# City of Smyrna

2800 King Street
Smyrna, Georgia 30080

## Meeting Minutes - Final
## City Council

**Monday, October 5, 2015** | **7:30 PM** | **Council Chambers**

### Roll Call

**Present:** 6 - Mayor Max Bacon, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Wade Lnenicka and Councilmember Ron Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Melleny Pritchett and Councilmember Susan Wilkinson

**Also Present:** 16 - Mike L Jones, Jennifer Bennett, Tammi Saddler Jones, Amy Snider, Scott Cochran, Scott Stokes, Kristin Robinson, Roy Acree, David Lee, Mary Moore, Ann Kirk, Ken Suddreth, Dat Luu, Steve Ciaccio, Heather Corn and Terri Graham

### Call to Order

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

### 1. Invocation and Pledge:

Reverend Wirth Martin of Smyrna First United Methodist Church gave the invocation and led all in the Pledge of Allegiance.

### 2. Agenda Changes:

Mayor Bacon noted there were 2 agenda changes, item 5 A would be tabled to October 19, 2015 and item 6 A would also be tabled to October 19, 2015.

### 3. Mayoral Report:

**A.** Proclamation In Recognition of "Respect for Firefighters"

***Sponsors:*** Fennel

*Councilmember Ron Fennel read aloud the proclamation in recognition of Respect for Firefighters and declared October 16, 2015 as Respect for Firefighters Day and presented the proclamation to the Smyrna Public Safety Fundation. The new president was introduced as well.*

**B.** Proclamation in Recognition of Girl Scout Month, October 2015

***Sponsors:*** Anulewicz

*The proclamation in recognition of Girl Scout month, October 2015 was read aloud by Councilmember Teri Anulewicz and all the Girl Scouts present were invited to stand behind the Mayor and Council for recognition. Troops were recognized from troops 2016, 16370, 13424, 1872, 16371, 12168, 13132 and 14568. October 24th is the Girl Scout Sock Hop at the American Legion. Councilmember Anulewicz led the girls in reciting the Girl Scout pledge. Thanks were given to all the girls and the volunteers.*

## 4. Department Head Reports:

*Mayor Bacon asked Interim City Administrator Mike L. Jones to call forward the department heads to give their reports.*

*Fire Chief Roy Acree gave the following report:*
*From Fire:*
*• Fire Safety Week, October 4-10. Most fire fatalities occur while people are sleeping, this year's theme "Hear the beep where you sleep", hopes to reinforce the importance of working smoke detectors.*
*• Saturday the 10th, Smyrna Fire/Red-Cross to offer free smoke detectors to 500 Smyrna residents.*
*• Friday October 16th, 2:00pm at fire station 1, Smyrna Fire will have a Dedication Ceremony for the new ladder truck.*

*Library Director Mary Moore gave the following report:*
*2015 is the 70th anniversary of the conclusion of World War II. Smyrna Library and the Friends of Smyrna Library have observed this anniversary with a series of lectures, exhibits and book displays throughout the year. The "Old Smyrna" exhibit in the display cases on the Upper Level now include artifacts and information related to Max Parnell, Smyrna's own "Flying Tiger." Additionally, a traveling exhibit sponsored by Dalton State University is on display in the Library Atrium. The exhibit is called, "Over Here & Over There: Georgia and Georgians in World War II." It will be on display through October 30.*
*Whether you are a history buff or not, everyone will enjoy the storytelling of "Spirits of Smyrna." Volunteers and librarians will tell ghost stories and folk tales of Smyrna at an after-hours fundraiser at the Library on Saturday, October 17, from 6:00 to 8:00 p.m. Tickets are $5 per person. Children 6 and under are free. The tales are "not too scary," so bring the family and join us for spooky stories and sweet treats for the Halloween season. Tickets are on sale now at the Library's Front Desk.*

*Community Development Director Ken Suddreth gave the following report:*
*Things are still going well. There were 12 new dwelling permits issued in September, 29 in August and 19 in July so the total for this fiscal year so far is 55 which is a good pace. 1,240 inspections per month have been averaged and there are approximately three inspections per site visit being completed. Pre 2008 we were inspecting over 10,000 per year and we are on track to exceed that this year.*

