



Meeting Minutes - Final
City Council

Monday, July 16, 2018

7:00 PM

Council Chambers

Roll Call

Present: 5 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein and Councilmember Susan Wilkinson

Absent: 2 - Councilmember Charles Welch and Councilmember Ron Fennel

Also Present: 9 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Scott Andrews, Ashley Youmans, Eric Randall, Ken Suddreth, Russell Martin and Avern Gumbs

Call to Order

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

1. Invocation and Pledge:

Pastor Lee Delbridge of Smyrna Christian Church, located at 910 Concord Road gave the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

Mayor Bacon announced that there were two (2) agenda changes. Under Land Issues, Zonings and Annexations Item 4 (B) rezoning request Z18-007 would be tabled at the request of the applicant to August 6, 2018.

The second agenda change was Item 4 (C) rezoning request Z18-011. This request was on the agenda to be tabled to August 6, 2018, the applicant requested that the item be tabled to August 20, 2018. Mayor Bacon noted that these items would be tabled when they got to them on the agenda.

3. Mayoral Report:

Mayor Bacon announced that they had four (4) council members present for the meeting. Council Member Corkey Welch was out of town, Council Member Ron Fennel was on vacation and the Ward 6 seat was vacant.

He commented on the upcoming election Tuesday, July 24, 2018 and asked if there were any candidates in the audience that wanted to briefly speak.

Idella Moore approached the podium and stated that she was in the run off for the Ward 6 seat and provided her platform.

Tim Gould also approached the podium and stated that he was in the run off for Ward 6

and he explained his platform.

4. Land Issues/Zonings/Annexations:

- A. [2017-357](#) **Public Hearing** - Zoning Request Z17-021 - Rezoning from GC to MU-Conditional for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - JLB Realty, LLC

Sponsors: Norton

Mayor Bacon asked City Administrator, Tammi Saddler Jones to provide the background. Ms. Saddler Jones informed that JLB Realty had requested to rezone 12.495 acres at 3110 Sports Avenue from GC to MU Conditional for the development of a 325 unit multi-family development with 3,040 sq. ft. of accessory retail space and 6,960 sq. ft. of live/work commercial floor area. The applicant proposed to demolish the existing Cumberland Community Church building and build the new multi-family development.

The Planning and Zoning Board heard the zoning request at the June 11, 2018 meeting, they recommended for denial by a vote of 7-0. Community Development also recommended denial.

Mayor Bacon explained the process for the public hearing and public comment. He encouraged all who wanted to speak for or against the item be sworn in by the City Attorney. Approximately forty (40) people approached the podium and were sworn in by City Attorney, Scott Cochran.

Councilmember Derek Norton asked Community Development Director, Ken Suddreth to provide the background. Mr. Suddreth advised that staff recommended denial of the proposed rezoning and the Planning and Zoning Commission voted 7-0 recommending denial.

Mr. Suddreth presented the zoning map, which showed the existing church building with three (3) different lots at the end of Sports Avenue. The proposed development was for 325 multi-family units for mixed use. Mr. Suddreth noted that when the retail space was combined with the live workspace, the size was approximately 10,000 sq. ft. of retail. The current zoning for the property was GC (General Commercial) and the applicant requested a zoning of MU-Conditional (Mixed Use with Conditions). The land use map provided for a regional activity center and the proposed use fell within those parameters. The requested use did not require any change to the land use map.

The proposed site plan was presented with the locations of the multi-family buildings. The plan provided for three (3) or four (4) story buildings. He showed the proposed location of the Clubhouse and leasing office, which were at the center of the development. Other amenities, such as a pool and pool house, an Uber Cafe, live work units and the retail space as a separate building. The Spring Road LCI study indicated several different possible points of interconnecting parcels so that a parallel road could occur. The decision was made that this would be done upon rezoning. The developer planned to include the new right-of-way as recommended by the LCI study. There were some stream buffer issues and some encroachment issues, which were shown on the proposed site plan.

The developer requested several variances for the project as listed:

1. Reduce front setback 20' - 0' for building #600 (Staff did not support the requested variance)
2. Increase the maximum density from 25 units to the acre to 26 units to the acre. (Staff supported the requested variance)
3. Increase maximum rental units from 15% to 97%. (Staff did not support this variance)
4. Eliminate requirements for rental units to be integrated with non-residential uses. (Staff did not support the requested variance)
5. Reduce landscape easement 15' - 5'. (Staff did not support the variance)
6. Parking areas to be perpendicular to building entrance. (Staff did not support the requested variance)
7. Reduce landscaping in parking area from 10% - 5%. (Staff did not support the requested variance)
8. Allow angled or perpendicular parking in right-of-way. (Staff did not support the requested variance)
9. Reduce rear setback from 100% - 40% (Staff supported the requested variance)

The presentation included proposed building elevations with diagonal parking. The Spring Road LCI Master Plan, three (3) possibilities were identified and the one in the center is what was retained as part of the request as well as the previous request. The subject property with the church and surrounding property.

Staff recommended denial for the listed reasons:

1. The LCI Study stated that within the Sports Avenue redevelopment node the housing types should vary from attached to detached townhomes, to cottage and accessory dwellings. There was no mix of housing or ownership types.
2. The nine (9) variances that were discussed, staff supported only two (2) of the requested variances.
3. The mixed portion of the proposed request, which was approximately 3% of the overall proposed square footage, was to be used for something other than rental units. They proposed the development of an apartment complex and not mixed use.
4. The mixed use developments that have been approved by Mayor and Council either contained a variety of housing (Riverview) contained several different land uses; (Belmont) had no less than 15% retail, when only two uses were proposed and Jonquil also had at least 15% retail.
5. Mayor and Council has either stated in words and actions that they want all future apartment requests to be integrated into larger mixed-use developments or combined with the teardown and replacement of an existing apartment complex. Standalone multi-family developments therefore, are no longer encouraged nor deemed appropriate as it has been determined that they rarely contribute to the quality of life or sense of place to the community.

6. Approval of the request would break with past policies and actions of Mayor and Council, be the most unbalanced split of land uses allowed in this type of a mixed-use project and would at least only marginally contribute to the City achieving its goals for the Spring Road Corridor.

Mr. Suddreth stated that along with Staff's recommendation for denial, the Planning and Zoning Commission voted on June 11, 2018 for denial with a vote of 7-0.

Mayor Bacon called on the applicant. Kevin Moore approached representing the applicant of the proposed development for rezoning. He presented some counter points and highlighted some areas that they believed were not included in staff's recommendation. Mr. Moore requested the proposed site plan on the screen. He explained that the proposed rezoning was a mixed-use development with 325 apartments units. The plan proposed nearly 10,000 square foot of retail, office and commercial space. There would be 3,000 square footage of retail, contained on the first floor as retail in the stand-alone building, pointed out by Mr. Suddreth and residential units above. They planned for 7,000 square feet of live/work space with residential units above. He expressed that this was truly live, work, which was mixed-use.

