



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, March 17, 2014

7:30 PM

Council Chambers

Roll Call

Present: 6 - Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

Absent: 1 - Mayor pro tem/Councilmember Melleny Pritchett

Also Present: 0

Call to Order

1. Invocation and Pledge:

Mayor Max Bacon called on Phil Manginelli, Pastor of The Square Church, 4128 Charleston Trail, Smyrna, Georgia to deliver the Invocation. The Mayor asked the members of Boy Scout Troop 554, who were in attendance to earn a merit badge, to come forward to introduce themselves and to lead all in the Pledge of Allegiance .

Councilmember Ron Fennel recognized the scouts and thanked them for their service to the community. He presented the troop with a flag that has been retired and asked that they properly dispose of it.

2. Agenda Changes:

The Mayor stated that there were no changes in the Agenda.

3. Mayoral Report:

Mayor Bacon asked Juanita Stedman to come forward to discuss her candidacy for Cobb County Superior Court Judge. She has served as a Juvenile Court Judge in Cobb County for the past 13 years and in that capacity she fills in as a Superior Court Judge one week out of the month. The election primary will be held on May 20, 2014.

The Mayor shared that the City's bond rating with Standard & Poor's has been upgraded from AA+ to AAA. There are only three other cities in Georgia that have this rating.

4. Land Issues/Zonings/Annexations:

- A. [2014-054](#) **Public Hearing** - Zoning Request Z14-007 - Approval of a zoning amendment to modify zoning condition #1 of Z13-008 - 1.35 Acre Tract - Land Lot 593 - 1523 and 1531 Spring Street - JWB Properties, LLC

Sponsors: Anulewicz

City Administrator Eric Taylor gave the background that the original rezoning was approved 7-0 by the Mayor and Council at the August 19, 2013 meeting. One of the standard stipulations on this rezoning relates to the use of Hardiplank siding. This zoning amendment will modify the rezoning to allow Hardiplank on the home elevation that fronts Spring Street. The staff has reviewed the request and recommends approval.

The Mayor announced the Public Hearing and no one came forward to speak. Councilmember Teri Anulewicz called Ken Suddreth to come forward to give more background on the request. Mr. Suddreth stated that this is a request to amend the standard condition number one to allow Hardiplank on the side facing Spring Street. The builder is breaking up the Hardiplank with other features on the front of the homes and that is what convinced the staff to decide to recommend approval. The property has been cleared and the homes are ready to be built. All of the other 23 conditions have been met. Councilmember Anulewicz asked to look at the slide containing the adjacent properties' pictures. She demonstrated that the use of siding is in keeping with the existing character of the neighborhood's original homes as well as the homes that are new to the community.

Councilmember Wade Lnenicka asked which parts of the front of the homes will have Hardiplank. Mr. Suddreth deferred the question to the builder, Mr. James "Jim" Woodrow Brown. The Mayor called Mr. Brown to come forward and be sworn in by City Attorney Scott Cochran. Mr. Brown answered that the house on the left in the picture has board and bat siding. He doesn't use Hardiplank (which is a brand name), but instead uses fiber-cement products and poly products. They use products that will not rot. Mr. Lnenicka asked if there was anything on the front of the homes that was not siding. Mr. Brown stated there will be brick features around the porches. Councilmember Anulewicz discussed the need to look at revising the blanket stipulations that the City has in place so that decisions can be made more in the interest of being consistent with the look of the neighborhood. Mr. Brown showed the Council a "Pattern Book" from Norfolk, Virginia. These books were prevalent in the late 1800s when cities were growing, and shows pictures of homes and how to build and develop within a community. Ms. Anulewicz stated that there is a resident in Williams Park who is cataloguing the homes in that neighborhood, which could become the beginning of a pattern book.

