



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Draft City Council

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Monday, February 17, 2014

7:30 PM

Council Chambers

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### Roll Call

**Present:** 6 - Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

**Absent:** 1 - Councilmember Andrea Blustein

**Also Present:** 13 - Tammi Saddler Jones, Chris Addicks, Kay Bolick, Paige Day, Jennifer Bennett, Terri Graham, Toni Jo Howard, Chelsea Jackson, Ann Kirk, David Lee, Russell Martin, Scott Stokes and Ken Suddreth

### Call to Order

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

#### 1. Invocation and Pledge:

Mayor Max Bacon called on Greg Chafin, Student Ministries Pastor of Cumberland Community Church, 3110 Sports Avenue, Smyrna, Georgia to deliver the Invocation and to lead all in the Pledge of Allegiance.

#### 2. Agenda Changes:

**2014-045** Suspend the rules to add an agenda item.

**A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to suspend the rules to add an agenda item, second by Councilmember Ron Fennel. The motion carried by the following vote:**

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

**2014-046** Approval to add an agenda item to Privilege Licenses.

**A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to add an agenda item for Privilege License request LIC2014-03, second by Councilmember Teri Anulewicz. Motion carried by the following vote.**

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

### 3. Mayoral Report:

Mayor Max Bacon announced that agenda Items 4-A, 4-B, 4-D, and 4-E will be tabled to March 3, 2014.

Mayor Bacon expressed his gratitude to all the staff and citizens for their cooperation and efforts during the recent snow storm. Under the direction of our new Fire Chief Paige Day and Police Chief David Lee and Public Works Director Scott Stokes, the response to the inclement weather was very good. Mayor Bacon also stated that he appreciates that most people stayed home and safe.

#### A. 2014-043 Proclamation in Recognition of Georgia Arbor Day

Sponsors: Welch

Mayor Bacon called Councilmember Charles (Corkey) Welch to read the Arbor Day proclamation. Keep Smyrna Beautiful director Ann Kirk accepted the proclamation in recognition of Georgia Arbor Day. Ms. Kirk stated that the 2nd Annual Arbor Day festival will be held on Saturday February 22, 2014 10:00 AM to 1:00 PM at Brawner Hall. Activities for the festival will include speakers, Smyrna Arborist Robert Brett Schneider and representatives from Trees Atlanta, tree yoga, and a free light lunch will be provided. Citizens were asked to please contact the Keep Smyrna Beautiful office for reservations.

The Mayor recognized Barry Morgan, Cobb County Solicitor General to speak about his campaign for re-election. He has been in office for sixteen years. Mr. Morgan noted that Smyrna has a great police force and he compliments that when he prosecutes cases from Smyrna, the cases are immaculate. The Mayor let him know that Smyrna appreciates all he does for the county.

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

#### A. 2014-003 Public Hearing - Zoning Request Z14-001 - Zoning amendment to modify the currently approved zoning conditions (Z 11-009) for the construction of a McDonalds restaurant - 1.07 Acre Tract - Land Lot 380 - 3240 South Cobb Drive - Integrity Engineering & Development Services, Inc. The applicant has requested this item be tabled to March 3, 2014.

Sponsors: Welch

The Mayor stated that this item is being tabled at the request of the applicant and asked if anyone is at the meeting to speak about the issue. No one comes forward to speak. Assistant City Administrator Tammi Saddler-Jones gives the background that the zoning was originally approved by the Mayor and Council in November 2011. The applicant is currently requesting a zoning amendment on the outlots of the Kroger Shopping Center to construct a new McDonalds on the site. Community Development has reviewed the zoning amendment. The applicant is requesting that this item be tabled.

A motion was made by Charles (Corkey) Welch to table 2014-003 to March 3, 2014, Zoning Request Z14-001 - Zoning amendment to modify the currently

approved zoning conditions (Z11-009) for the construction of a McDonalds restaurant - 1.07 Acre Tract - Land Lot 380 - 3240 South Cobb Drive - Integrity Engineering & Development Services, Inc., second by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

**B. 2014-034**

**Public Hearing** - Zoning Request Z14-003 - Rezoning from R-15 to RAD-Conditional - 4.01 Acre Tract - Land Lot 335 - 4105 North Cooper Lake Road - McLane Corporation

**Sponsors:** Fennel

Mayor Max Bacon asks Ms. Saddler-Jones for the background. She states that McLane Corporation is seeking a re-zoning of a 4.01 acre tract of land on North Cooper Lake Road to accommodate twelve homes at a density of 2.99 homes per acre. The Planning and Zoning Board recommended approval by a vote of 7 - 0. The Mayor asked if anyone at the meeting desired to speak on this issue and there was no one.