The surrounding area has a big impact on the consideration of this application for rezoning. This property has integrated into a vibrant commercial corridor of Spring Road and the Cumberland Blvd area. The property on Sports Avenue located at the end of a cul-de-sac, with a single road and a single traffic light onto Spring Road. The property in front of the proposed development are commercial businesses that front Spring Road; a Burger King, an Indian Restaurant, and an Extended Stay Hotel. He stated the reason for limited commercial was due to where the property sat at the end of the street and behind the commercial businesses, importantly the proposed property integrated into the surrounding environment. The commercial uses are not dilapidated or run down; they are vibrant economic uses and will be there for a long time.

The introduction of SunTrust Stadium and the Battery have transformed the area with renewed focus for land uses and redevelopment. Not just for this one spot but the area as a whole. This has occurred because of the injection of new development brought about by the Battery and the SunTrust stadium location and a renewed sense of focus. This is an area the developer would like people to live and where they want to live. They do not want to live on the outskirts, or live further away. They want to live right in the midst of all the redevelopment. They want to be within close proximity of the Battery, the Stadium, commercial uses and activities.

The proposed site will fit into this area and provide mixed use on a huge scale. They have created a streetscape that is not there today. The development would also create a new right-of-way. The new right-of-way is part of the LCI Spring Road Corridor Study. The vision for the City of Smyrna is creating that opportunity. The protected corridor has been included in the site plan by the applicant, so that it would satisfy the need of the City. JLB planned to build the right-of-way and put it in place to make sure it is there to provide for future connectivity.

The bottom side of this is the Colonial Pipeline property. This property may never be able to be acquired for a new road, but it is there if needed. Going in the other direction is a possibility for connectivity. The development provided a sense of place at the end of the cul-de-sac. Parking was provided, even though staff does not support the planned parking, it's the same type of parking found downtown. People

can come, they can park, they can visit, shop, go to restaurants. The plan provided for transportation with the Uber Cafe. They have also provided for pedestrian connectivity with sidewalks.

Mr. Moore professed that staff and others criticized the plan for not having enough mixed use. Mr. Moore believed this plan was as much mixed use as it could possibly be; given its limitations. What this proposal does do, is meet and satisfy what is consistent with what the property can produce. In terms of providing for the needed residential core in this area by putting people where they want to live. City Staff mentioned the LCI study as a reason they recommended denial, but he believed that the study recommended the type of land use that is proposed.

A Georgia Tech Study completed about the same time as the LCI Spring Road Corridor Study and it showed this same area and recommended thirty (30) units per acre. They recommended what this plan proposed which was 26 units per acre. The staff report also stated that the future land use plan held this property as a Regional Activity Center; his applicant's proposal was consistent with the future land use plan. The staff report said the proposed use would not be an incompatible use given the surrounding area, the report finds that the use enhanced the architectural standards of the area.

The Staff report said the proposed project was not expected to have a burdensome impact on traffic in the area. He concluded that the staff report was not their finding, but the finding of the city. That finding further concluded by their traffic study, submitted with the application. Their traffic study found the level of services and any kind of significant delay does not occur at the major intersections. That traffic study showed that the delayed impact on traffic was a fourteen (14) second delay at the intersection of Sports Avenue and Cumberland Blvd for the morning commute.

This proposed community by JLB is a first class mixed use project. It provided for live, work and play. That opportunity does not exist in the immediate area at Sports Avenue and Spring Road. It takes advantages for every opportunity that this property provided which met and exceeded the goals of the city despite the limitations of the surrounding area. Mr. Moore declared that they are asking the Council not to miss the opportunity to move forward with this proposal. This proposal can meet the city's vision. On behalf of the applicant, Mr. Moore asked for approval for the rezoning project.

Mayor Bacon started calling the names that signed up for the public hearing. He announced that once he called the names anyone that did not get a chance to sign up but were sworn in would have a chance to speak.

1. Scott McDearman, 1405 Wedmore Way, Smyrna spoke on behalf of members of his Smyrna community that signed a petition in opposition of the development on Sports Avenue. He read a list of reasons they opposed the 325 apartments. The list included additional traffic of at least 500 more cars on Spring Road, increasing commute times. The property is land locked by CSX Railway and Colonial Pipeline properties. Three new apartment complexes have been built in the area, Belmont Hills, Jonquil and the Battery in the last 2 years. These apartment complexes are not fully leased. The proposed apartments provided no benefit to the citizens of Smyrna.

2. Jane Canniff, 936 Hidden Falls Lane, Smyrna stated she has lived at 1490 Roswell and 1496 Roswell Street. She left Smyrna and came back. She has been a member of Cumberland Community Church since 1997 and was in support of the rezoning.

3. Alyce Waldrop, 936 Hidden Falls Lane, has been a proud citizen of Smyrna almost 20 years. She felt the Smyrna zip codes are the up and coming place to live for people of all ages. She studied the apartment plans from JLB and believed it will be a valuable asset. It is not just another apartment building it will have a very high standard of living. She is a member of Cumberland Community Church and she asked the Mayor and Council to approve the rezoning.

4. Lisa Ruff, 12 Harmony Walk Place, stated she supported the Cumberland Community Church's move and the JLB application.

5. RoseMary Menchaca, 2731 Woodland Terrace S.E., Smyrna, stated she came in support of the move for Cumberland Community Church which she was a member. She has lived in Smyrna for 5 years in Ward 1 and she supported JLB's proposal.

6. Kyle Wilkens, 1920 Wynridge Drive, Smyrna, has been a resident of Smyrna for 6 years. He was in support of the rezoning to MU-conditional, he felt this was the most feasible plan for the property as it makes the most efficient use of the space. It brings population density to the area and people to support the retail that has already been built.

7. Taylor Walker, 3435 Lee Street S.E., Smyrna, a Ward 6 resident, supported the land use for JLB and Cumberland Community Church. He felt the proposal provided walkable access to the best mixed use facility. With SunTrust, it added a lot of value to the whole corridor.

8. Caitlin Walker, 3435 Lee Street S.E., Smyrna, Ward 6, she grew up 15 minutes down the road in West Cobb. She never would have believed while growing up that she would be living and starting a family in Smyrna, because no one wants to live in Smyrna then. Now, everyone wants to live in Smyrna. She felt that the resort style communities drew young professionals into the area. She loves Smyrna and wants all of her friends to live in Smyrna. She believed the new developments are revitalizing the area and she supported JLB and the rezoning.