Councilmember Susan Wilkinson asked about condition one, as she reads it no home elevation should be comprised with 100% Hardiplank siding. She agreed with the need to revise the condition, but her concern was how will this variance effect the ability of enforcing the existing ordinances. City Attorney Cochran does not believe that this would limit the City's ability to enforce the ordinance. Mr. Lnenicka also expressed his concern about setting a precedence and whether once this variance is approved, the City would be able to enforce this condition of the ordinance on other builders. He wondered, what if builders ignored the standard stipulation and built the homes anyway without asking for a variance. Mr. Cochran stated he does not think this limits their ability to enforce the ordinance. A variance, by definition, is a deviation from a standard rule. If the City varied often, then it is a different case. In this situation, where the homes are comprised of similar facade, it will be clear that this variance is to keep the houses consistent with others in the area. This is the purpose of a variance. The other issue is that if someone ignores the stipulation and we don't enforce the codes, that is a completely different matter. Councilmember Lnenicka states this has occurred 1/2 mile from City Hall. Mr. Cochran stated that is a very different matter than the builder asking for a variance. The Mayor stated that we have asked our attorney for his legal opinion and we should address this request on its own merit. Ms. Wilkinson questioned Mr. Cochran about a new development

with 20 homes that agreed to this condition and is not abiding by this stipulation. Mr. Cochran stated he doesn't know about that situation. The zoning stipulation that a builder is possibly violating now, is a separate situation and a variance should have been asked for. Mr. Cochran stated the issue in this particular case is that this is a variance for homes that abut external roadways. Ken Suddreth came forward to answer Ms. Wilkinson's questions. He agreed that a discussion on a revision of the stipulations needs to happen, but does not effect this request. What Mr. Brown has requested deals with homes on the external roadways.

A motion was made by Councilmember Teri Anulewicz to approve 2014-054 Zoning Request Z14-007 zoning amendment to modify zoning condition #1 of Z13-008 - 1.35 Acre Tract - Land Lot 593 - 1523 and 1531 Spring Street - JWB Properties, LLC, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

B. [2014-055](#)

Public Hearing - Zoning Request Z14-005 - Rezoning from RM-10 to RAD-Conditional - 0.36 Acre Tract - Land Lot 593 - 1607 Walker Street - Junger Homes, LLC

Sponsors: Anulewicz

City Administrator Eric Taylor gave the background on the zoning request for 1607 Walker Street to accommodate two single family residences. This would result in a density of 5.5 units per acre. The Planning & Zoning Board voted for approval by a vote of 7-0 at the February 10, 2014 meeting.

The staff recommends approval. The Mayor announced this is a Public Hearing, but no one came forward to speak. Ms. Anulewicz called Ken Suddreth to come forward to give a detailed background. This request by Junger Homes is to tear the duplex down and build single family homes. They plan to build homes that are compliant with other recently constructed homes in the area. Mr. Suddreth showed the proposed elevations. Special conditions have been established for the the lotting of the property. The driveway would be at least 22'. The right of way will increase on Walker Street. Councilmember Wilkinson asked which materials these homes will use in construction. The Mayor called the applicant to come forward and was sworn in by Scott Cochran. The applicant, Phillip Junger is a licensed architect and his son is a builder. Ms. Anulewicz asked about the plans for the larger trees on the property. The Tree Plan states they want to keep the larger ones but will have to lose a couple for the sidewalks. Ms. Wilkinson asked again about the materials. Mr. Junger stated as an architect, he believes this is a bigger issue that should be talked about in another venue. He believes the Council is trying to micro-manage the building of these homes. His opinion is that this is something that should be worked out with the planning commission and staff. His homes are compliant with current building specifications. Mr. Lnenicka suggested that the City should consult with Mr. Junger regarding the City's ordinances and how they should be worded.

A motion was made by Councilmember Teri Anulewicz to approve 2014-055 Zoning Request Z14-005 - Rezoning from RM-10 to RAD-Conditional - 0.36 Acre Tract - Land Lot 593 - 1607 Walker Street - Junger Homes, LLC, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal business:

- A.** [2014-064](#) Approval of Ward 5 appointment to the Parks & Recreation board, Erik Fernald term to expire 12/31/2015

Sponsors: Wilkinson

Councilmember Susan Wilkinson announced that there was a vacancy on the Parks and Recreation Board after the resignation of Jason Saliba. Mr. Saliba is now a member of the Downtown Development Authority. Ms. Wilkinson thanked Eric Fernald for agreeing to serve on this board.