*Police Chief David Lee gave the following report:*
*He thanked the Smyrna Optimist Club for their loyalty and support of Public Safety. He attended the Cobb County Chamber of Commerce Public Safety Appreciation breakfast and Smyrna's SWAT team was nominated and recognized for the event held about 8 months ago. Detective Waddell was nominated for an Award of Merit. Captain Joe Bennett won the Leadership Award. Captain Bennett took on the 911 Center without any prior knowledge or training and has been the command leader on several critical instances. He is a true asset to the department.*
*Chief Lee a three day course with Author* John Edwards and his book, The Burden of Command and there are several employees signed up to train. The Chaplain Police Academy has started and there is a good representation of churches in the*

*area.*

*Keep Smyrna Director Ann Kirk gave the following report:*
*Keep Smyrna Beautiful buys jonquil bulbs in bulk each year and sells them to the public at close to cost. The jonquil bulbs are here and are $15 for a bag of 50. They are available at the Recycling Center, and will be also sold at the Fall Festival.*
*There will be another Adopt-A-Mile event on October 17th from 8 am until 12 noon staged from the Recycling Center. Please call to let us know if you will be attending.*
*We had over 350 people attend our Shredding Event and collected over 20,000 lbs of paper. Thanks to Iron Mountain and all of our volunteers who made this possible. If you missed our event, Keep Cobb Beautiful will have one on November 21, 9am-1pm at Mable House Barnes Amphitheatre, 5239 Floyd Rd SW, Mableton, GA 30126.*
*Our Fresh Market is closed for the season but will reopen in May.*

*Community Relations Director Jennifer Bennett gave the following report:*
*Jonquil Festival is Saturday, October 24 and Sunday, October 25. Saturday is 10:00 a.m. until 6:00 p.m. and Sunday is Noon until 5:00 p.m. / look for announcements on social media as we approach the date. On behalf of Police Chief David Lee and Smyrna PD, reminding parents that the Halloween Parade is returning this year. We will be releasing information on social media etc. about the exact time and all other things parents need to know. Parents are reminded that last year's First Annual event was a great success and the costume competition was both inspirational and fierce.*

*Interim Finance Director, Kristin Robinson gave the following report:*
*•Moody's (a bond rating company) was in town visiting another client, so they stopped by for a little Q&A. I am not sure if anything will come of it, but it went well.*
*•The audit is still underway. Results pending*
*•Property taxes are coming in steadily.*

*Public Works Director Scott Stokes gave the following report:*
*Concord Road SPLOST project:*
*The Contractor has addressed about 50% of the punch list items to date.*
*Belmont Sewer Rehabilitation:*
*The contractor has addressed about 20% of the punch list items to date. This week the contractor began installing manhole vents.*
*Windy Hill/Atlanta Road SPLOST intersection improvement project:*
*The contractor preformed some roadway storm sewer work this week.*
*Gann Road Storm Sewer:*
*The contractor has excavated for the retaining wall to be placed on the east side of the roadway and replaced a sewer service lateral adjacent to the project, weather has stopped any progress to open the roadway.*
*Street Paving SPLOST project:*
*Street paving is complete, the contractor will now apply crack sealant on Windy Hill Road from So. Cobb to Belmont Cir. Which will complete their work for the city this year.*
*-Landscaping on Howell Drive for the curb replacement is complete.*
*Broken curb and sidewalk on King Springs Road west of So. Cobb is complete. Landscaping remains to be completed.*
*Weather has delayed the partial curb replacement on Rita Way. The dead end of Linnwood Dr. curb replacement is complete with landscaping remaining.*
*Our sanitary sewer video and cleaning contractor is scheduled o resume work in Smyrna next week. They are about 60% complete with the work they were assigned.*
*-Preconstruction meetings were conducted this week with the Village Parkway Improvements project contractor and the Video Security Camera project contractor. Both contractors are ready to mobilize and begin their projects.*