9. Alexandra Thompson, 3014 Montclair Circle S.E., Smyrna, a Ward 6 resident, said she loved Smyrna so much she has considered running for Council in the future. She was in favor of the development by JLB. She felt that it was a beautiful development for young and old, it had walkability. She thought the renderings were exciting and pretty. She is in support of the development by JLB.

10. Ben Thompson, 3014 Montclair Circle S.E., Smyrna they have lived in Smyrna for 2 1/2 years. His sister lived in a JLB development in Alpharetta and it's a beautiful facility. He is in support of the JLB development.

11. Marie Smith, 1215 Bank Street, Smyrna, a Ward 3 resident was opposed to the rezoning due to traffic, infrastructure issues, creating rentals as opposed to ownership, she felt ownership was a long-term investment.

12. Kay Braswell, 1225 Bank Street, Smyrna was opposed to the rezoning. She felt the citizens and Council should trust and listen to the Planning and Zoning Commission and staff. She felt that they had done all the research and homework on the development that she had not done nor had most and since it was their recommendation the facility not be built, then she did not think the city should approve it. She was in opposition of the rezoning.

13. Michelle Zabel, 1235 King Springs Court, Smyrna, stated she has lived in Smyrna for eleven years and she planned to live in Smyrna forever. She supported JLB and Cumberland Community Church and was in support of the rezoning.

14. Carolyn Jacobs, 5004 Bell Drive, Ward 1, explained that she lived within walking distance of the church, there is a lot of traffic, she works 8 miles from her home. She felt that the members of the church talked about the beauty of the facility and she felt the church chose the money and not the right thing. She said the church members do not live in Ward 1. She asked the Council to deny the rezoning.

15. Janice Lowe, 2731 Woodland Terrace, Smyrna said she lives at Galleria Senior Apartments. She came to represent several other residents that lived in the apartments. She spoke of existing problems with the influx of traffic; it takes about 20 minutes to get out onto Spring Road to make a right turn and longer to then make a left turn. She was concerned about safety regarding the fire trucks and ambulance getting into the area. She was not in favor of the proposal.

16. Robert Pannell, 1524 Wedmore Court, commented that he was a proud long term, voter and taxpayer in Smyrna. The proposal would have an adverse effect on him and his neighbors and other voters. He was proud to be a resident because the Mayor and Council have had a wonderful leadership role regarding smart sustainable growth in the city. The city should teach a clinic for other cities in Georgia and beyond on how to do multi-use development. He and his wife have been in the Belmont and Jonquil developments and has admired the Riverview development. He applauded their record of accomplishment on multi-use development. This proposal does not pass the common sense test. He said this is not multi use, he said they have taken 325 apartments and stuck a little retail building out front. He also said that 3% is not multi use.

17. Daniel New signed up to speak but was there to talk about another item, not this one.

18. Mike McNabb, 750 Austin Drive S.E., Smyrna, said that Smyrna has spent over 25 years becoming the city that people are proud of today. Smyrna has been improving the standard for redeveloping property that exists. There is less property to for development in Smyrna, continued high standard remained important. He felt 3% was not mixed-use, not enough for the set standard for mixed use. He felt the council should deny the request based on 3 things; 1) it has been the council's policy that apartment complex's must reduce or replace existing multi-family aging apartment complexes. 2) The developer has requested too many variances. They are not consistent with the corridor long-term plan, or the city's initiative. Developers that want to come to the city and ignore the corridor and long-term plan must do so at their own peril. 3) The density is too high.

19. Skyler Akins, 1302 Countryside Place, Smyrna, when the city worked on the LCI study the community turned out and participated. The study presented as a blank canvas, so the community was encouraged to visualize what the Spring Road Corridor could be, and artistry and vision was encouraged by the study. He said the Spring Road Corridor is the pride and joy of the area.

20. Shelby Fields, 2309 Dennington Court, Smyrna resident for 19 years and she supports the JLB proposal.

21. Patrick Healy, 5120 Parkwood Oaks Lane, lived in Smyrna for 10 years, he spoke

in favor of the JLB proposal as a member of the Cumberland Community Church. He urged the council to approve the rezoning. The staff's analysis dated June 7, 2018 prepared by Community Development listed 9 criteria. He informed that JLB meets eight (8) of the nine (9) specified criteria. 1) The proposal is suitable to adjacent nearby properties. 2) The proposed development would not adversely affect surrounding properties. 3) The property was currently zoned appropriately. 4) The proposed development was not expected to cause a burden on existing infrastructure. 5) The proposed development is in conformity with the land use plan. 6) The proposed development may enhance the architecture standards and ecstastic of the general neighborhood. 7) The proposed development will not create a new sense of being incompatible of existing uses in the area. 8) This proposal will not negatively affect the adjoining properties general neighborhood and other uses due to the size of the proposal in either land area or building height. The only requirement this proposal fails to meet is the preference of the city for a larger mixed-use development. He felt it was unrealistic for retail businesses to be able to draw enough business at the end of the cul-de-sac. The church acquired the building after it failed as a retail space. He was in support of the JLB for approval.

22. Joe Braun, lived at 3870 W. Cooper Lake Road, Smyrna, Ward 4 for 12 years. He is also a staff member for Cumberland Community Church. He has seen the city transform into what it is today. The elected body has done a wonderful job of growing the city while investing in infrastructure and improvements to make Smyrna a city that everyone wants to live in. He was in support of the JLB proposal.

23. Daniel Huitron, 1535 Roswell Street, said he thought the proposed plan was the plan for the property. He was more concerned if a larger mixed-use development were to be developed, it would create more traffic. He drives on Spring Road every day. He thought it would be a great addition for Smyrna. He asked for approval for JLB's development.

24. Herman Taylor, 1102 Ivey Ridge Place, he and his wife moved from out of state. They decided to move into Smyrna. They felt Smyrna was vibrant, neighborly and diverse not just ethnically but young and old of varied interests. He was a Cardiologist and his wife a Psychiatrist in Smyrna. They have felt at home in Smyrna and they love serving their neighbors. They love Cumberland Community Church; it is very welcoming, diverse and vibrant. The church is led very well. They are prayerful about every decision. He was in support of the JLB development.

25. Timothy William Quinn is the President and CEO of Richmond Graduate University, his address was 1365 Kings Park Place, Kennesaw. He came to talk about the 12.4 acres involved in the JLB project. Cumberland Community Church is the majority owner of Richmond Graduate University, the school owned 2.4 of those acres. Richmond Graduate University has provided for more than 3 decades high quality, low cost Christian mental health counseling. They supported this proposal.

