King Springs Rd) was called upon by Mayor Bacon to give the invocation and lead all in the Pledge of Allegiance

2. Agenda Changes:

Mayor Bacon Announced that Item 4A would be tabled to the September 8, 2015 Mayor and Council meeting.

3. Mayoral Report:

City Clerk Terri Graham provided general election information regarding qualifying dates, qualifying fees, and qualifications for a candidate.

4. Land Issues/Zonings/Annexations:

- A.** Public Hearing - Zoning Request Z15-007 - Rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes - 5.61Acres - Land Lot 338 - 3744 Plumcrest Road - Venture Homes, Inc. -

Sponsors: Fennel

Councilmember Fennel remarked that it was at the request of the applicant that this item be tabled until the September 8, 2015 Mayor and Council Meeting in order to allow for a public meeting on September 2, 2015 at 7:00pm at Brawner Hall, prior to the next Mayor and Council meeting. There has been quite a lot of public comment

regarding this item and the developer wished to meet with the community in order to allow for additional comments and concerns to be addressed.

A motion was made by Councilmember Ron Fennel for item 2015-168 Public Hearing - Zoning Request Z15-007 - Rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes - 5.61 Acres - Land Lot 338 - 3744 Plumcrest Road - Venture Homes, Inc., to be tabled to a date certain, September 8, 2015 to allow for a community and public meeting at Brawner Hall on September 2, 2015, seconded by Councilmember Teri Anulewicz. 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 - Z15-013 - Rezoning from Limited Commercial to R-15 for the construction of a single-family home - 0.363 Acres - Land Lot 520 - 2645 Hickory Hill Drive - Joseph Kusky

Sponsors: Anulewicz

Interim City Administrator Toni Jo Howard was asked to read the following background information by Mayor Max Bacon: Mr. Joseph Kusky was requesting a rezoning for the property at 2645 Hickory Hill Drive from Limited Commercial to R-15 for the construction of a single-family home. Mr. Kusky plans to demolish the existing home on-site and construct his new personal home. The zoning request was heard by the Planning and Zoning Board at the July 13, 2015 meeting and recommended for approval by a vote of 7-0.

The Senior Planner for Community Development came to the podium and gave an overview of this request. Mr. Rusty Martin stated that this was a straight forward request of what Ms. Howard had stated. Tearing down and old existing house to rebuild a new home to reside in. Community Development recommended approval of the rezoning the subject property from LC to R-15-Conditional for one single-family home at a density of 2.75 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code is not applicable)

- 1. All utilities within the development shall be underground.*
- 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.*
- 3. No debris may be buried on any lot or common area.*
- 4. 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.*
- 5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
- 6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

Special Conditions

- 7. The development shall maintain the following minimum setbacks:*

Front - 35'

Northern Side - 10'

Southern Side - 7'

Rear - 30'

8. The home shall have a minimum floor area of 1800 sq. ft.
9. The driveway shall have a minimum length of 22' from building face to back of sidewalk.
10. The new proposed home shall not exceed two-stories in height.
11. The right-of-ways along Hickory Hill Drive shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along Hickory Hill Drive.
12. The developer shall provide a 5' sidewalk with a 2' grass buffer along Hickory Hill Drive for the length of the development.
13. The applicant shall provide a drainage easement to convey stormwater across the property. The City Engineer shall review and approve the size and location of the easement.
14. Approval of the subject property for the R-15-Condition zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/12/2015.
15. The applicant shall be bound to the elevations submitted and dated 6/12/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.

The applicant, Mr. Kusky came forward and stated this zoning request was to remove the existing home, build a new home that he and his family intend to live in. The home chosen with the architectural plan is slightly large thus requiring the request for the three foot setback.

There were no questions for the applicant and Councilmember Teri Anulewicz welcomed the Kusky family to the neighborhood.

A motion was made by Councilmember Teri Anulewicz to approve 2015-223 a zoning request Z15-013 for a rezoning from Limited Commercial to R-15 for the construction of a single-family home on 0.363 Acres in Land Lot 520 located at 2645 Hickory Hill Drive the applicant is Joseph Kusky, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. 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

5. Privilege Licenses:

There were no privilege licenses.

