



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, March 19, 2018

7:00 PM

Council Chambers

Roll Call

Present: 5 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Charles Welch and Councilmember Ron Fennel

Absent: 2 - Councilmember Andrea Blustein and Councilmember Susan Wilkinson

Also Present: 10 - Tammi Saddler Jones, Scott Andrews, Terri Graham, Kristin Robinson, David Lee, Ashley Youmans, Ken Suddreth, Russell Martin, Dat Luu and Lisa Ochoa

Call to Order

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

1. Invocation and Pledge:

The Invocation and Pledge was conducted by Pastor Kerrick Butler of Faith Christian Center located at 3831 Tramore Parkway in Austell, Georgia.

2. Agenda Changes:

There were no Agenda Changes.

3. Mayoral Report:

Mayor Bacon informed citizens that Councilmembers Andrea Blustein and Susan Wilkinson were not present because they were out of town.

Ms. Taryn Bowman came forward to announce her candidacy for State House in District 40 and that she would like to continue the services provided to the community when in the State House.

Brant Suddath came forward to announce his candidacy for Smyrna's Ward 6 vacancy and stated he looks forward to serving the community.

4. Land Issues/Zonings/Annexations:

- A. Public Hearing** - Approval of a extended work hours for Blastoff Construction for the pouring of the concrete foundation - 1.90 Acres - Land Lot 621 - 4390 South Cobb Drive - Blastoff Construction, Inc.

Sponsors: Fennel

Mayor Bacon called on City Administrator Tammi Saddler Jones to give the background on the extended work hours request. Blastoff Construction, Inc. requested an extension of normal work hour for the pouring of the concrete foundation for the

Legacy Academy Building. The request was to extend work hours to three hours on one day during the week of March 19th to March 23rd. The proposed work hours would be from 5:00 a.m. to 7:00 p.m. The proposed building is 12,000 sq. ft. in floor area. The amount of work needed to complete these pours generally exceeds the work hours of a normal working day under the City's Ordinance. Community Development is supportive of the request and recommended approval of the extended work hours. Mayor Bacon called for a Public Hearing and no one came forward. Mayor Bacon called the applicant to the podium. Councilmember Ron Fennel asked that he state his name and business. James Carr, the site supervisor of Blastoff Construction stated he needed the extended time because of weather issues. Mr. Fennel thanked Mr. Carr for the work he has done with the City of Smyrna.

A motion was made by Councilmember Ron Fennel to approve 2018-122 for the approval of extended work hours for Blastoff Construction, Inc. for the pouring of the concrete foundation on 1.90 Acres at Land Lot 621 located at 4390 South Cobb Drive, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

B. Public Hearing Only - Plat approval for 990 Pebblebrook Road - 1.0245 Acres - Land Lot 466 - 990 Pebblebrook Road - John Hicks

Sponsors: Fennel

Mayor Bacon called on City Administrator Tammi Saddle Jones to give the background on the Plat request. John Hicks requested approval to subdivide his property at 990 Pebblebrook Road into two single-family residential lots. The subject property is 1.0245 acres in size and is zoned R-20 (single-family residential). The applicant plans to subdivide the property within the requirements of the current R-20 zoning district, so no rezoning is required. Community Development has reviewed the proposed subdivision against the requirements of the R-20 zoning district. Community Development recommended approval of the requested subdivision.

Mayor Bacon called for a Public Hearing and no one came forward.

Senior Planner Rusty Martin stated the request went before Planning and Zoning and was approved. The proposed lots would meet the requirements of the R-20 zoning district.

Mayor Bacon called Mr. John Hicks to the podium for questions. Mayor Bacon asked if he planned to build two (2) homes on the location and Mr. Hicks said yes.

The Public Hearing was closed.

A Public Hearing Only occurred for the proposed Plat approval for 990 Pebblebrook Road. There was no vote taken, a final vote on this plat approval would be taken after the annexation was voted for approval.

C. Approval of Ordinance 2018-03 - Annexation request (100% owners requesting annexation) - of all tracts of land lying and being in Land Lot 466, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.92 Acre Tract, being known as 990 Pebblebrook Road, Mableton, Ga 30126. Effective April 1, 2018

Sponsors: Fennel

Mayor Bacon gave the background on the annexation request. Applicant John Hicks

requested approval of Ordinance 2018-03 for the Annexation of (100% owners requesting annexation) all tracts of land lying and being in Land Lot 466, 17th District, 2nd Section, and Cobb County, Georgia. The subject property is 0.92 acres in size, located at 990 Pebblebrook Road, Mableton, Ga 30126. The effective annexation date would be April 1, 2018.

