



## Meeting Minutes - Final City Council

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Tuesday, September 8, 2015

7:30 PM

Council Chambers

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### Roll Call

**Present:** 8 - Mayor Max Bacon, Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

**Also Present:** 19 - Mike L Jones, Tammi Saddler Jones, Scott Cochran, Roy Acree, Jennifer Bennett, Kay Bolick, Dan Campbell, Mary Moore, Steve Ciaccio, David Lee, Kristin Robinson, Ann Kirk, Heather Corn, Terri Graham, Russell Martin, Eric Randall, Amy Snider, Steve Ciaccio and Scott Stokes

### Call to Order

Mayor Bacon called the Septemebr 8, 2015 meeting of the Mayor and Council to order at 7:30 PM.

#### 1. Invocation and Pledge:

Pastor Christian Salzillo, from Life Church Smyrna Assembly of God located at 4100 King Springs was asked to give the invocation and lead all in the Pledge of Allegiance.

#### 2. Agenda Changes:

Mayor Bacon noted Items 4E and 4F were to be tabled at the request of the applicant.

#### 3. Mayoral Report:

*Mayor Bacon called for the departmental committee reports to be given during this item instead of at the end of the meeting due to the overwhelming attendance for the public hearings.*

*The following department heads came forward with reports:*

*Library Director Mary Moore stated the following for her report:  
If you are a fan of the Friends of Smyrna Library Sunday lecture series, you are in for a big treat. This Sunday, September 13, local historian and preservationist, Mike Terry, will present a slide show and lecture about the history of Reed House and its final occupant, Raymond Reed. The presentation is this Sunday in the Library Meeting Room at 3 p.m. Whether you come for the lecture or not, please be sure to pop up to the display cases on the Upper Level to see Mike Terry's and Bill Marchione's display about Old Smyrna. There is memorabilia about Raymond Reed but also pictures, artifacts and other ephemera related to Smyrna's past.  
Another prominent Smyrnan, John Lander, has an exhibit of automotive illustrations*

in the Upper Level gallery. Fans of Mr. Lander's work will also be happy to know we have his book, *Drawn to Speed*, available for check out. Both the Old Smyrna exhibit and the Automotive Illustrations are on display through the end of October.

Another big event in September is our annual "Smyrna Reads" project. This year, we are reading *The One and Only Ivan* by Katherine Applegate. This book won the Newbery Medal for Distinguished American Children's Literature in 2013. We chose this book for a couple of reasons. Since it is children's literature, you can read this book to the whole family, and multiple generations can engage in discussion. The other reason is the local connection. Ivan, the gorilla, who is the central character, is based on the real-life gorilla, Willie B., from Zoo Atlanta. Now don't be fooled by the "children's literature" category. This book is extremely well written. It will tear out your heart, and leave you laughing through tears. If it is a little too long for the preK set, we also have copies of the picture book about Ivan. So, please visit [smyrnareads.com](http://smyrnareads.com) to view all the activities we have planned.

Keep Smyrna Director, Ann Kirk gave the following report:

Will hold a Free Document Shredding and Shoe Collection on September 26th at the Aline Wolf Adult Recreation Center, 884 Church St. 9:00-12:00. Shredding is being provided by Iron Mountain. The Work Glove Luncheon will be held on September 23.

KSB has provided this luncheon for the City outdoor workers as a way to thank them for helping to keep the City looking good in all kinds of weather. If you wish to donate a door prize, please call the KSB office at 770-431-2863. Our Rivers Alive Cleanup will be Oct. 3rd. Volunteers will clean the banks of Rottenwood Creek at Paces Mill National Park. Back by popular demand at the Fresh Market On Saturday the 19th, author Kelly Young-Silverman will be reading her book *A Man In the Moon* with music, a children's program and book signing. September 26th will be the last day of the Fresh Market, and the vendors are providing a large gift basket as a customer appreciation gift. Customers will get tickets at the booths for a drawing for the basket.

Jennifer Bennett of Community Development gave the following report:

Reminded the community that September 19th will be the Taste of Smyrna Festival. from 11:00 am -8:00 pm. This will be a free event, but tastings are \$1.00 to \$4.00 with over 35 restaurants participating. Look for information on the website and social media.

Steve Ciaccio, Parks and Rec Director gave the following report:

The film "Annie" will be featured at Taylor-Brawner Park's Movie by Moonlight Saturday, September 12. The event starts at dark. Patrons were encouraged to watch the weather and call the Community Center at 770-431-2842 for a show time status.

The City's first time bike share program will launch Thursday, September 10 with 3 of 4 planned stations operating. Stations at the Smyrna Library, Taylor-Brawner Park, and Spring Road at Park Road will be operational this week. Another at East West Connector and Gaylor is being discussed with Cobb County DOT and the hope is to be up and running soon. This site will be convenient for those riding the Silver Comet Trail. During an interim period, the first 4 hours of bike use will be free with each hour thereafter being \$5.00. Two ways to join the program are to log on to Zagster (the company providing the service) at [Zagster.com/Smyrna](http://Zagster.com/Smyrna) GA or download the app on iTunes or Google Playstore. The bikes have seven speeds and designed universally. Riders are encouraged to wear helmets.

