



Meeting Minutes - Final
City Council

Monday, July 15, 2019

7:00 PM

Council Chambers

Roll Call

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

Absent: 1 - Councilmember Charles Welch

Also Present: 10 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Kevin Moore, Russell Martin, David Lee, Dat Luu, Landon O'Neal, Bo Jones and Tina Monaghan

Call to Order

Mayor A. Max Bacon called the July 15, 2019 Mayor and Council meeting to order at 7:00 PM.

1. Invocation and Pledge:

Elder Lee Royer, International Gospel Outreach Church (1101 Windy Hill Rd) delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

Mayor Bacon announced that he will not seeking re-election.

4. Land Issues/Zonings/Annexations:

A. [2019-90](#) **Public Hearing** - Zoning Request Z19-003 - Rezoning from GC to RM-12-Conditional for 108 townhome units at a density of 8.64 units per acre - 12.495 Acres - Land Lots 845 and 846 - 3110 Sports Avenue - Lennar Homes

Sponsors: Norton

City Administrator Tammi Saddler Jones provided the background information on this agenda item. Lennar Homes requested to rezone 12.495 acres at 3110 Sports Avenue from GC to RM-12- Conditional for the development of 108 townhome units spread across 20 buildings. The applicant was proposing to demolish the existing Cumberland Community Church building and build the new townhome subdivision in its place. At the June 10th P&Z Meeting, the board approved the rezoning with conditions by a vote of 3-2. Community Development recommended approval of the zoning

request from GC to RM-12-Conditional with conditions.

Mayor Bacon opened the public hearing and asked those wanting to come forward to speak to be sworn in. Two people came forward and were sworn in by City Attorney Scott Cochran.

Councilmember Norton spoke a bit about the last time this property came before Council when the proposal involved apartments and was denied. He then talked about the idea of the City obtaining the property, but it was decided by the Council to not pursue this which he respected. Mr. Norton then turned it over to acting Community Development Director Russell Martin for additional details on the request.

Mr. Russell Martin reviewed information on the rezoning request including a slide show. Lennar Homes was requesting to rezone 12.495 acres at 3110 Sports Avenue from GC to RM-12-conditional for the development of 108 townhome units at a density of 8.64 units per acre. The applicant was proposing to demolish the existing Cumberland Community Church building and build the new townhome subdivision in its place. The proposed development will consist of 108 townhome units spread across 20 buildings. The buildings range in size between three and seven units. There will be one three-unit building, two four-unit buildings, six five-unit buildings, ten six-unit buildings and one seven-unit building. The applicant proposed two townhome products: a 20' wide three-story rear-entry townhome and a 24' wide, three-story front-entry townhome. The proposed floor area for the townhomes will range between 2,000 sq. ft. and 2,400 sq. ft.. The proposed unit breakdown between the unit types was 33, 20' wide rear-entry units and 75, front-entry units. The zoning request was tabled at the May 13, 2019 Planning and Zoning Board meeting at the request of the applicant by vote of 7-0. The zoning request was heard by the Planning and Zoning Board at the June 10, 2019 meeting and was recommended for approval with staff conditions by a vote of 3-2. Community Development recommended approval of the rezoning from GC to RM-12-Conditional on 12.45 acres for a 108 unit townhome community at a density of 8.64 units per acre, including those variances supported by staff as shown above, with the following conditions:

Standard Conditions

Requirements # 2, 8, 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. There shall be protective covenants on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.

4. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.

5. All utilities within the development shall be underground.

6. 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.

7. 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.

8. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.

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

10. 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".

11. 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.

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

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

Special Conditions

14. The development shall maintain the following setbacks:

Front - 15'

Side - 35'

Rear - 40'

15. The development shall maintain the following building separations:

Front to Front - 50'

Rear to Rear - 30'

Side to Side - 20'

Rear to Front - 40'

16. The maximum impervious surface area coverage for the development shall be 69%.

17. The maximum building height for the townhomes shall be 40'.

18. *The maximum number of units per building shall be 7 units.*
19. *The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
20. *The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
21. *The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
22. *The developer shall provide a 10' landscape buffer in accordance with Section 503 of the Zoning ordinance along the western property line.*
23. *The developer shall provide a sidewalk connection from the development to the Spring Road multi-use trail along Sports Avenue.*
24. *The private streets within the development shall not be gated.*
25. *Approval of the subject property for the RM-12-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/6/2019 and created by Planners and Engineers Collaborative and all zoning stipulations above.*
26. *The applicant shall be bound to the elevations submitted on 5/6/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.*

The additional stipulations agreed upon by the applicant in the letter submitted and dated on May 6, 2019. If there should be a discrepancy between the stipulations in the May 6, 2019 letter and the stipulations stated above, the stipulations stated above shall apply.

Councilmember Wilkinson had some questions regarding the location of the entrance and the number of units per building.