26. Jamie Fine, 1854 Shenandoah Valley Lane, Smyrna, has been a long time resident of Smyrna. She has lived in Smyrna long enough that her tax dollars has helped to build the city hall building, helped pay for the sidewalks on Spring Road and many of the improvements to the city. She addressed, Mr. Taylor (a citizen who spoke earlier) she asked him as a doctor if it was healthy to run in traffic. Mayor Bacon brought Ms. Fine back to speaking to the Council. She felt it was unhealthy to walk and run on Spring Road in the pollution and traffic. She was also concerned about no alternate access to Spring Road; she resides at the Heights on Spring Road. She was concerned about a large number of automobiles on Spring Road. She is opposed to

the developments.

27. Dan Brown, 720 Bank Street, supported this project. His professional background is development manager, involved in managing rezoning like the rezoning for JLB. He reviewed the staff report and was surprised they had recommended denial. It was a positive review except for the last paragraphs, where staff said that 8 requirements were met. The only requirement staff did not feel the developer met was the LCI Study. There are several challenges with the LCI Study, he continued to list recommendations of the LCI study. There are a number of things that could be developed under the GC zoning without coming before Council for approval. He quoted from the LCI a portion that stated the Spring Road Corridor would be able to support several apartment communities over the next 10-15 years. JLB originally proposed a 600-unit complex; they heard the concerns for traffic and cut the proposal in half this concession met the traffic study it did not over burden the area with traffic. The donation of the right-of-way also meets the LCI study. He stated that what was being proposed was the highest and best use for this property.

28. Ed Nolan, 3228 Millwood Trail, Smyrna said he wanted to live in Smyrna and could not afford it. He worked his way, started a business at 1476 Spring Circle, and has now allotted himself the opportunity to live at Heritage at Vining's. He is a member of Cumberland Community Church and felt a proposal like JLB's provided housing for people that wanted to come try Smyrna. He has lived in Smyrna for 20 years and thanked the Council for rezoning the neighborhood he currently lived in. He supported JLB's proposal.

29. Alan Scott, the pastor for Cumberland Community Church. In 2008 they just about closed, because of where the church sat he felt no one would have known if they closed. At that time, they tried to come up with ideas of how the church could become effective. They decided they were going to give themselves away to the community. As they gave themselves away they became multi-ethnic and became healthy as a Church. He felt they had partnered with the city to give themselves to the community. He went over the ways they helped the community. Because of the Mayor's leadership, no one uses derogatory terms about Smyrna, because now people want to be in Smyrna.

30. Jill Huitron, 1539 Roswell Street, she was for the proposal, residential is about the only thing that will work on the property. She spoke of the empty retail space in Jonquil, and on Atlanta Road. She felt the only way the Battery and surrounding commercial was going to make it was by building residential that could support the commercial in this area. The JLB development was pricey and the people that can afford these apartments will be able to afford the restaurants and commercial businesses in the area. Apartment living is being used differently.

31. Andy Jones, 2813 Spring Drive, Smyrna is a native of Smyrna and a homeowner. His main concern is stewardship. He does not think apartments are the best for the community, they tend to go down over a period and it end up costing the city for protection and safety. This location was not intended to be a church, it was intended for a sports and entertainment facility hence the name Sports Avenue. He sees Sports Avenue being extended to Cumberland Blvd. He thought the decision should wait until the city council seat was filled.

32. Desislava Tonkova, 1186 Ridgecrest Lane lives with her boyfriend, mom and dad. She professed that the traffic made it difficult for her and her father to get onto 285 to get to work. She was opposed to the proposal.

33. Steven Jones, 2823 Spring Drive he has lived in Smyrna for 42 years. He is opposed to the proposal due to traffic issues. The left turn lane in front of the McDonalds, turning onto Cumberland Blvd, about 4:30 - 5:00 PM backs up out of the lane to Sports Avenue. The cars block the first lane and cars have to get all the way over to the right to be able to go straight toward the Battery, this is eastbound traffic not westbound traffic where traffic would normally be backed up. The median that was just installed on Spring Road has not helped the issue; it has caused it to be worse. More apartments with one light will be tough. Going to a Braves game is harder; he is not talking about game day traffic, just regular day-to-day traffic. He was opposed to the development of the apartments.

34. Phil Sharp, 4153 Gabes Walk Drive, he was in complete support of the apartments. They lived in apartments when they first moved to Smyrna. He and his wife made the decision to buy a house in Smyrna. He urged the Council to consider this proposal.

35. Latarsha Traylor Pearson, 1001 Afton Way, she wanted families to come and invest in the community and schools. It is easy to get up and leave when they have not made the investment in the area. She was opposed to the rezoning.

36. Walter Desilva, 1993 Harold Avenue, Smyrna lived in Smyrna 13 years, he has raised his children in Smyrna, is part of Cumberland Community Church. He invited people to come and experience the church, it is a multi-cultural church and they love that Smyrna is growing as a community. He was in support of the rezoning.

Mayor Bacon closed the public hearing at 8:44 PM. He expressed his appreciation to everyone who spoke, he stated that everyone had been respectful, whether they were for or against the item and he thanked all for respecting the process. He announced that Derek Norton represented this area in Ward 1 where this request was located.

Councilmember Derek Norton responded that he had listened to all the comments and had made many notes. He addressed some of the comments made about the church; there was no doubt about the admiration for Cumberland Community Church, what the church has done for the community, and the partnerships they have made with the community, however, they were not there to debate how the church had supported the community. He continued to remark that they were there to consider the rezoning before them, that was the only item in front of the Council. He reflected on the first meeting he had regarding this proposal, he thought it was about 14-15 months ago when he had lunch with Pastor Alan and Fitz when they talked about their ideas for their move and the ideas that might work. He remembered saying that this needed to be a mixed-use project, if it is going to work. Over the last 14-15 months, he has met with staff and JLB, a half a dozen times, maybe more.

He took a day off from work with Councilwoman Anulewicz when she was still on Council. They went to the midtown location with JLB and the church to look at all the different units. They went to see what kind of product they would be talking about for this project. They also went to Alpharetta on the same day and looked at the three (3) -story facility much like what was proposed in Smyrna. Despite several meetings over all of those months, where they asked JLB for a mix of uses, to think outside the box, to include something that would be exciting for Smyrna residents; who were going to have to deal with the increased traffic on Spring Road and the aggravation that came with traffic. They wanted a plan that the citizens could be proud of and something they could use.

The plan the developer brought before the Council for vote had hardly changed from the original plan brought to him and staff. Instead of a plan that incorporated different uses, they brought the identical plan originally presented. There had not been much effort on the part of the developer to do anything he and staff had asked for, as far as making this a mix of uses. Whether it is retail or office space, or whatever it might be. What they received from the developer was why they could not do what was requested and a series of no's to what they asked for. It had become a frustration for both him and staff. When Mr. Moore presented for the developer he said the city did not want to miss this opportunity. Mr. Norton, contended that the developer missed, their opportunity to make the changes that city and staff asked for.