6. Formal business:

A. Approval of Concord Road Corridor Development Concept

Sponsors: Welch

Interim City Administrator, Ms. Toni Jo Howard read the following background: In May, 2014, the Mayor and Council authorized a study that would formulate several development concepts for the remnant right-of-way parcels (approximately 7.5 acres along the north side of Concord Road) that were created by the Concord Road widening project. Proposals to conduct the study were solicited through the City's Request For Qualifications process. Three (3) firms were interviewed and the Sizemore Group, in partnership with Marthasville Development, was awarded a contract in the amount of \$29,700 to conduct the study. Stakeholders (Mayor, council ward representatives and certain city staff) were interviewed. Their thoughts and ideas on what should occur on those parcels along

the subject corridor were received and noted.

Based on the stakeholders feedback, several concepts (linear park, partial development and full development) were formulated. These three (3) concepts were then presented to the Smyrna community in public forums for the purpose of receiving additional citizen comment and feedback. After that feedback was received and documented the results were presented to the Mayor and Council at a Committee of the Whole meeting in January, 2015. Based on the preferences of the stakeholders and the feedback from the public it was determined that the most desirable concept incorporated limited development with a majority of the corridor being preserved for a passive use linear park.

The consulting team was instructed by the Mayor and Council to move forward and refine the preferred development concept.

Staff recommended that the Concord Road Corridor Development Concept be approved. This will allow the implementation of the preferred development plan to proceed.

Councilmember Welch commented about some of the sessions held last year regarding this property and stated that a consultant had been hired to look at the property along Concord Road that was left over after construction. It is 2.5 acres and they looked at a residential development, a commercial park and the residents reviewed and suggested the commercial strip park. Council has looked at the suggestion and tonight, this is a vote for the concept plan.

Councilmember Anulewicz was pleased to be included in this concept because this development would be in her Ward after the next election. This is a concept plan and it determines that the City wants to move forward with a plan to be partial commercial with a passive park. This is a positive thing for the taxpayers.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2015-147 of the Concept Road Corridor Development plan on Concord Road to include a partial commercial entity and the remaining to be a strip passive park, seconded by Councilmember Teri Anulewicz. 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.** Approval to enter into a contract with Lyman Davidson Dooley, Inc. (Architects, Interior Designers, Planners) to provide Architectural and Engineering services to document and renovate the historic Reed House and have the Mayor sign and execute all documents

Sponsors: Welch

Ms. Howard read the following background:

This item is for the approval to enter into a contract with Lyman Davidson Dooley, Inc. (Architects, Interior Designers, Planners) to provide Architectural and Engineering services to document and renovate the historic Reed House and have the Mayor sign and execute all documents

Councilmember Welch said that he was approached by the Mayor to look at the Reed house and see what repairs and improvements were needed as well as the operation of the home at a future date. He formed a committee of 8-10 people and a long list of ideas was formed for the uses of the home. No matter which uses would be decided on, there were some architectural issues that needed to be addressed such as one bathroom on the main level of the house, minor structural issues on the front porch and evaluate the HVAC of the home. Lyman Davidson and Dooley will

perform a three step process. They are a local company.

1. A working drawing of the home.
2. Review the systems within the home, structural, electrical, plumbing and HVAC as well as restrooms and kitchen. Make a list of necessary improvements to code for public use.
3. A pick and choose by the City to decide what items they want to do to the home based on the decided use.

A motion was made by Councilmember Charles (Corkey) Welch to approve item 2015-271 to enter into a contract with Lyman Davidson Dooley, Inc. (Architects, Interior Designers, Planners) to provide Architectural and Engineering services to document and renovate the historic Reed House and have the Mayor sign and execute all related documents, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. 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

C. Approve Ordinance Chapter 102 Utilities, Article III, Section 102-43, 102-44 and 102-45 General Sewer Use Requirements

Sponsors: Welch

Interim City Administrator Toni Jo Howard read the following background:

This item is for the approval of a new Ordinance 102 Utilities, Article III, Section 102-43, 102-44 and 102-45 General Sewer Use Requirements

Public Works is requesting to establish an ordinance to provide rules and requirements for the general use of sanitary sewer for both commercial and residential customers and rules and regulations for specific discharge of waters and wastes into the City of Smyrna waste water system.

Public Works has reviewed this Ordinance and recommends approval of Ordinance 102 Utilities, Article III, Section 102-43, 102-44 and 102-45 General Sewer Use Requirements.

Councilmember Corkey Welch remarked that these Ordinances which include Items D and E as well.

What has occurred is that Public Works Director Scott Stokes, has gone through our current Ordinances and brought these up to date.