Councilmember Ron Fennel explained that this was step two (2) of a three (3) step process. The final vote would occur after this action. The property would lie in Ward 7.

A motion was made by Councilmember Ron Fennel to approve 2018-27 for Ordinance 2018-03 Annexation request (100% owners requesting annexation), of all tracts of land lying and being in Land Lot 466, 17th District, 2nd section, Cobb County, Georgia, on a total of 0.92 Acre Tract, being known as 990 Pebblebrook Road, Mableton, Georgia 30126 and reside in Ward 7, seconded by Councilmember Derek Norton.

The motion to approve carried by the following:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

D. Final Vote - Plat approval for 990 Pebblebrook Road - 1.0245 Acres - Land Lot 466 - 990 Pebblebrook Road - John Hicks

Sponsors: Fennel

Mayor Bacon stated this was the final vote for the applicant John Hick's request for Plat approval for 990 Pebblebrook Road on 1.0245 acres at Land Lot 466.

A motion was made by Councilmember Ron Fennel to approve 2018-128 the final vote for Plat approval of 990 Pebblebrook Road on 1.0245 Acres at Land Lot 466 located at 990 Pebblebrook Road by applicant John Hicks, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

E. Public Hearing - Plat Approval with variances for 1102 Church Street - Variance Request V18-020 - 0.810 Acres - Land Lot 487 - 1102 Church Street - Brad Thompson

Sponsors: Blackburn

Mayor Bacon called on City Administrator Tammi Saddler Jones to give the background on the Plat request. Brad Thompson requested approval to divide an existing vacant lot into two residential lots at 1102 Church Street. The subject property is 0.810 acres in size and is zoned R-15 (single-family residential). The subject property is currently comprised of one lot of record fronting on Church Street. In 1913, the same property was platted as two lots within the Reid and Walker Subdivision. The applicant wishes to revert back to the two lot configuration. Community Development has reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. Community Development recommended approval of the requested reconfiguration and replatting.

Mayor Bacon called for a Public Hearing and no one came forward.

Councilmember Maryline Blackburn asked the applicant to introduce himself and give

the reason for his request. Mr. Brad Thompson stated he had been building homes since the 90's and would like to build something more affordable in the City of Smyrna. He requested the variance to avoid building the 2 homes behind one another and to keep the appearance attractive. Senior Planner Rusty Martin stated Planning and Zoning heard the case and recommended approval. The R-15 zoning would not change and the 2 lots would exceed the minimum lot size of 15,000 square feet. The variances were necessary to reconfigure the two lots as they were originally recorded and platted in 1913.

A motion was made by Councilmember Maryline Blackburn to approve 2018-118 for Plat approval with variances for 1102 Church Street on 0.810 Acres at Land Lot 487 located at 1102 Church Street by applicant Brad Thompson, seconded by Councilmember Ron Fennel.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

A. Approval for purchase of a Police Admin. vehicle in the amount of \$25,553.00 from FY18 Operating Funds purchase from Wade Ford located at 3860 South Cobb Dr. Smyrna, Ga. 30080

Sponsors: Norton

Mayor Bacon gave the background for the purchase of a Police Administrative vehicle in the amount of \$25,553.00 from the FY18 operating fund to be purchased from Wade Ford. Councilmember Derek Norton noted this vehicle was needed by the police department.

A motion was made by Councilmember Ron Fennel to approve 2018-126 for the purchase of Police Administration vehicle in the amount of \$25,553.00 from FY18 Operating Funds to be purchased from Wade Ford located at 3860 Cobb Dr. Smyrna, Georgia 30080, seconded by Councilmember Maryline Blackburn.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

B. Approval for the use of FY17 Surplus

Sponsors: Fennel

Mayor Bacon called on City Administrator Tammi Saddler Jones to give the background. Fiscal Year 2017 ended with stronger revenues and lower expenditures than anticipated. The General Fund Surplus per the Audited Financial Statements is \$2,713,545 which gave the City a positive year-end position. The City's Finance Department recommended allocating some of the surplus to cover the cost of three (3)

projects that were not budgeted. The three (3) projects totaled \$1,570, 519. Staff recommended approval of the suggested use of surplus funds. Councilmember Ron Fennel stated it was rare to have a surplus in government and would like to allocate some of the resources for the increased appraisal amount from Cobb County. The surplus would be used for three (3) projects which included replacing the Community Center's 25 year old roof at the at the cost of \$1.2 million dollars.

