

# City of Smyrna

*2800 King Street  
Smyrna, Georgia 30080*



## Meeting Minutes

**Thursday, March 14, 2019**

**6:00 PM**

**City Hall**

**Committee of the Whole**

**1. Roll Call**

*Council: Mayor A. Max Bacon, Charles "Corkey" Welch, Andrea Blustein, Susan Wilkinson, Tim Gould, Maryline Blackburn, Ron Fennel, Derek Norton (arrived at 6:22pm)*

*Staff: Tammi Saddler Jones (City Administrator), Scott Andrews (Asst. City Administrator), Terri Graham (City Clerk), Jeff Tucker (Asst. City Attorney), Elsa Thompson (Admin. Svc. Coord.), Richard Garland (Parks & Rec. Director), Frank (SPD), Ken Suddreth (Comm. Dev. Director), Maxwell Ruppensburg (Spec. Proj. Coord.)*

*Guests: Ed Gould (Councilmember Tim Gould's brother)*

**2. Call to Order**

*Mayor A. Max Bacon called the meeting to order at 6:00 pm.*

**3. Review of the March 18, 2019 Mayor and Council Agenda**

*Mayoral Report*

*3A – no discussion*

*3C – no discussion*

*Land/Zoning/Annexations*

*Privilege Licenses*

*4A – Community Development Director Ken Suddreth advised that there were still questions regarding this item therefore it was to be tabled.*

*4B – 4D – Mr. Suddreth advised that the item was an annexation and pointed out the lot on a site map displayed on the Mondo Board. He advised that the developer was asking for the zoning to be R-15 and that the project would include splitting the lot to build two single family homes; Mr. Suddreth noted that the developer had done other developments in the City and that they selected this area in hopes of improving it. Mayor Bacon inquired where the access point to the property was. Assistant City Attorney Jeff Tucker advised that he had to do more research as well since the street did not have a number. Councilmember Susan Wilkinson noted that it would be a new street would be created. Mr. Suddreth advised that Ms. Wilkinson was correct and pointed out the outline of the area on the site map. Councilmember Ron Fennel stated that there was no "curbing, only street pavers". Mayor Bacon inquired if the developers were aware of the type of housing that was on Pat Mill. Mr. Suddreth advised that they were aware. Mr. Suddreth advised that due to the unusual shape of the lot, variances would be needed and noted that there would be no encroachments onto anyone's property. He stated that and that they had received one letter of objection and advised that Cobb County was in support of the annexation. Mayor Bacon inquired who the developer was and if there were any elevations that could be displayed. Mr. Suddreth was not sure of the developer's name. He advised that the price point would be lower, high 200s, high 300s. Ms. Wilkinson spoke on a few properties in that area (slightly inaudible). Mr. Suddreth advised that the Zoning and Planning Commission was*

excited and recommended approval. Mr. Fennel spoke (inaudible). Councilmember Susan Wilkinson inquired if it was because it "butts up to the Pat Mill property" was the reason it could be annexed in. Mr. Suddreth stated that she was correct. Finance Director Kristin Robinson advised that the area was a sanitation only area" and no other utilities were available via the City. Ms. Wilkinson inquired if they would receive water from Cobb County and questioned how the storm water runoff would be handled. Mr. Suddreth advised that he would communicate with the City Engineer for clarification and noted that the developer would have to provide staff the City with a hydrology report to get a permit. Mayor Bacon stated that he was happy that the property would be annexed in and inquired if the advertisements were posted properly. Mr. Suddreth confirmed that they were. Ms. Wilkinson noted her appreciation for staff posting a sign on Pat Mill.