Citizens suffered through all the work done on Spring Road and Cobb Parkway. The widening took over a year as the Battery was completed, which added a turn lane from Cobb Parkway to Spring Road. The traffic was terrible during this time and the citizens deserved better than this. He and the Council had a responsibility to make a decision for all the people that used Spring Road. He felt that they heard from citizens from most of the wards during the public hearing. The City just finished the widening project and beautifying Spring Road, all of the units at the Battery are still not on line. He asked, with all the improvements they have made, why they would want to add 500 more cars coming in and out of Sports Avenue. He has said many times as the Council received these developments particularly on the Eastside of the city near where he lived and the Battery, the City gets one chance to get the development and the redevelopment opportunities right; he does not think this development is it. His thought was, the City can do better and was not on a timeline. He understood the church was on a timeline along with the developer. He voiced that he was fine with waiting until the right project came along, or the market was right for the vision of the city.

Councilmember Norton asked if there were questions from other Council members.

Councilmember Maryline Blackburn requested to hear from the applicant, Mayor Bacon stated that he had closed the public portion of the agenda; the public hearing could not be reopened.

Ms. Blackburn started to make a motion to re-open the public hearing, Mayor Bacon advised he would not entertain a motion; the developer should have spoken at the beginning of the public hearing. Councilmember Norton informed that the developer's representative spoke at the beginning of the hearing. Councilmember Blackburn insisted that she wanted to hear from the developer. Mayor Bacon advised that this action could cause a legal issue. Mayor Bacon relented and re-opened the public hearing for Ms. Blackburn, so the developer to speak.

At Mayor Bacon's, request City Attorney Scott Cochran swore in the developer.

37. Matt Hollman addressed Councilmember Blackburn. Ms. Blackburn requested that Mr. Hollman share some information about their development and the ideas they actually had for the property and area. The property was 325 multi-family units, it would be a mix of 1's, 2's and 3's, they will have some 3's but not many. Four percent of the units would be 3's. They do not have frontage on Spring Road, they have poor visibility to Spring Road, they don't have a good retail corridor.

Councilmember Norton interjected, that they had already heard all of this information. Mr. Hollman explained that Councilperson Blackburn asked him to comment on the

development and that is what he was doing.

Mayor Bacon allowed Mr. Hollman to finish.

Mr. Hollman continued, the apartments would be luxury class-A units. He has been through every complex in the area and these would be the nicest built. The retail would be kept at a minimum because he does not think it is responsible to put 10, 20, 40,000 sq. ft. of retail without good retail visibility. He would be forced to lease the retail space to the first person that came along. His plan was to build it nicely, with nice retail storefronts, a live-work unit located around the round-a-bout so there are nice looking retail storefronts with viable businesses. Three thousand (3,000) sq. ft. of retail that they do not have to lease tomorrow. They could wait for the right business to come along to be an amenity to the community it will also be an amenity to the surrounding area. The more space they have with other things, his lender and his capital partner will require that he lease it as fast as he can. He did not believe it was viable or responsible. If he had 3,000 sq. ft. he could lease to a chef driven restaurant, to a coffee house, yoga instructor, these ideas would be amenities to the community. Live-work spaces are an answer to become more mixed-use that is what they are. They have a positive track record with those units; they have put them in lesser locations in developments much further out than they are in the Smyrna location. They lease those units quickly to people that have thriving businesses in those units. The plan is for luxury class-A community with the most high-end finishes and amenities with vertically integrated retail.

Councilmember Andrea Blustein asked if they were going to put in elevators, he answered that they planned to put in two (2) elevators. Councilmember Susan Wilkinson asked about the work-space and the possibility of a Chef driven restaurant, she inquired about the amount of parking and if the plan provided for that type of parking. Mr. Suddreth came forward to address Ms. Wilkinson's question. All of the parking has been combined and it was taken into consideration. Ms. Wilkinson continued to question if there has been consideration for another road. Mr. Hollman asked for the site plan on the screen. He explained the 50 ft. right-of-way; they took the Georgia Tech and the LCI study into consideration. They do not control the Colonial Pipeline property nor do they control the apartments on the west side of the proposed area. At some point in time, if the property were to become available for redevelopment; it would be a good idea to put in a street grid that runs through the property.

Mayor Bacon closed the public hearing for a second time at 8:59 PM. He expressed that this was a difficult zoning, they also had a great applicant in the church. He complemented on all they have done to help and make the community better. It put the elected body in a tough position where staff has recommended denial and the Planning and Zoning Commission has recommended unanimously for denial. They listened to all the testimony and his hope was that the Council has taken all the information that they heard during this hearing and evaluated what the situation was. It was his hope that no one had made up their mind before they got to the meeting tonight. He would be very disappointed in folks if they had.

Councilmember Derek Norton noted that Matt Hollman was in most of the meetings he had with staff. He felt they were trying to tell all of them what was best for the city. For all the reasons he outlined in his statements he was prepared to make a motion.

A motion was made by Councilmember Derek Norton to deny zoning request Z17-021 for the rezoning from GC to MU-Conditional for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - the applicant was JLB

Realty, LLC; seconded by Councilmember Andrea Blustein.

The motion to deny carried by the following vote:

Aye: 3 - Councilmember Norton, Councilmember Blustein and Councilmember Wilkinson

Nay: 1 - Councilmember Blackburn

Absent: 2 - Councilmember Welch and Councilmember Fennel

B. [2018-163](#)

Public Hearing - Zoning Request Z18-007 - Rezoning from R-15 to RAD-Conditional for two single-family homes at a density of 5.2 units per acre - 0.38 Acres - Land Lot 559 - 1478 Spring Street - PM Builders, LLC

Sponsors: Blackburn

A motion was made by Councilmember Maryline Blackburn to table 2018-163 Public Hearing for zoning request Z18-007 to the August 6, 2018 Mayor and Council Meeting for rezoning from R-15 to RAD-Conditional for two single-family homes at a density of 5.2 units per acre - 0.38 Acres - Land Lot 559 - 1478 Spring Street, the applicant is PM Builders, LLC; seconded by Councilmember Susan Wilkinson.