The Mayor called on Councilmember Ron Fennel who stated that there will be a meeting of staff and neighbors next Tuesday night to discuss the rezoning.

A motion was made by Councilmember Ron Fennel to table to March 3, 2014 - 2014-034 Zoning Request Z14-003 - Rezoning from R-15 to RAD-Conditional - 4.01 Acre Tract - Land Lot 335 - 4105 North Cooper Lake Road - McLane Corporation, second by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

**C. 2014-035**

**Public Hearing** - Zoning Request Z14 -004 - Reversion of zoning from RAD-Conditional to R-15 - 0.6 Acre Tract - Land Lot 593 - 1599 Walker Street - Garrett Plyler

**Sponsors:** Anulewicz

Ms. Saddler-Jones gave the background that December 17, 2007, Mayor and Council approved a rezoning request for construction of two single family homes. As a result of the economic downturn, the site was never developed. The City's ordinance states that if there is no affirmative action on a site with a conditionally rezoned property within twelve months of approval, the property will revert to its original zoning. The applicant is seeking a reversion of the property to construct one single family home.

The Mayor called for a Public Hearing on the rezoning and no one came forward. Councilmember Teri Anulewicz called Ken Suddreth for a brief overview of the property. He stated that this is a reversion and the applicant is asking to have the lots combined to construct one home. This is to change the zoning to R-15. Elevations and surrounding homes were shown on a Power Point presentation. The City's staff recommends approval.

Ms. Anulewicz stated that she has talked to the neighbors and they are supportive of the rezoning.

A motion was made by Councilmember Teri Anulewicz to approve 2014-035 Zoning Request Z14 -004 - Reversion of zoning from RAD-Conditional to R-15 - 0.6 Acre Tract - Land Lot 593 - 1599 Walker Street - Garrett Plyler, second by Councilmember Charles (Corkey) Welch. The motion was carried by the following vote:

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

**D. 2014-037**

**Public Hearing** - Zoning Request Z14-006 - Modification of currently approved site plan and building elevations - 10.454 Acre Tract - Land Lots 489, 490, 519 and 520 - Northwest corner of the intersection of Fleming Street and Atlanta Road -David Weekly Homes.

**Sponsors:** Anulewicz

The Mayor called for a Public Hearing and no one came forward to speak. The applicant has requested the item to be tabled until March 3, 2014.

A motion was made by Councilmember Teri Anulewicz to table to March 3, 2014 2014-037 Zoning Request Z14-006 modification of currently approved site plan and building elevations - 10.454 Acre Tract - Land Lots 489, 490, 519 and 520 - Northwest corner of the intersection of Fleming Street and Atlanta Road -David Weekly Homes, second by Councilmember Charles (Corkey Welch). Motion carried by the following vote:

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

**E. 2014-036**

Mayor and Council grant a sanitary sewer easement between the City of Smyrna and McLane Corporation LLC to allow the installation of sanitary sewer piping for a proposed adjacent residential development.

**Sponsors:** Fennel

The Mayor called for a Public Hearing and no one came forward to speak. The Mayor stated that this issue was requested to be tabled to March 3, 2014 Councilmember Fennel noted that this item is coupled with Item 4-B and requested it be tabled.

A motion was made by Councilmember Ron Fennel to table to March 3, 2014 2014-036 Mayor and Council grant a sanitary sewer easement between the City of Smyrna and McLane Corporation LLC to allow the installation of sanitary sewer piping for a proposed adjacent residential development, this item is associated with item B, second by Councilmember Susan Wilkinson. The motion carried by the following vote:

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

## 5. Privilege Licenses:

- A. LIC2014-03** Public Hearing-Privilege License Request LIC2014-03-Beer and Wine Package-2640 Herodian Way-New Sam's LLC dba Family Grocery with Sharon Louise Farquharson as agent.