#### *Privilege Licenses*

5A – Mr. Suddreth advised that this item was initially tabled because it was not posted correctly therefore it had to be reset. He noted that staff went to the site, took pictures, and that the signs were still posted. City Administrator Tammi Saddler Jones inquired if Mr. Chandler would be present. Mr. Suddreth advised that he would be present at the Council Meeting on March 18th. Ms. Wilkinson advised that she visited the property but was unable to see the posting. Mr. Suddreth advised the locations of the posting. Ms. Wilkinson advised that she was "not comfortable" with the item and that she had spoken to citizens in her ward that where not comfortable with it either. Mayor Bacon inquired what her concerns were and noted that he did not want Council to approve something without having all the facts. Ms. Wilkinson stated that a "bar being in a gun store" – the combination of alcohol and guns – "don't mix" was what citizens had stated to her. She stated that she was staying "open-minded", inquired if the permit would specify if the pouring license applied to whole store or only the restaurant aspect of the store, and reiterated her concern for the type of store it was. Ms. Wilkinson also noted that the distance requirements from the school were not met and inquired if a waiver was needed. Mr. Suddreth advised that the survey was done by measuring across South Cobb Drive, but the ordinance stated, "safe walking path" and noted that walking across South Cobb Drive was not easily achieved. He advised that the additional wording did not warrant a waiver for this license and City Attorney Scott Cochran agreed. Mr. Suddreth also noted that the license was for the café inside of the gun store named, "The Range", not for the gun store itself. Mayor Bacon advised that there were two other gun clubs that sold alcohol and noted that they had strict guidelines. Mr. Gould inquired where in the store the café was located and when it would be open. Mr. Suddreth provided him with the information. Ms. Blustein inquired how many gun stores in Georgia sold alcohol. Mayor Bacon advised that there were 2 in Cobb County – Powder Springs and another location. Councilmember Maryline Blackburn revisited the topic of the walking distance to the store – there was a brief discussion. Mayor Bacon asked for the site map to be displayed because he believed there were two establishments in the same plaza as the gun store that sold alcohol and felt that they may be closer to the school. Ms. Wilkinson noted that she was not sure if the rules at the other gun stores applied to this establishment also. There were more discussions about the distance. Mr. Gould inquired how long the café would have the license. He was advised that it would be for held "for the life of the business" unless it was taken away for a violation and that they had to pay an annual fee. Ms. Wilkinson inquired if the license went to the address or was it specifically for the business. Mayor Bacon and Mr. Fennel advised that the license went to the applicant. Mayor Bacon advised what the Privilege License process was. Ms. Blackburn inquired if there were any guidelines for the restaurant and patrons. Mr. Suddreth advised that he had not received any information on how they would operate and advised that the

applicant would be present at the Council meeting. Mayor Bacon inquired, "has anyone heard from Jay Wallace (owner of Adventure Outdoor)". Mr. Welch stated that it seemed as if the café was a separate business (from Adventure Outdoor) with a separate business license. Mr. Suddreth advised that he had not spoken to Mr. Wallace but that it was presented to staff as if the café was leasing their space from Adventure Outdoor. Mr. Welch expressed concern about not being fully informed when the motion for this item comes forward and inquired if the patrons would be allowed to walk around with their drinks or if they had to stay within the leased space. Mr. Tucker advised that he would research that information but did not believe there was any difference with people being prohibited to walk out of establishments with their drink then stated that Council could set up a restaurant district to allow people to do that. Ms. Wilkinson asked Mr. Tucker if the license went to the address or if it was for the business. Mr. Tucker advised that it was go to the leased portion of the property. Mayor Bacon noted that he did not think that Mr. Wallace was unaware that the applicant applied for the Privilege License and stated that he did not believe that Mr. Wallace would jeopardize his business. Ms. Blackburn expressed her concerns about the guidelines. A brief discussion about guidelines, how the business operated, and how other gun stores ensued. Mr. Welch pointed out that there was a Peking Garden Restaurant next door that sold alcohol and that one could have drinks there and go into the gun store. Mayor Bacon agreed. There was a brief discussion about the establishment's setup. Mayor Bacon stated that he hoped that Mr. Wallace would be present at the Council meeting to answer any questions that Council may have. Mr. Andrews advised that staff would do more research before the Council meeting as well. Mayor Bacon noted that he would not like to have to table the item again and inquired if anyone had any other questions about the item. He then inquired if anyone would be absent from the Monday night Council meeting and reminded Council that the City Attorney had advised them in the past not to vote on items they did not have all the facts on. Ms. Wilkinson stated that she did not feel comfortable having her name as the sponsor for this item. Mayor Bacon advised that it was there because it was her ward. She advised that she would "remain open minded" about this item and stated that did not feel it was her job to "research the details" and provided an overview of what she had done to make a more informed decision.

5B – Mr. Fennel advised that the item was for a multi-purpose convenience store at the 285 interchange with a Cinnabon and Bojangles inside. Mayor Bacon inquired if the item met all the requirements and was staff recommended. Mr. Suddreth advised that they did. There were no questions or comments.