The motion to table to the August 6, 2018 meeting carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

C. [2018-270](#)

Public Hearing - Zoning Request Z18-011 - Modification of approved site plan and building elevations - 61.88 Acres - Land Lots 61, 171, 172, 174, 175, 176, 289 - Riverview Landing on Riverview Road between Nichols Drive and Dickerson Drive - Ardent Companies -

Sponsors: Fennel

A motion was made by Councilmember Susan Wilkinson to table 2018-270 Public Hearing - Zoning Request Z18-011 to the August 20, 2018 Mayor and Council Meeting, at the request of the applicant for modification of approved site plan and building elevations - 61.88 Acres - Land Lots 61, 171, 172, 174, 175, 176, 289 - Riverview Landing on Riverview Road between Nichols Drive and Dickerson Drive - Ardent Companies; seconded by Councilmember Andrea Blustein.

The motion to table to the August 20, 2018 Mayor and Council Meeting carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

D. [2018-257](#)

Public Hearing Only - Zoning Request Z18-010 - Rezoning from R-20 & NS to RM-12-Conditional for the development of eighty-one townhomes at a density of 9.38 units per acre - 8.64 Acres - Land Lots

634 and 663 - 1755 & 1837 Roswell Street - Quintus Development, L.P.

Sponsors: Blustein

City Administrator Tammi Saddler Jones provided that Quintus Development was requesting the annexation and rezoning of the subject properties on the north side of Roswell Street from R-20 and NS to RM-12-Conditional for the development of an eighty-one (81) unit townhome subdivision at a density of 9.38 units per acre. The zoning request was heard by the Planning and Zoning Commission on June 11, 2018, was recommended for approval by a vote of 7-0, with staff conditions and a condition to study Roswell Street for traffic calming measures. Community Development recommended approval of the rezoning request with conditions and the annexation if approved will be effective August 1, 2018.

Mayor Bacon announced the public hearing. He asked if anyone wanted to make public comment in opposition or for this rezoning request. No one came forward to make public comment on this rezoning.

Community Development Senior Planner, Rusty Martin provided the detailed background on this request. He reiterated the comments that Ms. Saddler Jones made regarding this rezoning. The property is located on the north side of Roswell Street just before you get to the intersection of Windy Hill and Roswell Street.

The applicant has proposed eighty-one (81) single family townhomes at a density of 9.8 units per acre. The rezoning request will require a rezoning from R-20 and NS (Neighborhood Shopping) to RM-12-Conditional. The future land use map and proposed site plan showed that fifteen 25 to 16 single-family townhomes will front on Roswell Street and have rear-entry garages. They will be accessed from the new public street within the development. The remaining units will front on a new public street these homes will have front entry garages. All the homes will load from the new public street.

The townhomes will consist of a mixture of front and rear loaded two-car garages, which shall be designed to accommodate two vehicles. The twenty-four foot wide homes will be located along a public street and have front-entry garages. The floor areas of the townhomes will range between 1,700 sq. ft. and 2,400 sq. feet. The townhomes will employ a variety of traditional architectural features. The building facades will include, but not be limited to brick, stone, cement-fiber siding, wood or cement-fiber shingles, and other materials. The applicant has provided elevations and floor plans for both townhome products for review with the zoning application. They were proposing a deceleration lane which may or may not go away, to be determined by the traffic study recommended in the conditions. The plan provide for a pool and pool house, with 19 guest parking spaces.

Mr. Martin provided the variances requested by the applicant. He stated that staff supported all but one of the variances requested.

1) Reduction of front setback from 50' to 15' (Staff Supported)

2) Reduction in side setback from 35' to 25' (Staff Supported)

3) Reduction in rear setback from 40' to 25' (Staff Supported)

4) Increase in the impervious surface area coverage from 35% to 61% (Staff Supported)

5) *Reduction in building separation from 30' to 20' (Staff Supported)*

6) *Reduction in minimum floor area from 1,800 sf. to 1,700 sf. (No Staff Support)*

7) *495 sq. ft. encroachment into impervious surface area setback (Staff Supported)*

Community Development recommended approval of the request rezoning from R-20 & NS to RM-12-Conditional for the development of eighty-one (81) townhomes at a density of 9.38 units per acre with the following conditions:

Standard Conditions

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% hardy plank siding. The residences whose lots abut external roadways (i.e. Roswell Street) shall not be permitted to utilize hardy plank for any elevation facing these roads.

2. 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.

3. 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.

4. The detention 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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.

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. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.

8. 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.

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

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

11. 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".

12. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.

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

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

15. A Level I Archaeological Study shall be provided for the development. The developer shall verify to the city that any historical or archaeological features (including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any land disturbance activities.

Special Conditions:

16. The development shall maintain the following setbacks:

Front - 15' & 10' for front porches, porticos, balconies & stoops

Side - 25'

Rear - 25'

17. The buildings within the development shall maintain the following building separations:

Front to Front - 50'

Rear to Rear- 45'

Side to Side - 20'

18. Each townhome building shall be limited to no more than six units per building.

19. The proposed homes shall have a minimum floor area of 1,700 sq. ft.

20. Driveway - 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.

21. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

22. The rear of the townhome units shall have architectural features that delineate the individual townhome units.

23. The developer shall provide a 5' sidewalk with a 2' grass buffer along Roswell Street for the length of the development and a 5' sidewalk within the development along the private street.

24. The developer shall provide a 20' landscape buffer per Section 503 of the Zoning Ordinance along the western property line that adjoins the single-family homes.

25. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.

26. *The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.*

27. *No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.*

28. *Trees shall be planted the entire length of Roswell Street at an average spacing of no more than 40'.*

29. *All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.*

30. *Mitigation of the ±495 square foot encroachment into the 75' impervious surface area stream buffer setback must be provided at a rate of 1:1 elsewhere on site along the same stream. A separate mitigation site plan must be submitted for approval prior to issuance of a land disturbance permit.*

31. *Approval of the subject property for the RM-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/5/2018 created by Gaskins Engineering and all zoning stipulations above.*

32. *The applicant shall be bound to the elevations submitted and dated 6/5/2018 and 7/5/2018. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.*

33. *The additional stipulations agreed upon by the applicant in the letter submitted and dated on June 5, 2018. If there should be a discrepancy between the stipulations in the June 5, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.*

34. *A traffic calming solution on Roswell Street shall be reviewed by staff during the permitting process that is consistent with the city's traffic calming policy and public safety requirements. The developer shall be responsible for installation of the solution approved by the City Engineer. (Zoning condition added by the P&Z Board at the June 11, 2018 meeting)*

Mayor Bacon asked the applicant to step forward. The representative announced that for the record he was not Garvis Sams, Mr. Sams was at the hospital, welcoming a new grandchild. He was taking Mr. Sam's place, his name, Parks Huff with Sams, Larkin, Huff and Balli law firm, representing the applicant, Quintus Development. They have a recommendation from staff and the Planning and Zoning Commission. Mr. Huff requested the Zoning map; he commented that Quintus looked at this as an opportunity.