**Sponsors:** Pritchett

Tammi Saddler-Jones gave the background on the application for a new privilege license. The applicant has been given a copy of the City's alcoholic beverage ordinance and she has attended the mandatory awareness workshop. An investigation into the applicant's background has been conducted by the Smyrna Police Department and there is no information that would preclude the applicant from receiving the license.

The Mayor called the applicant forward. Mayor Bacon called for a Public Hearing on the matter and no one came forward to speak. Acting City Attorney Jeffery Tucker swore in the applicant. Mayor Pro Tem/Councilmember Melleny Pritchett asked the applicant to state her reasons for opening a convenience store in this location. The applicant stated that she and her husband found the site which is in an ideal location because there are apartments nearby and this would give people in the area a store where they could walk to pick up items in the store. Ms. Farquharson also wants to provide internet access and computers for people and children in the area who need it. Ms. Pritchett asked if the applicant currently holds an alcohol license or has held one before. The applicant stated no, she hasn't. Ms. Farquharson stated that she and her husband took the alcohol awareness workshop. Ms. Pritchett asked if Ms. Farquharson will be on site while the store is open and what are the hours of the store. She stated yes, she will be there and the store will be open from 7:00 AM to 11:00 PM. Ms. Pritchett asked if she is aware of Smyrna sting operations and how she plans to avoid selling to minors. Ms. Farquharson stated that she was aware and it is her policy to always ID patrons. Ms. Pritchett reiterated that she should always ID people without exception. Ms. Pritchett reminded the applicant that if a clerk from her store sells alcohol to a minor, the person who sold it will be arrested and the store would face serious consequences.

Councilmember Ron Fennel echoed the Mayor Pro Tem's statement regarding the sell of alcohol and reminds the owners to make sure they adhere to the rules for selling alcohol.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve LIC2014-03 Privilege License Request for Beer and Wine Package-2640 Herodian Way-New Sam's LLC dba Family Grocery with Sharon Louise Farquharson as agent, second by Councilmember Ron Fennel. Motion carried by the following vote:

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

**6. Formal business:**

- A. 2014-042** Approval of the Downtown Development Authority (DDA) nominee, this is a one year term and will expire April 2014

Sponsors: Anulewicz

Councilmember Anulewicz stated that the Council was very impressed with the level of interest in this Downtown Development Authority position. This is to fulfill the term of Pete Wood, who has contributed so much in the interest of the city, the DDA and the Council. The Council talked to several impressive candidates, and has decided to nominate Jason Saliba.

A motion was made by Councilmember Teri Anulewicz to approve 2014-042 appointment of Jason Saliba to the Downtown Development Authority (DDA) this is a one year term and will expire April 2014, second by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

- B. ORD2014-02** Approve amendments to the Fire Prevention Code of Ordinance Chapter 50-35 (h)

Sponsors: Fennel

Tammi Saddler-Jones gave the background that with the revitalization of the economy and the desire for renovating and developing existing commercial buildings, the fire prevention code Chapter 50-35 (h) has been reviewed and amended by the fire department. In addition, staff reviewed the Georgia Life Safety Code and the fire prevention code ordinances of neighboring jurisdictions and the City of Smyrna's fire prevention was found to be the most restrictive in regards to sprinklers standards.

Councilmember Ron Fennel requested Fire Chief Paige Day and Fire Marshall Brad Johnson to come forward. Mr. Fennel stated in the interest of Smyrna's reputation of having a "business friendly" atmosphere, it does not bode well to have vacant buildings all around the city. The Chief stated that they looked at the codes particularly of Marietta and Cobb County and used them as a guide. It was felt that enlarging the square footage would allow smaller businesses to be bought and sold without the requirement of putting in sprinkler systems.

Councilmember Fennel thanked Chief Day and Mr. Johnson for their hard work on this issue and stated that this is the start of a process where the Fire Department is going to evaluate the Smyrna's Fire Code and suggest potential changes.

A motion was made by Councilmember Ron Fennel to approve ORD2014-02 amendments to the Fire Prevention Code Chapter 50-35 (h) effective February 17, 2014, second by Councilmember Charles (Corkey) Welch. The motion

carried by the following vote:

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

## 7. Commercial Building Permits:

There were no Commercial Building permits.

## 8. Consent Agenda:

Assistant City Administrator Tammi Sadler-Jones read aloud the Consent Agenda.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve the Consent Agenda, second by Councilmember Teri Anulewicz.