A motion was made by Councilmember Derek Norton to approve 2018-70 for the use of FY17 Surplus, seconded by Councilmember Charles "Corkey" Welch.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

Mayor Bacon asked Tammi Saddler Jones, the City Administrator to read the Consent Agenda for Councils approval.

Ms. Saddler Jones read the Consent Agenda aloud for approval.

A motion was made by Councilmember Charles "Corkey" Welch to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Absent: 2 - Councilmember Blustein and Councilmember Wilkinson

A. Approval of the March 5, 2018 Mayor and Council Meeting Minutes

Sponsors: City Council

B. Approval of the Pre-Council Meeting Minutes

Sponsors: City Council

C. Approval of the March 1, 2018 Committee of the Whole Meeting Minutes

Sponsors: City Council

9. Committee Reports:

Councilmember Maryline Blackburn thanked her Ward members that attended tonight's meeting. She also stated she attended the ribbon cutting for Pastor Kerrick Butler's church, Faith Christian Center at their new location in Austell.

Councilmember Charles "Corkey" Welch thanked all that attended the St. Patrick's Day event and supported the local downtown businesses.

Councilmember Ron Fennel applauded the Finance team as they were working to complete the FY19 budget and manage the many other tasks before them. The Community Relations team has been doing a great job and will have opportunities in the months to come to display the City's brand. The Planning and Zoning Board will have big items on their upcoming agendas to discuss and welcome the public's input and involvement.

10. Show Cause Hearings:

There was no Show Cause Hearing.

11. Citizen Input:

Mr. Alex Backry, residing at 3459 Shawnee Trail spoke concerning the Windy Hill project and the cost in comparison to other projects as well as the lack of a referendum or Town Hall Meeting. He felt citizens could have been informed of the next meeting by way of utility bills. He felt there was no input from citizens and the City's communication is poor.

Ms. Monica Delancy, residing at 1325 Six Flags Drive spoke concerning the housing crisis and how it affects children in schools. Smyrna has Title One Schools, which is a school that consists of a large number of low income families that require free lunch assistance for their children. A household of three 3 would need to make less than \$25,000.00 per year to qualify for lunch assistance. The average rent on the South side of Cobb County is \$800.00 per month and if paid from the \$1600.00 per month take home pay after taxes leaves very little money for other necessities. As a result of the shortfall, many evictions occur. Ms. Delancy felt something needed to be done to stabilize and provide affordable housing. She stated she works to empower renters to navigate through the resources available.

Mr. Al Graves, residing at 1679 Pinehurst Drive spoke concerning water bills in the City of Smyrna. He stated he submitted an Open Records Request to find out why some residents were on Cobb County water and others on City. The report revealed that 800 residents that had been annexed into the City remained on Cobb County Water. The Smyrna residents billed by Cobb County Water paid an average of \$15.00 less for their bill than Smyrna billed water customers. He felt it was not morally right to have 2 different water rates and would like a solution.

Mr. Richard Pellegrino, residing at 1710 Cumberland Point Boulevard spoke concerning the three (3) year anniversary of the death of Nick Thomas in an incident involving Smyrna Police Department. The case was now being adjudicated in Federal Court. He stated since that time, similar cases have occurred here in Smyrna but with less fatal endings. He referenced an incident in which a young unarmed black male was driving to work and pulled over. He was approached by a female Smyrna officer with an unholstered weapon and later allowed to leave without even a warning because he had not violated any laws. The young man filed a complaint which is still being investigated. Mr. Pellegrino entailed another instance in which a local popular entertainment establishment that was frequented by young African Americans was raided by Smyrna Police Department and a Lieutenant pulled his weapon and pointed it at the African American manager's head. This case is also being investigated. Mr. Pellegrino stated his belief is that the City had a problem.

12. Adjournment:

Mayor A. Max Bacon adjourned the meeting of the Mayor and Council at 7:46 PM.