A motion was made by Charles (Corkey) Welch to approve ORD2015-15 to amend the City of Smyrna's Code of Ordinances Chapter 102 Utilities, Article III, Section 102-43, 102-44 and 102-45 General Sewer Use Requirements, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

****Clerk's note:** Teri Anulewicz stepped away from the dais and was absent for the vote.

Aye: 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

Absent: 1 - Councilmember Anulewicz

D. Approve Ordinance Chapter 102 Utilities, Article IV, Section 102-46 and 102-47 Sand and Oil/Grease Interceptors

Sponsors: Welch

Councilmember Welch reiterated that this ordinance was an update to the current ordinance.

Clerk's Note: Teri Anulewicz returned to the dais

A motion was made by Councilmember Charles (Corkey) Welch to approve ORD2015-16 to amend the City of Smyrna's Code of Ordinances, Chapter 102 Utilities, Article IV, Section 102-46 and 102-47 Sand and Oil/Grease Interceptors, 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. Amend Appendix D, Design Specifications for Storm Drainage, Roads, Construction Section 5 by deleting Section 5, Water Mains and Service Lines, in its entirety and replacing with Section 5 Water System Design, Maintenance and Hazard Reduction Procedures.

Sponsors: Welch

Toni Jo Howard, Interim City Administrator read the following background: This is item E, to amend Appendix D, Design Specifications for Storm Drainage, Roads, Construction Section 5 by deleting Section 5, Water Mains and Service Lines in its entirety and replacing with Section 5 Water System Design, Maintenance and Hazard Procedures.

This is the replacement of the existing standards for water mains and service lines and updates system requirements to address system design, maintenance and hazard reduction.

Public Works has reviewed this ordinance and recommends Amending Appendix D, Design Specifications for Storm Drainage, Roads, Construction Section 5, Water Mains and Service Lines, in its entirety and replacing with Section 5 Water System Design, Maintenance and Hazard Procedures.

Councilmember Welch responded that this was another housekeeping item to bring the ordinance up to date from its previous version.

A motion was made by Councilmember Charles Corkey Welch to approve ORD2015-17 to Amend the City of Smyrna's Code of Ordinances ,Appendix D, Design Specifications for Storm Drainage, Roads, Construction Section 5 by deleting Section 5, Water Mains and Service Lines, in its entirety and replacing with Section 5 Water System Design, Maintenance and Hazard Reduction Procedures, 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

7. Commercial Building Permits:

There were no building permits.

8. Consent Agenda:

Interim City Administrator Toni Jo Howard read the consent agenda items aloud for Council's approval.

A motion was made by Councilmember Ron Fennel to approve the consent agenda as read aloud, 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

- A.** Approval of the Mayor and Council Meeting Minutes for August 3, 2015
Sponsors: City Council
- B.** Approval to purchase 7 (seven) equipped Ford Explorers as part of the FY16 Vehicle Replacement Fund at a total cost of \$257,528.80
Sponsors: Fennel
- C.** Appointment of Brian Marcos and Mary Wallace Moore as Alternate Members for the License and Variance Board
Sponsors: Anulewicz
- D.** Approval of Use of Smyrna Memorial Cemetery grounds by Smyrna Library volunteers and staff for a storytelling event on Saturday, October 17, 2015.
Sponsors: Wilkinson
- E.** Approve retroactive use of the Council Chambers for Wednesday, August 5, 2015 for the Cultural Arts meeting
Sponsors: Fennel

9. Committee Reports:

Mayor Max Bacon noted that Interim City Administrator Toni Jo Howard would be leaving the City on Friday. She had been the Finance Director for three years and done a great job as well as stepping in as the City Administrator when asked. The City would miss her and he liked how she always said the right thing with no fluff. He wished her well.

WARD 1: Mayor Pro Tem / Councilmember Melleny Pritchett spoke about the Smyrna Vision Arts and Cultural Council that met at City Hall. She said attendance was tremendous and they currently had 75 paid members. President is Jeff Jones, Vice President is Bill Marchiano, Treasurer is Troy Saither, Secretary Shawn Martin. There were also several members of the group elected as directors and she mentioned their names. They are moving forward and excited and the other groups have met as well but are not as far along as the Arts and Cultural Council.

WARD 2: Councilmember Andrea Blustein remarked that she was very tired and she thanked everyone for coming.

WARD 3: Councilmember Teri Anulewicz did not have a report.

WARD 4: Councilmember Corkey Welch said the Arts and Cultural Council is going to make some things happen in the City. He has attended several of their meetings and looks forward to what is to come.

WARD 5: Councilmember Susan Wilkinson did not have a report.

WARD 6: Councilmember Wade Lnenicka commented on Ms. Howards departure and thanked her for her service to the citizens of Smyrna.