Councilmember Andrea Blustein asked if the area was gated. Mr. Huff answered that it was not gated. He continued that the location was great for this development. The applicant looked at the development to have enough units to support a vibrant HOA and they wanted to create a community. They have agreed to add on the condition for traffic calming. He had talked with the City Engineer about the traffic calming alternatives. He commented that the deceleration lane may not be the right kind of traffic calming needed for the area. He informed that Mr. Carter with Quintus Development was there for any questions.

Councilmember Maryline Blackburn stated that Councilmember Blustein had asked if they were putting in sidewalks and if the deceleration goes or if it stays, are they agreeable to do some infrastructure on that sidewalk. In the future, they may want to do another project that would include a trail or something wider. He had talked with the City Engineer, they would build the sidewalk to current standards, and until the whole path was completed it did not make sense to do a portion wider. They would design the infrastructure so there is plenty of room for expansion, fire hydrants, and utilities would be moved back for future plans.

Councilmember Susan Wilkinson inquired if the sidewalk would go up to Windy Hill or just in front of the development. Mr. Huff informed that the sidewalk would be in front of the development. She also asked about special conditions #22 that dealt with the rear of the townhomes. She was concerned that the townhomes would be visible from Windy Hill. Mr. Huff replied that they would honor condition #22 and will be aware of the visibility from adjacent property and Windy Hill. He noted that there was at least 125 ft. to 250 ft. of trees between the development and Windy Hill, so he does not foresee the development being visible from Windy Hill.

Mayor Bacon closed the public hearing.

Item 2018-257 Zoning Request Z18-010 was a public hearing only. This item was part of three agenda items which involved an annexation of property into the city. The Mayor explained the process of an annexation request that included a request to rezone when it was annexed. He explained, they held a public hearing on the rezoning, and then they would vote whether to approve the annexation. Once they voted up or down for the annexation of the property, they could then vote on the rezoning; resulting in three separate agenda items.

E. [2018-313](#)

Approval of Ordinance #2018-09 - Annexation request (100% of owners requesting annexation) - Land Lot 663 and 664, 17th District, 2nd Section, Cobb County, 8.64 acre tract - 1755 & 1837 Roswell Street, Smyrna Georgia, Ward 2 - effective date August 1, 2018

Sponsors: Blustein

A motion was made by Councilmember Andrea Blustein to approve Ordinance #2018-09 for the annexation request (100% of owners requesting annexation) - Land Lot 663 and 664, 17th District, 2nd Section, Cobb County, 8.64 acre tract - 1755 & 1837 Roswell Street, Smyrna Georgia, the effective date August 1, 2018, the property will be a part of Ward 2; seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

F. [2018-314](#)

Final Vote - Zoning Request Z18-010 - Rezoning from R-20 & NS to RM-12-Conditional for the development of eighty-one townhomes at a density of 9.38 units per acre - 8.64 Acres - Land Lots 634 and 663 - 1755 & 1837 Roswell Street - Quintus Development, L.P.

Sponsors: Blustein

A motion was made by Councilmember Andrea Blustein to approve zoning request Z18-010 - rezoning from R-20 & NS to RM-12-Conditional for the development of eighty-one townhomes at a density of 9.38 units per acre - 8.64 Acres - Land Lots 634 and 663 - 1755 & 1837 Roswell Street - Quintus Development, L.P.; seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

5. Privilege Licenses:

- A. [2018-286](#) Public Hearing - Privilege License Request 2018-286 - Beer and Wine Pouring - 1529 Spring Road Ste 3 - ML Holding LLC dba Hot Dog Factory with Dennis McKinley as agent.

Sponsors: Blackburn

Mayor Bacon read the item for the privilege license for the Hot Dog Factory. The applicants came up to the podium and introduced themselves as Dwayne Martin and Dennis McKinley. Mr. Martin explained that Mr. McKinley has operated the Hot Dog Factory since July 2015.

Ms. Saddler Jones provided the background for the Hot Dog Factory. Dennis McKinley will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. McKinley had been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop.

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Dennis McKinley has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Approval of privilege licenses for the sale of beer and wine (retail pouring) for ML Holding Group LLC dba Hot Dog Factory with Dennis McKinley as the registered agent. Staff recommended approval.

Mayor Bacon announced the public hearing for anyone who wanted to make public comments about the privilege license; no one came forward to make public comment.

Councilmember Maryline Blackburn asked Mr. Martin to tell them about the Hot Dog Factory. Mr. Martin explained that the Hot Dog Factory has been in the same location since 2011. He moved to Georgia from Detroit, MI. He noticed that the Hot Dog Factory was for sale as he was driving by and since he loved hot dogs, he purchased the restaurant. Since the stadium opened, their store traffic has increased especially before the games. Customers often asked why they did not sell beer. This was why they were before Mayor and Council to ask for a privilege license to sell beer.

Ms. Blackburn stated that Mr. McKinley had taken the required training course to sell beer and wine she hoped they would not take that lightly.

A motion was made by Councilmember Maryline Blackburn to approve privilege license request 2018-286 for Beer and Wine Pouring - 1529 Spring Road Ste 3 - ML Holding LLC dba Hot Dog Factory with Dennis McKinley as agent; seconded by

Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

B. [2018-292](#)

Public Hearing - Privilege License Request 2018-292 - Beer, Wine, and Liquor Pouring - 2430 Atlanta Road STE 300-500 - Cafe Restaurants Smyrna LLC dba J Christopher's with Shawn Bell as agent.

Sponsors: Blackburn

Mayor Bacon read the next privilege license for J. Christopher's. The applicant approached the podium and Mayor Bacon apologized to them for having to wait so long. He asked for the background from Ms. Saddler Jones.

Ms. Saddler Jones provided the background; Shawn Bell will be the registered agent, responsible for the sale of alcohol at the referenced location. Shawn Bell has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop.

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Shawn Bell has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Staff recommended approval of privilege licenses for the sale of beer, wine, and liquor (retail pouring) for Café Restaurants Smyrna LLC dba J. Christopher's with Shawn Bell as the registered agent.

Mayor Bacon announced the public hearing for anyone who wanted to make public comment about the privilege license; no one came forward to make public comment.

Councilmember Maryline Blackburn asked Shawn Bell if they wanted to tell about J. Christopher's. Mr. Bell offered that J Christopher's served breakfast and lunch until 2:00 PM, they would sell a minimum of alcohol; he explained the types of drinks they might provide.

Ms. Blackburn went over the alcohol ordinance and that he had taken the required course and explained the City does not take the sale of alcohol lightly. Mr. Bell agreed and explained that he did not take it lightly either and would take all the appropriate measures to insure they operated according to the ordinance.