Councilmember Gould asked if the subdivision would be gated and the answer was no. There was a stipulation included that states no gated entry way. Mr. Gould then inquired about the easement listed in the documents. Mr. Martin explained that there will be a fifty foot easement that is being dedicated to the City for the future use. There will be a land swap at a future time which will provide a connection that goes with the Livable Communities Initiative (LCI) plan.

Mayor Bacon asked the applicant to come forward. Attorney Garvis Sams came forward and announced that he was representing the applicant.

Mr. Garvis Sams spoke about the project in great detail. He spoke of those that were present from the project, including members of the church and so on. The project was recommended for approval by the Planning Commission at the June 10th meeting. The proposal is very LCI driven and includes 108 townhomes with a density of 8.6 homes per acre. Home ownership is key and these units will start from \$450,000 and go up from there. This property is listed as a profit center on the tax digest. There will be one way in and one way out of the subdivision. This property does not offer a lot of

visibility which would not work for retail but would work great for homes such as this. The homes will range from 2000 to 2400 square feet. They will be creating a master mandatory HOA, and a third party management company will handle the day to day operations of the HOA.

Councilmember Fennel wanted to know more about the investment and long term view of the project. Mr. Jim Bowersox with Lennar homes came forward to answer the question. There is fifteen million dollars invested just for land costs and development. Construction costs are over two hundred thousand per unit.

Councilmember Blackburn inquired about the price point and the homes will be starting in the mid 400's.

Councilmember Blustein had questions about the mandatory HOA and how many of the units can be rented. Mr. Bowersox stated that they are usually restricted to 10% rental units which is included in the covenants.

Councilmember Wilkinson wanted to know more about the signage for the subdivision. The community sign will go where the current church sign is, but the community doesn't start there; it starts further down Spring Road. Ms. Wilkinson asked if the sign meets the ordinance in terms of size. Mr. Martin explained that this is where the variance comes in because the sign is in the Right of Way which is not typical.

Mayor Bacon asked those wishing to speak to come forward.

Mr. Skyler Akins, 1302 Countryside Place, had previously sent an email to Mayor and Council about his concerns for this project. He is President of his subdivision which is not far away from this proposed development. A simple Google search revealed the problems that have come to light relating to the company. He spoke a bit about the problems with the builder including the lender that they use. His specialty is construction auditing, so he was very concerned when he learned that there were also complaints about the quality of development by the builders. He noted that during the LCI study, residents called for either craftsman style homes or a park to be put there.

Ms. Bonnie Beuth, 1308 Countryside Place SE, spoke about how she wished there was a park going there and she appreciated Councilmember Norton's idea. She feels that this is a repeat of what already came before the Council a year ago with the apartments which people were also against. Ms. Beuth also had concerns about the company involved with the development being reputable based upon information that was found online.

Mr. Norton said that he was going to support the plan because it is a vast improvement from what was proposed in the past and it fits with the LCI as well as the future land use map that the City adopted.

Councilmember Derek Norton made a motion to approve Zoning Request Z19-003 - Rezoning from GC to RM-12-Conditional for 108 townhome units at a density of 8.64 units per acre - 12.495 Acres - Land Lots 845 and 846 - 3110 Sports Avenue - Lennar Homes. Councilmember Ron Fennel seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Nay: 2 - Councilmember Blackburn and Councilmember Blustein

Absent: 1 - Councilmember Welch

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

A. [2019-242](#) Approval to hire Rusty Martin as the Community Development Director

Sponsors: Gould

Ms. Saddler Jones reviewed the pertinent information for this agenda item. With the retirement of Ken Suddreth on May 31st, the position of Community Development Director became vacant. A search was conducted, and interviews held. Mr. Russell Martin completed a first and second round interview. Based upon Mr. Martin's experience, knowledge, skills, and his ability to do the job, she recommended he be appointed the City's Community Development Director.

Mayor Bacon spoke a bit about Mr. Rusty Martin and his history with the City.

Mr. Martin came to work at the City thirteen years ago and has lived in the City for ten years. He introduced his wife who is a second grade teacher at King Springs Elementary School and his two young children. He thanked Mr. Suddreth for his years of mentoring and thanked Mayor and Council for the opportunity to serve as Community Development Director.

Councilmember Tim Gould made a motion to approve the hire of Rusty Martin as the Community Development Director. Councilmember Maryline Blackburn seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blackburn, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Excused: 1 - Councilmember Blustein

Absent: 1 - Councilmember Welch

B. [2019-219](#) Award RFP 19-023 Cured In Place Pipe (CIPP) Rehabilitation for Sub-Basin -3 Sanitary Sewer Out Fall (SSOF) to bidder IPR Southeast LLC, 5207 Brer Rabbit Road Stone Mountain Georgia 30083, for \$2,748,294.25 funded through CIP and authorize the Mayor to execute any related documents.