Human Resources Director Kay Bolick gave the following report:

The following employees will be celebrating their anniversaries during the month of September:

Terry McCormick – Police Captain (25 years)

Albert Turnell – Streets Foreman (20 years)  
Chris Addicks – Manager of Information Systems (15 years)  
Eric Smith – Police Officer (10 years)  
Jerry Jacobs – City Marshall Code Enforcer (5 years)

*Fire Chief Roy Acree gave the following report:*

*Emergency Medical response is a significant part of what the Fire Department does and there is a new Medical Director, Dr. John Knox. Lt. Tommy Bates was acknowledged and thanked for an in house EMT class for seven of the Fire Department staff. And they will graduate soon. The department took delivery of the new ladder truck and it will be in service in approximately 3-4 weeks. There will be a formal dedication ceremony in October. The Smyrna Public Safety Foundation will be having their heroes benefit gala at Adventure Outdoors on Saturday, September 12.*

*Police Chief David Lee gave the following report:*

*The Police Dept. has become a "Partner in Education" with Belmont Hills Elementary School. Chief Lee and Deputy Chief Harvey swore in the 2015-2016 Student Safety Patrol.*

*The Detective Division recently made a significant burglary arrest that has cleared up several burglaries in Smyrna and in unincorporated Cobb County, as seen on several of the local news media outlets. The new Chaplain's Police Academy will start September 17th. The Smyrna 5K was held on Labor Day in conjunction with the Smyrna Optimist Club and the Public Safety Foundation. There were 221 runners for the first year of this event. The Smyrna Public Safety Foundation will be having their heroes benefit gala at Adventure Outdoors on Saturday, September 12.*

*Interim Finance Director, Kristin Robinson gave the following report:*

*Tax property bills are set to go out the end of this week and the beginning of the next week. Financial audit begins next Monday and will last several months. The year-end closing is in progress as well.*

*City Clerk, Terri Graham gave the following report:*

*She read the qualifying candidates for the upcoming election.*

*MAYOR:*

*Alex Backry*

*A. Max Bacon*

*Wade S. Lnenicka*

*CITY COUNCIL, WARD 1:*

*Derek Norton*

*Melleny C. Pritchett*

*CITY COUNCIL, WARD 2:*

*Andrea Blustein*

*CITY COUNCIL, WARD 3:*

*Teri Anulewicz*

*"Bentley" Brandon Bentley*

*CITY COUNCIL, WARD 4:*

*Alan Dunn*

*Charles "Corkey" Welch*

*CITY COUNCIL, WARD 5:*

*Jerry Jacobs*

*Susan D. Wilkinson*

*CITY COUNCIL, WARD 6:*

*Tara Simon*

*Doug Stoner*

*CITY COUNCIL, WARD 7:*

*Ron Fennel*

**A.** Proclamation in Recognition of Constitution Week, Sept 17-23, 2015  
(National Society Daughters of the American Revolution)

**Sponsors:** Anulewicz

*Members of the National Society Daughters of the American Revolution gave their names as well as their patriot names.*

Mayor Bacon recognized the National Society Daughters of the American Revolution. Councilmember Teri Anulewicz read the proclamation in recognition of Constitution Week, September 17 - 23, 2015.

**4. Land Issues/Zonings/Annexations:**

**A.** Approval of Ordinance # 2015-11 - Annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.3 acres being known as 1900 Watkins Rd, Mableton, GA - Larry Freeman is the applicant

**Sponsors:** Fennel

*Mayor Bacon read the background for items 8A, 8B and 8C and asked Interim City Administrator Mike L. Jones to give additional background on these items. He stated that all three items had no objection from Cobb County, had completed the necessary paperwork.*

*Each of these requests is in Councilmember Ron Fennel's ward.*

*8A: An annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.3 acres being known as 1900 Watkins Rd, Mableton, GA - Larry Freeman is the applicant. The annexation application was accepted by Community Development on July 28, 2015. Letters were sent to the Cobb County Clerk's Office and Cobb County Community Development offices notifying them of the request for annexation. The city received a non-objection letter from Cobb County Board of Commissioners dated August 10, 2015.*

A motion was made by Councilmember Ron Fennel to approve Ordinance # 2015-11 the annexation request (100% owners requesting annexation) of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.3 acres being known as 1900 Watkins Rd, Mableton, GA - Larry Freeman is the applicant, seconded by Councilmember Charles (Corkey) Welch. The Motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**B.** Approval of Ordinance # 2015-12 - Annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.2 acres being known as 1890 Watkins Rd, Mableton, GA - Larry Freeman is the applicant