#### *Formal Business*

6A – Finance Director Kristin Robinson advised that the agreement came from Cobb County and noted that there would be an increased amount for the 1st part of the year and noted that the changes were made in 2018 but would be effective July 1st. She advised of the allocation changes to the County, City, and School System. Mayor Bacon inquired if the Ad Valorem tax was paid annually. Ms. Robinson provided an explanation of how the process worked and gave a breakdown of how it would affect the budget. Mr. Fennel inquired how the school received an increase. Mr. Tucker advised that legislature reallocated the numbers. Mayor Bacon inquired who was looking out for the City's interest. Ms. Robinson advised that the State collected the funds, then distributed it to the County who in turn provided the City with a portion. Mr. Welch inquired what the overall percentage drop was. Ms. Robinson advised that it went from 66% to 23%. Mayor Bacon stated that he felt that the City would eventually be approached by someone who provided services to ensure that the City was getting all the money they were due from the Ad Valorem Tax funds. Mr. Fennel advised that

the Georgia Municipal Association already offered those services. Mayor Bacon inquired about the agreement. Ms. Robinson advised that Council had to approve it by the end of March. Mayor Bacon stated that he hoped that the agreement was understandable and noted that he did not want to sign something based solely on what the County felt the City should receive. Mr. Tucker advised that the City could request (from the County) an accounting of their allocation and noted that the percentage allocation was non-negotiable. Ms. Robinson stated that the good news was that the percentages would remain in effect until amended by law. There was a brief discussion of when the agreement had to be returned to the County. Mayor Bacon inquired when Council would have to sign the agreement again once it was signed. Ms. Robins advised, until it was changed by the State and read that portion of the agreement. Mr. Andrews inquired when it was last amended. Mr. Tucker advised that this was based on "2018 law" to take effect on July 1st. Ms. Robinson provided a history of amendment dates. There were discussions about the financial impact and the lack of notice that the City received.

6B – Ms. Robinson advised that the Finance Department, along with ICMA Management Fellow Ashley Youmans, had been working on an Investment Policy for a few months. She stated that they presented the policy to the Finance Admin Committee and sent copy to Mr. Tucker. She advised that this would "only put the policy in place" and that the City would not be investing money yet. Ms. Robinson stated that the City had never invested money before. Mayor Bacon inquired how many pages the policy had. Mr. Tucker advised that it had 4 pages. Mr. Andrews inquired if the Finance Department would be seeking Council's guidance on the percentage of monies to be invested. Mr. Fennel stated that he felt the City had been too conservative in the past and advised what the Finance Admin Committee was suggesting. Ms. Robinson advised how the thought of investing money came forward. Ms. Wilkinson inquired if other cities invested their money. Ms. Saddler Jones advised that City Clerk Terr Graham had advised that the City of Hiram invested their money. Ms. Robinson advised that "a lot of cities are getting involved in investing". Mayor Bacon suggested that everyone review the policy.

6C – Parks and Recreation Director Richard Garland advised that the City was already paying \$32,000 per year to have the bike service and noted that the company was not ready to move forward with the regional contract that was recently signed. He advised that the agreement would be postdated from February 2019 to March 2020 with a cost of \$15,000 – a savings to the City. Mayor Bacon asked for an overview of the program. Mr. Fennel asked how many bike stations were in the City. Mr. Garland advised that there were 5. Mayor Bacon inquired if Marietta created an ordinance to ban the scooters. Mr. Garland provided usage percentages at the stations and advised that the numbers had been going down. Mayor Bacon stated that he thought the program should be done away with since numbers were going down yearly. Mr. Welch inquired if the rider went over their hour, would the funds go to the City. Mr. Garland advised that with the new policy it would not and noted that the average ride time was 33 minutes. Ms. Wilkinson inquired about the availability of the bikes at the stations. Mr. Garland noted that the bikes were being left around the City and being picked up by police and staff. Mayor Bacon inquired if the City site had any information about the bike program. Mr. Garland advised that there was no information on the site but that they advertised in other ways. Ms. Blackburn inquired if having less stations would be more beneficial. Mr. Garland stated that it would have to be researched and noted that the program was at Kennesaw State University and felt that the program "was much better utilized by college students". Ms. Wilkinson noted that the County was working on the multi-use trail between Marietta and Smyrna and felt that it would be an opportunity for bike riders. Councilmember Derek Norton inquired if it was possible to eliminate some