A motion was made by Councilmember Susan Wilkinson to approve Erik Fernald 2014-064 Ward 5 appointment to the Parks & Recreation board, term to expire 12/31/2015, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- B.** [2014-056](#) Approval of a name change for the Aventine at Vinings apartment community to Rock Creek at Vinings.

Sponsors: Pritchett

Eric Taylor gave the background that the apartment complex has changed ownership. "Aventine" is a proprietary name used by the prior owners, so the new owners have requested the name change. Staff has reviewed the request and recommends approval. Councilmember Welch called for the owner to come forward. Jennifer Stull from Ram Realty Services introduced herself and stated that they would have kept the current name for the complex, but could not due to contract restrictions. Rock Creek is the name that her company is using in Atlanta and in Charlotte.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2014-056 a name change for the Aventine at Vinings apartment community to Rock Creek at Vinings, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- C.** [ORD2014-03](#) Approve the amendment to the City of Smyrna 's Code of Ordinance Chapter 46 entitled Environment to include Section 46-8 which prohibits smoking within all City owned facilities and parks properties

Sponsors: Anulewicz

City Administrator Eric Taylor gave the background on this proposed ordinance addition. Based on contact with citizens, the staff was directed to draft language to

prohibit smoking in all City-owned facilities, real properties and parks. This ordinance is not intended to be critical of smokers or to ban smoking as has been done in other Cobb County cities. This is only limited to city owned facilities, properties and parks. This revised ordinance would be effective 30 days from Council approval in order to properly notify citizens.

Ms. Anulewicz stated that the Council began discussing this issue in their work sessions on February 3, 2013. It is citizen driven, and comes from concerns over smoking in the City's parks. She reminded citizens that smoking is already prohibited at City events and in City Buildings and this extends it to City Parks. There will be designated smoking areas in place.

A motion was made by Councilmember Teri Anulewicz to approve ORD2014-03 the amendment to the City of Smyrna 's Code of Ordinance Chapter 46 entitled Environment to include Section 46-8 which prohibits smoking within all City owned facilities and parks properties, there was no second. Motion lost

A motion was made by Councilmember Ron Fennel to table ORD2014-03 the amendment to the City of Smyrna 's Code of Ordinance Chapter 46 entitled Environment to include Section 46-8 which prohibits smoking within all City owned facilities and parks properties to April 21, 2014, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

Aye: 5 - Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

Nay: 1 - Councilmember Anulewicz

D. [ORD2014-04](#)

Approval of amendment to Chapter 70, Article I Section 70-2(a) of the City of Smyrna 's Code of Ordinances prohibiting alcoholic beverages at city parks with the exception of Closed Functions and City Sanctioned Events within the Smyrna Market Village-Village Green area and Taylor-Brawner Park.

Sponsors: Wilkinson

Mr. Taylor gave the background that the current ordinance regulates conduct in City Parks. The current ordinance prohibits alcohol in City parks except for at closed indoor functions. The consumption of alcoholic beverages, particularly wine and beer, has become normal practice at events such as concerts at the Village Green area and at Taylor Brawner Park. The current ordinance has become difficult to enforce and staff has recommended that alcohol be allowed at these functions and events.

Councilmember Wade Lnenicka stated that while this will decriminalize behavior that is going on anyway, it does not change the law about public drunkenness, behavior or misconduct, those things are still enforceable. The Council is trying to be more friendly and open to how people want to enjoy City-Sponsored events. Participants need to remain responsible adults in the use and consumption of alcohol. He supports this because it puts City Staff in a better position to enforce the laws .

A motion was made by Councilmember Susan Wilkinson to approve ORD2014-04 amendment to Chapter 70, Article I Section 70-2(a) of the City of Smyrna 's Code of Ordinances prohibiting alcoholic beverages at City parks with the exception of Closed Functions and City Sanctioned Events within the Smyrna Market Village-Village Green area and Taylor-Brawner Park, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

7. Commercial Building Permits:

There were no Commercial Building Permits

8. Consent Agenda:

City Administrator Eric Taylor read aloud the Consent Agenda.