*-Projects Scheduled to start:*
*Water main replacement So. Cobb, Concord to Wisteria Lane*
*Video security camera Bid for parks buildings and Public buildings*
*Highview Dr. at Plumbcrest Rd. Storm Sewer Improvement*
*Hickory Hill Storm Drain Improvement*
*Village Parkway Improvements*
*-Projects out for Design:*
*Hickory Acres Drive Storm culvert*
*Smyrna Powder Springs Road Sanitary outfall*
*Sub-basin 1 Sanitary Sewer Outfall*
*Antler Trail Sanitary Sewer Outfall*
*Lake Drive at Magnolia Dr. Storm Sewer Replacement*
*Fox Creek Lake*
*Lake Drive at Brentwood Storm Sewer*
*King Springs Road near Kings View Road Profile*
*Walker Court near Morris Circle Storm Sewer*
*Doeskin Ln Storm Sewer*
*Pat Mell Rd Storm Sewer*
*Lake Court Park Storm sewer*
*-Projects out for bid:*
*Lois Street at Lois Point*
*Spring Road Improvements*

*Parks and Rec Director Steve Ciaccio gave the following report:*
*Steve Ciaccio reported on the Casper's Friendly Castle event on October 30. This event is from 10 am – noon and is oriented towards pre-school aged children. Price per family is $10 resident, $20 non-resident. On line, advanced purchases of tickets is encouraged.*
*The Wolfe Pool has reopened after a 3 week closure for mechanical and aesthetic upgrades.*

*City Clerk Terri Graham gave the following report:*
*COURT SERVICES MONTHLY UPDATE*
*Cases processed:*
*In September 2015 there were 766 citations received and processed for court*
*Docket count:*
*In September 2015 there were 676 cases that ended up on 9 dockets*
*Bond forfeitures:*
*In September 2015 there were 328 cases that paid prior to their court date*
*Failure to appear:*
*In September 2015 a total of 157 defendants failed to appear for their court date*
*Web payments:*
*In September 2015 a total of 384 defendants paid with our online payment system*
*Dispositions and videos:*
*In September 2015 our office completed 28 disposition request and 21 dash cam video*
*request*
*The CIty Clerks office processed 35 open records requests and the PD processed 52 open records requests.*

*The municipal election will be held November 3, 2015 and to prepare for the electon Cobb County will be sending out precinct cards to all registered voters in Smyrna to identify polling locations and ward changes that were adopted in 2013. The precinct cards were to be mailed the first or second week in October.*

## 5. Land Issues/Zonings/Annexations:

**A.** **Public Hearing** - Zoning Request Z15-008 - Rezoning from R-15 to RAD-Conditional for the development of five single-family homes - 1.27 Acres - Land Lot 488 - 1091, 1107 & 1121 Bank Street - Pritchard Brothers, Inc. **This item was tabled on October 5, 2015 to be heard on October 19, 2015 at the request of the applicant.**

***Sponsors:*** Anulewicz

A motion was made by Councilmember Teri Anulewicz to table item 2015-166 for a public hearing for zoning request Z15-008 - Rezoning from R-15 to RAD-Conditional for the development of five single-family homes on 1.27 Acres in Land Lot 488 - 1091, 1107 & 1121 Bank Street. The applicant is Pritchard Brothers, Inc., seconded by Councilmember Andrea Blustein. The motion carried by the following vote:

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Wilkinson

**B.** Approval of Ordinance 2015-18 - Annexation request (100% owners requesting annexation) - of all tracts of land lying and being in Land Lot 562, 17th District 2nd Section, Cobb County, Georgia, a total of .18 acre tract, being known as 1423 Hawthorne Avenue.

***Sponsors:*** Anulewicz

*Interim City Administrator Mike L. Jones read the following background for this annexation item:*
*The applicant Melanie Colley is seeking approval for annexation of approximately .18 acre tract parcel # 17056200470 - all that tract or parcel of land lying and being in Land Lot 562, 17th District, 2nd Section, Cobb County, Georgia located at 1423 Hawthorne Avenue, Smyrna GA.*
*Certified letters were sent to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. We received a non-objection letter form Cobb County September 14, 2015 regarding this annexation and staff has reviewed and recommended approval.*
*Councilmember Teri Anulewicz remarked that she is glad to have the new residents in Ward 3 and begun speaking to them back in June regarding this annexation.*

A motion was made by Councilmember Teri Anulewicz to approve item 2015-340 Ordinance 2015-18 the annexation request (100% owners requesting annexation) - of all tracts of land lying and being in Land Lot 562, 17th District 2nd Section, Cobb County, Georgia, a total of .18 acre tract, being known as 1423 Hawthorne Avenue, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Wilkinson

## 6. Privilege Licenses:

**A.** Public Hearing - Privilege License Request 2015-291 - Beer and Wine Pouring - 2680 Cobb Parkway - Coffee House Holdings Inc. dba Starbucks #8371 with Joseph George Del Savio as agent. This item was tabled on October 5, 2015 to October 19, 2015 at the request of the applicant.