of the stations. Mr. Garland advised that it made sense to move the station at Concord since it only had 6% ridership. Mr. Andrews advised that he did a quick search of the City site and there was information about the bike program and noted that he felt it was a great program. Ms. Blackburn stated that she had used the bikes on several occasions and loved the program but thought that less stations would be best. Mayor Bacon inquired if there was a way to determine if the riders were Smyrna citizens. Mr. Garland gave an overview surrounding cities that also utilized the bike program and advised that ridership was not limited to Smyrna. Mr. Fennel inquired if staff could get a report of the ridership to know where the individuals riding the bikes were based with the information from their credit card they registered with. Ms. Blackburn inquired about the seasonal effects on ridership. Mayor Bacon inquired how long the new agreement, advised that it be approved and revisited upon expiration. Ms. Wilkinson pointed out the date differences between the issue sheet and the item. Mayor Bacon inquired if Council could be approve an item that went beyond their terms. Mr. Fennel stated, "no". Mr. Tucker advised that since it was a "proprietary program" it could be approved beyond their term.

6D – Mr. Andrews advised that the issue arose a few months prior. He stated that he asked City Engineer Kevin S. Moore to create the signs and that he had spoken to Councilmember Andrea Blustein. He stated that the hope was that the signs would put an end to 18 wheelers parking and trash dumping in the area. There was a brief discussion about the issues in the area. Mayor Bacon stated that this was mainly to keep larger vehicles out such as tractor trailers and school buses. Ms. Saddler Jones noted that when they visited the site there was a school bus parked there. Ms. Wilkinson inquired about another area that had similar issues; after a brief discussion it was discovered that the area was "on the other end" (per Ms. Saddler Jones) of this property and had signs.

Consent Agenda

8A – 8D – no discussion

8E – no discussion

No other items were added to the agenda.

#### 4. City Administrator Report

City Administrator Tammi Saddler Jones inquired if all Councilmembers would be present at Monday's Council meeting, so they could take a group photo. Councilmember Maryline Blackburn advised that it was not enough time for her to get her hair done. Ms. Saddler Jones advised that they had their first 2019 Smyrna Citizens Academy session was held on Tuesday, March 11th with 23 students in attendance. She advised that the next session would be with the Finance and Human Resources Departments on Tuesday, March 19th from 6:00pm – 8:30pm in the Council Chambers. Councilmember Corkey Welch apologized for not attending. Councilmember Susan Wilkinson inquired if the mock Council Meeting was held at the end. Ms. Saddler Jones advised that it was then announced that the next Committee of the Whole (COW) meeting, scheduled on March 28th, would be held at Fire Station 2 (642 Concord Road). She advised that the Department Head Meeting had been held at Fire Station 2 earlier in the day and spoke highly of the facility. Ms. Wilkinson inquired if that would be the date of the dedication ceremony. Ms. Saddler Jones advised that the Fire Station 2 Dedication Ceremony would be Saturday, April 13th at 10:30am and noted that Fire Chief Roy Acree would give more details about the event at the March

28th COW meeting. She reminded everyone that staff's first budget deadline was Friday, March 15th and advised that Library Director Mary Moore was proposing a Staff Development Day where the library would close for half a day on Friday, April 26th from 1pm – 5:30pm. She noted the topics of discussion:

- Circulation Policies and Procedures
- Emergency Preparedness and Procedures
- Summer Reading Events and Incentives
- GALILEO and Online Resources

Ms. Saddler Jones stated that Council allowed Ms. Moore to close the library for this event last year and noted the difficulty involved with doing this any other way since most of the staff worked different shifts. She advised that Public Works Director Frank Martin announced to her that the results of the EPD/Sanitary Survey came back with "No deficiencies; outstanding performance". Mr. Welch noted that those results were "a big deal". Ms. Saddler Jones advised that Georgia Power would be moving 3 poles on Hawthorne for the Roswell Roundabout Project. Assistant City Administrator Scott Andrews announced that staff would like a moment to review staff recommendations with Council about the annexation study. Ms. Saddler Jones announced that Administrative Services Coordinator Elsa Thompson would be leaving the City because she and her family were relocating to Florida due to follow her husband's career and advised that her last day would be April 19th. She advised that Joe Bland attend the March 28th COW meeting to provide updates on the Smyrna Housing Authority. There was a brief, slightly inaudible, discussion about the annexation study and scheduling time to review it. Ms. Wilkinson stated that she would like an opportunity to look over the minutes from the February 14th COW meeting because she felt the minutes were missing information. Mayor Bacon inquired if anyone had a problem with the number of items on the agenda for approval. Ms. Blackburn advised that she agreed with Ms. Wilkinson about the minutes and noted her appreciation for Ms. Wilkinson reading the minutes with such detail. Mayor Bacon advised that Ms. Wilkinson could vote against the minutes.