Sponsors: Welch

The background information was presented to Mayor and Council by Ms. Saddler Jones. The City of Smyrna requested bids for a unit-price contract for the rehabilitation of an existing sanitary sewer outfall. One (1) bid was received. The bidder is IPR Southeast, LLC in the amount of \$2,748,295.25. Cured in place will be done on 7,140 linear feet of pipe that will stop at the 21-inch sewer main - 40 services and 40 manhole linings will be done from Elizabeth Street to Cobb Parkway. It was the recommendation of the Public Works Director and the Purchasing Manager that this

project be awarded to the lowest bidder, IPR Southeast, LLC in the amount of \$2,748,295.25 to be funded out of the CIP Fund and authorize the Mayor to sign any related documents.

Councilmember Ron Fennel made a motion to award RFP 19-023 Cured In Place Pipe (CIPP) Rehabilitation for Sub-Basin -3 Sanitary Sewer Out Fall (SSOF) to bidder IPR Southeast LLC, 5207 Brer Rabbit Road Stone Mountain Georgia 30083, for \$2,748,294.25 funded through CIP and authorize the Mayor to execute any related documents. Councilmember Derek Norton seconded the motion to approve.

The motion to approve was carried by the following vote:

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

Absent: 1 - Councilmember Welch

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

Ms. Saddler Jones read aloud the consent agenda for Council's approval.

Councilmember Tim Gould made a motion to approve the consent agenda as read aloud by City Administrator Tammi Saddler Jones. Councilmember Derek Norton seconded the motion to approve.

The motion to approve was carried by the following vote:

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

Absent: 1 - Councilmember Welch

- A. [2019-243](#) Approval of the July 1, 2019 Mayor and Council Meeting Minutes
Sponsors: City Council
- B. [2019-241](#) Approval of the July 1, 2019 Pre-Council Meeting Minutes
- C. [2019-231](#) Approval of the June 27, 2019 Committee of The Whole Meeting Minutes
- D. [2019-229](#) Approval to revise Personnel Policy EMP 6-01 Shift Differential Pay and authorize the Mayor to execute all related documents.
Sponsors: Blackburn
- E. [2019-238](#) Award RFP 19-025 Fire Systems Maintenance Contract to the lowest bidder Cintas Fire Protection, 1705 Corporate Drive, Suite 440, Norcross, GA. 30093 for \$15,668.75 and authorize the Mayor to execute

any related documents.

Sponsors: Welch

- F. [2019-220](#) Authorize Atkins Park (Tavern) Restaurant & Bar to operate a beer trailer/station at the following approved events: City Birthday Celebration - August 3, Taste of Smyrna - September 14, Woofstock- September 28 & 29 and Fall Jonquil Festival - October 26 & 27, 2019.

Sponsors: Blackburn

9. Committee Reports:

Councilmember Ron Fennel said that he had no report for the Finance Committee. He thanked the Mayor for his State of the City address and the mention of the Finance team and their hard work. He thanked the Mayor for his encouragement and guidance.

Councilmember Tim Gould congratulated Mr. Rusty Martin. He provided some Education Committee updates including the traffic island in front of Campbell Middle School which will provide some additional safety for students. Mr. Gould and Councilmember Norton will have a meeting with residents concerned about traffic around Campbell Middle in the upcoming weeks. He apologized to Mayor Bacon for missing the State of the City address.

Councilmember Susan Wilkinson announced that this is the last week of the summer reading program and everything needs to be submitted by July 21, 2019. She has enjoyed working with the Mayor and wished him luck on the next phase of his future in the coming year. She also offered congratulations to Mr. Martin.

Councilmember Maryline Blackburn offered her congratulations to Mr. Martin. She thanked all of the residents that came out to the concert that happened on Saturday, July 13th as well as staff for the job that was done for the concert. Ms. Blackburn thanked Chief Lee and Sgt. Defense for their recent appearance at the library. They stepped in for K9 Max who was in a class that day. She thanked Mayor Bacon. On Thursday, July 18th at 6:30pm in the Community Building there will be a meeting for Smyrna Counts 2020 census.

Councilmember Andrea Blustein congratulated Rusty and spoke about the shock of Max's announcement. She spoke about the property with the town homes and wishes that Argyle School would have gone there but the county was not interested.

Councilmember Derek Norton spoke about the meeting with Argyle Estates on traffic safety as well as an upcoming meeting at Fire Station 3 on July 22nd regarding a proposed medical building across the street from Campbell Middle. He congratulated Rusty Martin and thanked the Mayor for all of his contributions thus far.

Mayor Bacon spoke about former Police Chief Hook who has been very ill and asked for prayers. Chief Hook worked for the City for well over twenty years.

City Administrator Tammi Saddler Jones congratulated Rusty Martin on his new position and congratulated Max on his recent announcement.

City Attorney Scott Cochran spoke briefly about Mayor Bacon and congratulated Mr. Martin.

City Clerk Terri Graham offered congratulations to Mr. Rusty Martin. She thanked Mayor Bacon and stated that he was a great Mayor.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

There was no one signed up to participate in citizen input.

12. Adjournment:

Mayor Bacon adjourned the July 15, 2019 Mayor and Council meeting at 8:16 PM.