A motion was made to approve the consent agenda by Councilmember Wade Lnenicka, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

Aye: 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- A. [2014-060](#) Approval of March 3, 2014 Mayor & Council Meeting Minutes
- B. [2014-057](#) Approval to use Council Chambers on March 19, 2014 from 6:30 p.m. until 9:00 p.m. for the annual Oakridge Estates HOA Meeting

Sponsors: Lnenicka

9. Committee Reports:

Councilmember Ron Fennel wished everyone a Happy St. Patrick's Day. He thanked his compatriots who work to make this a safe holiday. He noted there was a Safe Holiday launch of the Governor's Office of Highway Safety and Team Georgia, a group in which he and Chief Lee are members, which encourages people to have a designated driver or use taxis or AAA to get people home safely from holiday festivities.

Fire Chief Paige Day came forward and brought each Councilmember a copy the Fire Departments's 36 month strategic plan. The Fire Department has been working on the "Ready Smyrna Preparathon." The City is getting national recognition for this event. There will be representatives from FEMA coming in on Friday and there will be a press conference with key officials. The City of Smyrna will be a national prototype for this program. A great deal of work from Emergency Management, Police, Fire, Government Officials have gone into this event. Smyrna Elementary will participate in a tornado drill Friday morning at 9:00 AM. The community-wide drill will continue Friday, March 21st at noon. This will put Smyrna on the map for emergency preparedness. Saturday, March 22nd from 10:00 - 2:00, there will be a family preparedness expo at Smyrna Elementary. Families will learn to make family preparedness kits and there will be representatives from the Red Cross and other agencies who will teach families how to be prepared for an emergency. There will be games, activities, food, a ladder fire truck for all to enjoy.

Police Chief David Lee came forward to give a report on the Police Department. Six officers have graduated from basic police training at the academy. Their official swearing in ceremony was held immediately after the graduation so that friends and

family could be present. The 911 Communications Center hired an operator who is from Florida. Many applicants for the positions are coming from out of state. The Second Coffee with a Cop was held at Atlanta Bread Company. These events have been fun as they have given officers the chance to meet a lot of Smyrna residents and answer citizen's questions. The Department will be hosting its second firearms safety training at City Hall in the Council Chambers on April 24th at 7:00 PM. This training was announced today and will be open to the first 100 people who register. Mr. Fennel thanked Chief Lee for his diligence with the DUI team and making sure the City's roads are safe. Councilmember Blustein asked Chief Lee about an app that will allow citizens to take pictures to send pictures to the Police Department. He will be checking into that system.

Councilmember Wade Lnenicka invited Kay Bolick to give a report on Human Resources. The City was awarded third place in the healthiest medium-sized employer category. The award is on display in the Human Resources Office. There is a strong Wellness Committee with a couple of new members who are working to improve wellness for employees. In April, there is an event in which firefighters are participating in Atlanta to climb 1,200 steps. Some other employees may join them in the challenge. One of the first Wellness initiatives will be "Couch to a 5K" challenge which will end with employees participating in the Jonquil Jog on April 26, 2014. Ms. Anulewicz said she can get the Mayor to run a 5K. The Mayor challenged the other male Councilmembers to join him in participating in the Jonquil Jog. Ms. Bolick thanked the Council for their support of the Wellness Program.

Councilmember Lnenicka stated he is looking forward to hosting the Oakridge Estates Homeowners Association Meeting this Wednesday. He wished his younger sister, Susan a "Happy Birthday."

Councilmember Susan Wilkinson welcomed Steve Ciaccio back after his knee surgery. Mr. Ciaccio informed the Council that the Wolfe Pool has a new roof, and there is only trim work left to do. He stated that the interior is darker and the center will either put in brighter lights or add another bank of lights. They will work to make sure there is better light for the pool soon. At Cobb Park, next to the KidScape Playground, a universal playground is being erected particularly for those who use wheelchairs, walkers or have other disabilities. The opening has been delayed some due to rain, but will be open soon. This playground is federally funded by a Community Development Block Grant. The Mayor asked him if there was an incident at Cobb Park. Mr. Ciaccio stated that someone apparently drove through the fence over the weekend.