A motion was made by Councilmember Maryline Blackburn to approve privilege license request 2018-292 for Beer, Wine, and Liquor Pouring - 2430 Atlanta Road STE 300-500 - Cafe Restaurants Smyrna LLC dba J Christopher's with Shawn Bell as agent; seconded by Councilmember Susan Wilkinson.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

6. Formal Business:

- A. [RES2018-05](#) Approval to Adopt a Resolution Calling For a Referendum to allow Citizens of Smyrna, Georgia to vote on whether Smyrna is authorized to permit and regulate Sunday sales of Distilled Spirits or Alcoholic Beverages for Beverage purposes by the Drink from 11:00 AM to 12:30 PM and authorizing subsequent sales; to also enter into a contract with Cobb County Elections to conduct Special Election for Alcohol Referendum

Sponsors: Fennel

Mayor Bacon read the item for a resolution to add to the Special Election ballot for a referendum for citizens to vote and decide if they want to allow the sale of alcohol from 11:00 AM - to 12:30 PM. He explained that this would add an additional hour and a half on Sunday's for pouring alcohol.

Ms. Tammi Saddler Jones provided the background. The General Assembly of the State of Georgia has enacted legislation, codified at O.C.G.A. § 3-3-7 (j.1)(1), They signed into law on May 8, 2018, authorizing Municipalities to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 PM. Such sales are approved in a referendum by the electors of Smyrna in an election called and conducted in the manner set forth in the legislation. A contract would be entered into with Cobb County to hold a Special Election and place the proposed referendum on the November ballot.

The Mayor and Council of Smyrna, in compliance with law, wish to provide an opportunity for the citizens of Smyrna to vote their desires with respect to the time such sales of distilled spirits or alcoholic beverages for beverage purposes by the drink can be purchased on Sundays. The voters shall determine if Smyrna shall be authorized to permit and regulate Sunday sales for an additional hour and a half during the time of 11:00 A.M. until 12:30 P.M.

Cobb County shall conduct a referendum as authorized by O.C.G.A § 3-3-7 (j.1)(1) to determine whether the voters desire Smyrna to permit and regulate Sunday sales of distilled spirits or alcoholic beverages for beverage purposes by the drink from 11:00 A.M. to 12:30 P.M., said referendum to be called in accordance with Title 21 Chapter 2 of the Official code of Georgia and all other applicable laws, and that the elections superintendent shall issue the call and conduct the election on November 6, 2018.

The election shall be held on November 6, 2018, and the polls will be open from 7:00 A.M. to 7:00 P.M.. Those qualified to vote in the election shall be determined in accordance with the Constitutions and statutes of the United States and the State of Georgia.

Councilmember Derek Norton, brought forward the "Brunch Bill" for a motion.

A motion was made by Councilmember Derek Norton to approve RES2018-05 to Adopt a Resolution Calling For a Referendum to allow Citizens of Smyrna, Georgia to vote on whether Smyrna is authorized to permit and regulate Sunday sales of Distilled Spirits or Alcoholic Beverages for Beverage purposes by the Drink from 11:00 AM to 12:30 PM and authorizing subsequent sales; to also enter into a contract with Cobb County Elections to conduct Special Election for Alcohol Referendum; seconded by

Councilmember Maryline Blackburn.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

B. [2018-291](#)

Approval to enter into a governmental agreement with the City of Sandy Springs for prisoner housing and allow the Mayor to sign all related documents

Sponsors: Norton

Ms. Tammi Saddler Jones provided the background. The City of Sandy Springs has requested their sentenced prisoners to be housed at the City of Smyrna Detention Facility at a cost of \$50 (fifty) per 24 hour period per inmate. An agreement has been drafted outlining this arrangement.

Historically, the City of Sandy Springs has housed sentenced prisoners in the Pickens County, GA detention facility. Sandy Springs has abolished their agreement with Pickens County, GA and has requested to enter into an agreement with the City of Smyrna for sentenced prisoner housing. A term of this agreement is for the City of Smyrna to transport said prisoners to Sandy Springs court appearances and Sandy Springs will transport prisoners back to the City of Smyrna. Agreed upon 24-hour per prisoner rate is \$50.00.

Councilmember Derek Norton informed that this agreement was recommended by Chief Lee and staff.

A motion was made by Councilmember Derek Norton for approval to enter into a governmental agreement with the City of Sandy Springs for prisoner housing and allow the Mayor to sign all related documents; seconded by Councilmember Andrea Blustein.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

A motion to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones was made by Councilmember Susan Wilkinson; seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein and Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Councilmember Fennel

- A. [2018-306](#) Approval of the July 2, 2018 Mayor and Council Meeting Minutes
Sponsors: City Council
- B. [2018-307](#) Approval of the July 2, 2018 Pre-Council Meeting Minutes
Sponsors: City Council
- C. [2018-315](#) Approval of the June 14, 2018 Committee of the Whole Meeting Minutes
- D. [2018-305](#) Approval of the services agreement in the amount of \$12,000.00 and the addendum adjusting the audit period in the agreement between the City of Smyrna, Georgia and the Georgia Municipal Association for E911 user fee audit services and allow the Mayor to sign all related documents.
Sponsors: Fennel
- E. [2018-309](#) Approval of Revision to Personnel Policy RSK 4-0 Vehicle/Safety Equipment and authorize the Mayor to execute related document
Sponsors: Blackburn
- F. [2018-317](#) Approval to close Lavista Road between Pinehill Drive and Stephens street on Sunday, August 12, 2018 between 5:00 PM - 8:00 PM for a Neighborhood Block Party - organizer Kamma Manion.

9. Committee Reports:

Councilmember Susan Wilkinson read some announcements for the Library, this is the last week of the summer reading program. The final event will be Friday, July 20, 2018 at 11:00 AM at the Smyrna Community Center. Magic Man Bill Packard will entertain with magic, music and puppets. Bring reading logs for final prizes.

If you are interested in new career in construction, visit the Smyrna Library on July 25, 2018 at 11:00 AM. Build Cobb and Work Source Cobb will be in the Library meeting room to discuss their free services for job seekers including the free four (4) week hands on construction training and certification program called "Construction Ready".

She announced the City's Birthday Celebration Saturday, August 4, 2018; she hoped everyone could come out for that event. The celebration is from 6:00 to 10:00, with fireworks and fun activities. The library will be closing at 2:00 PM on that Saturday.

Councilmember Maryline Blackburn thanked all the Smyrna residents that came out on Saturday night for the Summer Concert series, in spite of the rain it was a good time. She enjoyed seeing all the families out socializing, visiting and having a great time. She noted for everyone to look forward to the August 4, 2018, Birthday Celebration.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

No one signed up for Citizens input.

12. Adjournment:

Mayor A. Max Bacon adjourned the meeting of the Mayor and Council at 9:44 PM.