***Sponsors:*** Pritchett

A motion was made by Andrea Blustein to table item 2015-291 for a public hearing for a privilege license - Beer and Wine Pouring located at 2680 Cobb Parkway the applicant, Coffee House Holdings Inc. dba Starbucks #8371 with Joseph George Del Savio as agent, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Wilkinson

**B.** Public Hearing - Privilege License Request 2015-320 - Beer, Wine, Liquor Pouring - 4320 East West Connector - Cielo Blue 2 Inc. dba Cielo Blue Mexican Grill & Cantina with Robert Trivino as agent.

***Sponsors:*** Lnenicka

*Interim City Administrator Mike L. Jones gave the following background for this item: This item is for a new application for privilege license for Cielo Blue 2, Inc. dba Cielo Blue Mexican Grill & Cantina for the sale of beer, wine, and liquor (retail pouring). Cielo Blue 2, Inc. is the owner and Robert Trivino is the agent applicant. He will be responsible for the sale of alcohol at the referenced location. Robert Trivino has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate attached) A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Robert Trivino has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Approval of a privilege license for the sale of beer, wine, and liquor (retail pouring) for Cielo Blue 2, Inc. dba Cielo Blue Mexican Grill & Cantina with Robert Trivino as the registered agent.*
*The agent/applicant was present and invited by Councilmember Wade Lnenicka to come forward. He was asked if he had read and if he understood the ordinance in regards to the sale of alcohol. He stated that he had and he had no questions at this time. This is a family owned Mexican restaurant that is more of a TexMex style restaurant. They plan to open in the next couple of months after construction is complete.*
*Mr. Trivino's sister and brother-in-law will be present and their attorney handles all employee training for the store. His sister will be the primary on site.*
*Councilmember Fennel thanked Mr. Trivino for investing in the City and reitterated the police departments compliance checks.*

A motion was made by Councilmember Wade Lnenicka to approve item 2015-320 for a privilege license for a Beer, Wine, Liquor Pouring license located at 4320 East West Connector for the applicant Cielo Blue 2 Inc. dba Cielo Blue Mexican Grill & Cantina with Robert Trivino as agent, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Wilkinson

## ;I7. Formal Business:

**A.** Authorization to enter into an amended and restated User License Agreement for 800 MHz Radio System with Cobb County, GA and allow the Mayor to execute all related documents

***Sponsors:*** Fennel

*Interim City Administrator Mike L. Jones gave the following background for this item: This item is an authorization to enter into an amended and restated User License Agreement for 800 MHz Radio System with Cobb County, GA and allow the Mayor to execute all related documents. The original 800 MHz agreement with Cobb County, GA (entered into September 21, 1998 and amended by adoption of the "Second 800 MHz Radio System User License Agreement" on October 1, 2005) expires October 1, 2015. By executing the amended and restated license agreement dated September 9, 2015, the City will continue on the Cobb 800 MHz public safety radio system without interruption.*
*In 1998, the City of Smyrna, in cooperation with all other municipalities in Cobb County, GA and Cobb County entered into an agreement for Cobb County to host the public safety 800 MHz for Cobb County as a whole. This original agreement was amended in 2005 and all municipalities reaffirmed their agreement for an additional 10 years. The current amended and restated user license agreement will extend the original agreement until September 30, 2025. The City of Smyrna has radios on order that will comply with the requirements outlined in the agreement. The costs associated with this agreement are only estimates due to Cobb County continuing to evaluate tower sites. Seven (7) tower radio system - Core Replacement $23,791.04 and Core Maintenance $108,224.00 per year. Eight (8)-tower site radio system - Core Replacement $35,686.56 and Core Maintenance $120,384.00 per year. (note these figures are from the last City Manager meeting that minutes are available from and dated 05/20/2014).*
*The Chief of Police and Fire Chief recommend continuing the agreement with Cobb County.*
*Councilmember Ron Fennel stated this is a continuation of the currently used system.*