Library Director Mary Moore came to give a report. She greeted the Council with "hello" spoken in Irish. The library staff learned this by using the Mango language tool which is available to library cardholders for use on a computer or as an app on your phone. There is a new art exhibit upstairs in the library by Lois Bell. Ms. Bell will be teaching a workshop on painting silk scarves on April 14th and 28th. Space is limited, so she requested people reserve their space in advance. Smyrna Library is participating in Money Smart Week in April. This is a national initiative to promote financial literacy. The Library is holding three workshops, a couponing workshop, a LinkedIn workshop, and a money management workshop taught by Team Clark Howard. Reservations are required because space is limited. The Library will conduct an upgrade to its Integrated Library System on March 28. On that day, the Library will be opening at noon instead of 10 AM. During the closed hours, the IT Department will test the system and the Library Staff will participate in training. Tomorrow, the library will begin its Smyrna March Madness Tournament of Authors. Each day, customers can vote in the library or by social media, for their favorite author. They can vote once per day and authors will be promoted through the brackets with a winner being determined on April 6th. The winning author will have a

display in the library and his/her own pin on the Library's Pinterest board.

Councilmember Susan Wilkinson thanked Chateau Walk Homeowners Association for inviting her to their meeting. She announced she is holding a Ward 5 meeting at the Wolfe Center on March 29th from 9:00 - 11:00 AM.

Councilmember Charles (Corkey) Welch asked Ann Kirk from Keep Smyrna Beautiful for a report. She thanked everyone, especially Iron Mountain Secure Shredding Company for making the shredding event a success. The event had 251 citizens who participated in shredding 12,000 pounds of paper. Jonquil bulbs are almost sold out, but some may still be available at Backyard Feed and Seed. There are 36 plots available at the Community Garden and they are being taken quickly. There is information about getting a plot on the website. The Great American Clean-Up Event is April 12th from 8:00 - 12:00. There will be food and t-shirts for those who come to clean up and spruce up the City. The Garden Tour will be May 17th from 10:00 - 4:00. The Mayor noted that the prettiest Jonquils in the city are on Pinetree Drive. There are thousands of them. Ms. Kirk said there is also a yard on Reed Road that has many beautiful Jonquils.

Councilmember Teri Anulewicz invited Jennifer Bennett to come forward to report on Community Relations. Ms. Bennett gave an additional reminder that the Jonquil City Jog is April 26th. There will be a calendar of upcoming events for April and beyond in the April water bill. She highlighted a new event, Taylor Brawner Park with Art, an art exhibit and sale, which will be hosted by the Taylor Brawner House Foundation. The dates for this event is April 4-13. All events are listed on the City's website, smyrnacity.com. Ms. Bennett urged citizens to join the City's social media feeds on Facebook and Twitter.

Ms. Anulewicz stated she looks forward to continuing the discussions held tonight specifically with regard to the proposed smoking ban in City Parks. She believes it is important and the right thing to do. The Council has been talking about this for quite some time. There were very valid concerns brought up by Councilmembers and important issues raised but she believes they were addressed. She looks forward to discussing this at a meeting very soon.

Councilmember Andrea Blustein asked Ken Suddreth to give a report from Community Development. The City ended 2013 with a 10% increase and that increase has continued through the new year. There have been 39 new home permits issued the first part of the new year. Ms. Blustein added that as a realtor, she has had people call her looking to buy homes and condominiums that will be close to the new Braves Stadium so they would be able to walk to the stadium.

Ms. Blustein announced there will be a Ward 2 meeting at Brawner Hall in the reception room on April 30th from 6:30 PM to 8:00 PM. She remarked there are three days until Spring.

10. Show Cause Hearings:

There were no Show Cause Hearings

11. Citizen Input:

Mayor Bacon called for Thomas Blackwood for Citizens Input. Thomas Blackwood was one of Boy Scouts from Troop 554 and left before the meeting ended. He was not in attendance at the time of Citizens Input.

12. Adjournment:

The meeting was adjourned 9:00 PM