Motion carried by the following vote:

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

A. **2014-038** Approval of the February 3, 2014 Mayor & Council Meeting Minutes

B. **2014-032** Approval to use Council Chambers on February 23, 2014 from 5pm-9pm for the Creatwood at Vinings Annual HOA Meeting

Sponsors: Lnenicka

C. **2014-041** Approval to use Council Chambers on Tuesday, February 25, 2014 from 7-9 PM for the Williams Park Quarterly HOA Meeting.

## 9. Committee Reports:

Councilmember Ron Fennel requested Fire Chief Day to come forward and thanked the fire and police for their teamwork during the two snow storms in the city. The Governor reported that the state got more snow and ice in that ten day period than we have had in the last three years combined. Mr. Fennel thanked the Fire Department for their work in the storm. Ms. Day stated that the response to the storm was a collaborative effort, the team worked very well together. Everyone was prepared and we communicated well with the citizens. Citizens listened to the warnings and stayed home and safe during the second storm. The staff's plan came together well and it worked. Ms. Day spoke of a situation where the fire department was notified of a resident, age 95 years old who is under hospice care and lost power. Instead of taking her to the hospital, the family asked if there was any way to keep her home during the storm. The fire department took a generator to her home which allowed her to stay home with her family. This is the level of service that has been established in this city. She is proud to be a part of the team. Mr. Fennel expressed that the family member who called is a Ward 7 resident and the 95 year old lady is a Ward 6 resident. Councilmember Lnenicka also thanked the Chief for helping with the disabled, elderly, blind veteran and his wife who was

concerned about their lost power and she was very good about looking after them.

Mr. Fennel also thanked the Public Works team and Scott Stokes for keeping the roads passable to move resources as needed and to help our residents who are key personnel at hospitals and other establishments able to get through the City.

Police Chief David Lee came forward to give a report. In keeping with the spirit of the olympics, he said he would give the city a a bronze metal for its response to the first snow storm. The second response was helped by the debriefing that occurred after the first storm. As for the second round of storms, he would give the city a gold metal and believes the city did a good job. Most notably, an elderly man was missing from an assisted living facility and was found within two hours of the report. He was in good spirits, but had a lot of medical issues, so he was transported to the hospital. The Citizen's Police Academy was to begin last week, but was postponed to Wednesday, February 18 due to the inclement weather.

The Chief announced the Street Crimes Unit has been changed some with a new sergeant running it. In the last 30 days, they have executed three search warrants for drugs and firearms. This afternoon, they executed a search warrant and got 64 grams of meth (a street value of a little over \$12,000) and a ruger gun, which was designed like an assault rifle. Mr. Fennel again expressed his thanks to Parks and Recreation and other departments for all their help in the interest of public safety. A couple of meetings were postponed due to the snow storms, Woodland Walk will meet next week and the North Cooper Lake Park meeting will be next Tuesday evening.

Councilmember Wade Lnenicka commended all City Staff for their role in the public's safety during the ice and snow storm. Everyone has a role to pay and is much appreciated. Mr. Lnenicka has a meeting with Creatwood at Vinings residents this Sunday evening.

Councilmember Susan Wilkinson calls Travis Landrum to give a report from Parks and Recreation. Steve Ciacco came back to work today after having knee surgery. Cobb Park playground improvement project is behind due to the weather, but they are going to use larger equipment for the job and this should get them back on schedule. They should begin work again on February 19, 2014. Ms. Anulewicz asked if this is the universal playground. Mr. Landrum replies that yes, it is the ADA Universal Playground.

Ms. Wilkinson called Library Director Mary Moore to give a report from the library. Ms. Michaels, a romance novelist, will be at the library on Tuesday March 11, 10:30 AM to 11:30 AM. She has written 35 novels and will be talking about the art and business of writing romance novels. There will be an olympic party tomorrow at 4:00pm with games, crafts and take home treats. Monday, March 3rd is Read Across America day. Traditionally, libraries and schools read books by Dr. Suess to celebrate the event. Smyrna library will have Suess themed story times the first week of March and then on Saturday March 1, the family story time will be "Suessified", and will have a visit by the Cat in the Hat. Friday, February 21 at 2:00 PM, Anna Davis Hamilton will give a beginners genealogy workshop on researching African-American ancestors. There are only five spaces left in the workshop.