WARD 7: Councilmember Ron Fennel echoed that he has a great deal of respect for Toni Jo as a professional. She understood her role and helped the City to get where we needed. She allowed us to claim our triple A bond status in New York and he has nicknamed her Triple A. As a Smyrna resident he knows he will see her often. He wished her well with her new job. He mentioned that there were two Town Hall Meetings in September.

September 2, 7:00pm at Brawner Hall regarding the remaining questions and answers needed for the rezoning of the Venture Homes Project.

September 22, 7:00pm at the Vinings Estates, Summit Clubhouse regarding the Maxwell annexation and rezoning.

Please thank a public safety officer when you see them for their service.

Toni Jo Howard gave sincere thanks to the City for the opportunities she has had as well as to the department heads she has worked with.

City Attorney Scott Cochran remarked that there are at least 10 places to eat in Downtown Smyrna and he named the restaurants that were present.

Terri Graham, City Clerk wished Toni Jo Howard well in her new career.

She spoke about qualifying dates, times and the costs to qualify. All the information for the election is on the City's website. She listed all the incumbents for this upcoming election. The ability to vote was also discussed and spoke about the ability to register to vote either online or in person at the Cobb County elections.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Councilmember Ron Fennel took to the podium to declare his intent on seeking an additional term as the Ward 7 Councilperson. He remarked that he is grateful to have the means to be a public servant. He feels it is an important position and he is extremely blessed to move to Smyrna and represent this area. This area is well known because of the nature of the people who live and work here. He is proud to be a part of this community. He will miss the areas moving into Ward 5 he has previously represented. He is proud to represent his Ward and hope to continue to do so.

There were two brief updates given by Councilmember Wade Lnenicka. He addressed conversations he has had with citizens during his campaigning regarding term limits for Mayor and Council. Citizens have asked if he intends to stay in office as long as the incumbent has. He responded that he will not be a lifetime Mayor and stated that he will only pledge to serve no more than two terms as Mayor. He will work with Council to amend the Charter and the Ordinances to limit the term of future Mayors to two terms.

Secondly he spoke about "robo calls" that have been made to citizens. These calls

do not state who they are from and at the end of the call there is a alphabetical and numerical sequence spoken that is too rapid for anyone to catch followed by Montgomery Alabama. The call is a survey call and asks demographic questions as well as Mayoral Candidate questions. He wants the citizens to know that the robo calls are not coming from his campaign. He hates robo calls. The robo call in question mispronounces his last name which is a clear indicator he did not initiate these calls. He is flattered that the incumbent is worried enough about the election to use this tactic and he feels it is distasteful to the citizens. He wonders if the results will be shared with him. He suggests that it is time for a new leader and a new vision.

Paul Burns, Local 5030 and a Lt. with the Smyrna Fire Dept., 12 years experience from Station 3, and is here to introduce the new affiliation of Smyrna local 5030 with the International Association of Firefighters. He is the president of the local chapter 5030. The IAFF is a 300,000 local association representing Firefighters all across North America. He remarked that all the IAFF has ever asked is a seat at the table that affects, health, safety, well-being, benefits, their voices can be heard. This group was formed in November of 2014 and Council may see questionnaires from the group before the elections.

Councilmember Blustein asked if they were a quasi-union?

Councilmember Teri Anulewicz announced she intends to run for Ward 3 representative for another term. She wants to make sure Ward 3 residents have a voice in this dynamic community. There ia a cross section and wanted to make sure everyone was contributing to the conversations in Smyrna. She also wanted to improve the local school options and is very proud of Smyrna Elementary. Public education has been rejuvenated. There needs to be a distinct sense of place and with events like Food Truck Tuesdays, the Jonquil Festival, and the Birthday Celebration give a strong sense of place. This is a growing bike and pedestrian community. She is proud they have been able to maintain the millage rate even through the recession. Ward 3 is changing and adding more of Smyrna Heights and she looks forward to meeting those people and she thanked the Mayor, Council and citizens for their time.

Ward 2 Councilmember Andrea Blustein remarked that the last four years has gone by quickly, signing up to run for first time. It is an experience she will never forget and one no one can prepare you for. She had been on the Planning and Zoning Board for 10 years and felt she already knew a lot of the Council members. She has enjoyed the last four years tremendously and hopes that the citizens of Ward 2 will allow her to continue to represent them.

12. Adjournment:

Adjourned 11:12 PM

Mayor Max Bacon adjourned the meeting of the Mayor and Council at 11:12 PM