A motion was made by Councilmember Ron Fennel to approve 2015-322 for the Authorization to enter into an amended and restated User License Agreement for 800 MHz Radio System with Cobb County, GA and allow the Mayor to execute all related documents, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Wilkinson

## 8. Commercial Building Permits:

There were no commercial building permits

## 9. Consent Agenda:

*Interim City Administrator read aloud the consent agenda for Council's approval and amended the date of the Arthur Bacon Golf Classic to April 30 and May 1 to avoid Mother's Day weekend.*

A motion was made by Councilmember Ron Fennel to approve the Consent Agenda with the following changes, in the event calendar the Arthur Bacon Golf Tournament would be moved to April 30th and May 1st for 2016 and there would be an addition of the Nutcracker event for a date that has not been set, seconded by Charles Corkey Welch. The motion carried by the following vote:

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Wilkinson

**A.** Approval of the Mayor and Council Meeting Minutes for September 21, 2015

***Sponsors:*** City Council

**B.** Approval of 2016 Smyrna Community Event Dates

***Sponsors:*** Anulewicz

**C.** Approval to allow road closures for Campbell High School's Homecoming Parade to be held Friday, October 23, 2015 to begin at 5:00 PM

***Sponsors:*** City Council

## 10. Committee Reports:

*Ward 1 Mayor Pro Tem / Councilmember Melleny Pritchett was not present.*

*Ward 2 Councilmember Andrea Blustein thanked the public that came out to her Ward 2 event on Saturday even with the horrific rains. There was a good bit of information given and received.*

*Ward 3 Councilmember Teri Anulewicz spoke about events that have concluded and the exciting events that are forthcoming. She also mentioned the precinct cards that were mailed and encouraged residents to make sure they know where they are going to vote.*

*Ward 4 Councilmember Corkey Welch had no committee report.*

*Ward 5 Councilmember Susan Wilkinson was not present.*

*Ward 6 Councilmember Wade Lnenicka gave the following report regarding Emory Adventist Hospital:*

*He read from an email received from Dane Peterson, Hospital Group President.*
*It stated that Emory Healthcare planned to preserve the acute care hospital Certificate of Need in Cobb County. Emory Healthcare purchased the land and buildings this past April and preservation of the CON attached to this closed facility required them to open a limited service, two bed hospital. As a two bed hospital they will provide only very basic and specific care and will not have an Emergency Department.*
*They will continue to operate a hospital in Smyrna, albeit a limited hospital. The closing of that hospital was a tragedy for this community and he has been clear about that for many months. The future can include a certificate of need which preserves future uses for this hospital.*
*He also noted that he continues to try to bring a VA hospital to that location. Smyrna has 53,000 people and we need a hospital.*

*Ward 7 Councilmember Ron Fennel re-emphasized it is Public Safety Appreciation Week. He also congratulated again the PD with their commendations at the breakfast. He spoke at Scout Troop 11 meeting he is very proud of them as well as the girl scouts.*
*October 6 at 7:00 pm is a Town Hall meeting at the Cresent Ridge Clubhouse. On Ocotber 8 at 7:00 pm there is an additional meeting at Whitfield Academy.*

## 11. Show Cause Hearings:

There was no show cause hearings

## 12. Citizen Input:

*Councilmember Charles "Corkey" Welch said he has come across many citizens that are still confused by the new boundaries. He explained where to go on the website to look at the Ward map to clarify what Ward they would be voting on.*

*Alex Backry commented on the October 20th Candidate Forum to be held. He takes opposition to the way the questions will be handled and that screening the questions will be politically biased.*
*He also remarked on the other two Mayoral candidates and their lack of conversation regarding shopping for the City.*

*Councilmember Wade Lnenicka commented that the previous meeting had audio problems and that the City Clerk and City Manager had attempted to identify the problem. Restated in part what he spoke about last time. He mentioned the Committee for Education, the Committed for Economic Development and a Smyrna Business Council. At the next meeting he will review the other 5 committees he spoke about at the previous meeting;*

## 13. Adjournment:

*Adjourned 8:39*

Mayor Max Bacon adjourned the meeting at 8:39 PM.