Councilmember Charles (Corkey) Welch thanked the Forrest Hills Preservation Group for inviting himself and Councilmember Lnenicka to their meeting last Sunday. He called Ms. Ann Kirk to give a report on Keep Smyrna Beautiful. During the months of March, April and May, Keep Smyrna Beautiful and the City of Smyrna participates in the Keep America Beautiful Great American Clean-up. If neighborhoods wish to participate, they should call the office and let them know what projects they are interested in completing. Keep Smyrna Beautiful will help coordinate their efforts and provide as they can, refreshments, volunteers, supplies, etc. to help on their neighborhood projects.

Mr. Welch called Scott Stokes for a report. The Concord Road project is moving along well with many projects in process. Asphalt leveling will be worked on this week on the north side of the road. The Ward Street project curbing is in and half of the sidewalk is completed in front of the school. The River Valley Sewer Project is about 50% complete. The Reed Road drainage project is complete. The Kathy Lane box culvert is complete. The Ann Road project is being graded to finish that project. The Atlanta Road median is about 50% complete. Belmont outfall sewer is just starting.

Mr. Stokes reported the first storm event had 40 employees working resulting in approximately 358 hours of time worked. We used 1300 gallons of fuel and spread approximately 1,025 tons of sand and screening material. Mayor Bacon asked about speed limit signs on Concord Road. Public Works are working on putting up temporary signs during construction.

Mr. Lnenicka thanked Mr. Stokes and those employees who worked on Saturday to pick up sanitation routes. He also mentioned that he spoke to the lady on Jerad Place and told her when the area dried out, he and Mr. Stokes would come talk to her about drainage issues, but that no work would be done until they had a chance to discuss the problem.

Councilmember Anulewicz thanked all the staff and team members who helped helped make things run smoothly during the weather event. She also thanked the residents for exercising caution, restraint and patience.

Councilmember Teri Anulewicz invited Toni Jo Howard from Finance to give a report. She reported that property taxes can be paid by credit cards online. A letter is going out soon to inform vendors to use our vendor self serve for contact information. The vendor will also put in what goods and services they provide which will be helpful information when working on upcoming bids. Vendors should be encouraged to send in W-9's by email to speed up to date. They now will need to reference PO's on all their invoices and send them directly to accounts payable which will speed up the process for getting invoices paid.

Ms. Anulewicz thanked Jason Saliba for his willingness to serve on the DDA. She also noted that Terry Hall, of Happy Belly Food Trucks passed away on February 11th after a battle with lung cancer.

Mayor Pro Tem/Councilmember Melleny Pritchett thanked all staff members, especially Chief Day and Chief Lee, Public Works, and Jennifer Bennett who spent a lot of their time to protect and help the citizens of Smyrna and the

surrounding areas during the storm. It is wonderful to know that the city has dedicated employees that work well together in such a situation. The Vision Committee was discussed and will be looking for committee chairs and members to serve. If anyone is interested in working on the committee, they should call Christy Ullman in Administration. There will be many opportunities to serve on this committee.

Jeffrey Tucker, who attended the meeting as Acting City Attorney for City Attorney Scott Cochran, provided an update regarding the litigation brought against the city by Branch Capital Partners, L.P. for the denial of the redevelopment of Jonquil Plaza. The city has responded in a timely manner, with a denial of their claims which stated that the process was done correctly and requesting the suit be dismissed. Mr. Tucker noted that the civil court system runs very slowly and there will probably not be any real action in the case any time soon. The case is in discovery which is a six month or more process.

**10. Show Cause Hearings:**

**11. Citizen Input:**

Alex Backry of 3459 Shawnee Trail spoke about two parcels bought in Jonquil Plaza in 2005 and 2006. These parcels have been sitting empty. The city spent \$1.2 million on both lots combined. He states that the City is losing money on those properties and Smyrna Commons and Hickory Lakes, Mr. Backry wonders how the City will recover the loss. In Marietta, they constantly keep people posted by email and handle other citizen's issues online. Marietta also allows citizens to speak for five minutes at the beginning and the end of the meeting and Mr. Backry hopes Smyrna will do that at its meetings. In 2007, Jonquil Plaza went bankrupt and were in arrears in paying property taxes. He wonders why the City did not take the property back to get their money back. He is asking for an update on the plans for those two parcels.

**12. Adjournment:**

Mayor Max Bacon adjourned the meeting at 8:38 PM