## 5. Other Business

Councilmember Ron Fennel advised that Mike Boyce from the Cobb Municipal Association (CMA) would be speaking at the Community Center on April 9th. He also advised that State Representative Erica Thomas "dropped in the Mableton bill" and noted that ward 7 was in the foot print and that that he objected to it. He gave a brief overview and stated that the bill was to create a city of Mableton. Assistant City Administrator Scott Andrews advised that it was House Bill 587.

Councilmember Andrea Blustein spoke about the lights at Spring Road Linear Park and noted her concerns about the crimes that occurred there, namely "a rape". Mayor Bacon advised there was no rape at the park. Ms. Blustein disagreed with his statement. City Administrator Tammi Saddler Jones advised that the police department was asked about it and they could send Ms. Blustein the police report. Councilmember Susan Wilkinson stated that she agreed that lights were needed the park and noted a citizen's complaint to her. Mayor Bacon made mention of other areas that could be considered dangerous also. Councilmember Derek Norton stated that parks close at dark therefore this park should be closed when it's dark. Councilmember Maryline Blackburn agreed that the park should have lights. There was a brief discussion about the lights at Concord Road Linear Park. Ms. Blustein advised that she was asking for 41 lights. Mayor Bacon advised that he supported the continuation of lights along the road and noted that the cost was an estimated

\$700,000 and noted that was against solar lights. Ms. Blustein stated that she did not believe the residents that lived by the park would like the solar lighting. Ms. Blackburn stated that there were various solar light options.

Ms. Blackburn thanked Councilmember Tim Gould for attending Campbell Middle School's gala and noted that he won a bike that evening. She invited everyone to the CMA meeting on April 9th and asked Ms. Saddler Jones if she would do the welcoming remarks.

Mr. Norton announced that House Bill 302 did not make it. Councilmember Corkey Welch inquired what the status was with East Cobb becoming a city. Mr. Fennel advised that there was no bill yet. Mr. Norton advised that it would take 2 years from when the bill dropped. Assistant City Attorney Jeffrey Tucker stated that he would not agree with that bill.

Mr. Gould thanked Mr. Suddreth for changing the process to all Council to be notified whenever there was a zoning project in their ward, giving them the option to speak to him earlier in the process. He inquired if any of the Councilmembers were attending the Pat Terry concert and advised that he had bought tables and felt that advertising should be better. Mayor Bacon stated that the City site was confusing and noted that each department was supposed to keep their information current. Ms. Saddler Jones advised that they've only sold 6 tables but needed to sell 10. Ms. Wilkinson suggested that lyrics to one of Pat Terry's songs should be used as a slogan for Smyrna.

Mr. Welch made mention that he looked for the bikes on the site and old items came up.

Mr. Fennel inquired if it was the Community Relations Department job to make sure that the website was up to date. Mayor Bacon stated that he felt that it should not be that hard for the departments to do their jobs. Ms. Saddler Jones stated that she felt the City should hire a person to handle the website. Mr. Gould stated that the City needed to start making sure community programs, such as vision programs, get the money that they needed. Mr. Andrews noted the programs that Mr. Gould was speaking of. There was a discussion about the programs.

Ms. Blustein complained that "two weeks in a row" the dumpsters in her subdivision had to be taken to a different location to be emptied, leaving a mess behind.

City Clerk Terri Graham advised that campaign contributions disclosure forms were due at the end of the month; making it the 6th one that Council has turned in. She advised that there were 5 more left and provided Council with a brief overview of the process.

Ms. Wilkinson advised that a citizen called to complain about Comcast/ Xfinity stating to her that when they contacted Comcast, they were told that Smyrna does not allow their business. She stated that she would like someone to advise her of how the process worked. Mr. Andrews stated that he did not believe the City had any control over the matter. Ms. Saddler Jones asked Ms. Wilkinson to send staff the citizen's information so staff could contact them. Ms. Wilkinson advised that she still wanted the background. She advised that she did not want her name on item 5A and noted that the feedback from the citizens in that area was not good. Ms. Wilkinson was advised by the Mayor, other councilmembers, and staff that she should wait until she received all the information before she made any decisions reference the item.



**6. Adjournment**

*Mayor A. Max Bacon adjourned the meeting at 7:52 pm.*