**Sponsors:** Fennel

*8B: Annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.2 acres being known as 1890 Watkins Rd, Mableton, GA - Larry Freeman is the applicant. The annexation application was accepted by Community Development on July 28, 2015. Letters were sent to the Cobb County Clerk's Office and Cobb County Community Development offices notifying them of the request for annexation. The city received a non-objection letter from Cobb County Board of Commissioners dated August 10, 2015. Councilmember Ron Fennel said this annexation would be effective October 1, 2015.*

A motion was made by Councilmember Ron Fennel to approve Ordinance # 2015-12 the annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.2 acres being known as 1890 Watkins Rd, Mableton, GA - Larry Freeman is the applicant, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**C.**

Approval of Ordinance # 2015-13 - Annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.2 acres being known as 1880 Watkins Rd, Mableton, GA - Larry Freeman is the applicant

**Sponsors:** Fennel

*8C: An annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.2 acres being known as 1880 Watkins Rd, Mableton, GA - Larry Freeman is the applicant. The annexation application was accepted by Community Development on July 28, 2015. Letters were sent to the Cobb County Clerk's Office and Cobb County Community Development offices notifying them of the request for annexation. The city received a non-objection letter from Cobb County Board of Commissioners dated August 10, 2015. Councilmember Ron Fennel stated this annexation would become effective October 1, 2015.*

A motion was made by Councilmember Ron Fennel to approve Ordinance # 2015-13 for the annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 684, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.2 acres being known as 1880 Watkins Rd, Mableton, GA - Larry Freeman is the applicant, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**D.**

Approval of Ordinance # 2015-14 - Annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.25 acres being known as 2808 Madison Street, Smyrna GA - Michael P.

Good is the applicant

**Sponsors:** Anulewicz

*8D: An annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.25 acres being known as 2808 Madison Street, Smyrna GA - Michael P.*

*Good is the applicant. The annexation application was accepted by Community Development on July 28, 2015. Letters were sent to the Cobb County Clerk's Office and Cobb County Community Development offices notifying them of the request for annexation. The city received a non-objection letter from Cobb County Board of Commissioners dated August 10, 2015. The applicant was notified that the annexations had been accepted by Cobb County.*

*Mr. Mike L. Jones, Interim City Administrator, read the background for this item and stated that all paperwork was in order and Cobb County had sent a non-objection letter as well.*

*Mayor Bacon acknowledged Councilmember Teri Anulewicz for this item.*

A motion was made by Councilmember Teri Anulewicz to approve Ordinance # 2015-14 for the annexation request (100% owners requesting annexation) - of all tract of land lying and being in Land Lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.25 acres being known as 2808 Madison Street, Smyrna GA - Michael P. Good is the applicant, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

E.

**Public Hearing** - Zoning Request Z15-009 - Rezoning from R-15 to RAD-Conditional for the development of two single-family homes - 0.35 Acres - Land Lot 489 - 2680 Grady Street - Pritchard Builders, Inc.

**The applicant has requested that this zoning request be tabled indefinitely.**

**Sponsors:** Anulewicz

*Mayor Bacon read the following: Item 8E is a zoning request (Z15-009) for a rezoning from R-15 to RAD-Conditional for the development of two single-family homes, on 0.35 Acres, Land Lot 489 located at 2680 Grady Street, Pritchard Builders, Inc is the applicant. Pritchard Builders, Inc. is requesting a rezoning for the property located at 2680 Grady Street from R-15 to RAD-Conditional for the development two new single-family homes at a density of 5.71 units per acre. The requested rezoning will require a land use change from Moderate Density Residential to Medium Density Residential. The applicant has requested that this zoning request be tabled indefinitely.*

A motion was made by Councilmember Teri Anulewicz to table indefinitely 2015-165 a zoning request Z15-009 - Rezoning from R-15 to RAD-Conditional for the development of two single-family homes on 0.35 Acres in Land Lot 489 located at 2680 Grady Street the applicant, Pritchard Builders, Inc has requested this item be tabled indefinitely, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**F.**

**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

*Mayor Bacon stated that Item 8F is a zoning request (Z15-008) for the rezoning from R-15 to RAD-Conditional for the development of five single-family homes, on 1.27 Acres, Land Lot 488 - 1091, located at 1107 & 1121 Bank Street - Pritchard Brothers, Inc., applicant. Pritchard Brothers, Inc. is requesting rezoning from R-15 to RAD-Conditional for the development of five residential lots. The applicant plans to demolish the two existing homes and construct five new single-family residences at a density of 3.94 units per acre.*

*The subject property was originally rezoned for this five lot subdivision by the Mayor and Council on March 20, 2006 by a vote of 6-1 (Rezoning Case Z06-012). The rezoning was a conditional zoning which stipulated a specific site plan and building elevations. The zoning of the property was subsequently amended by the Mayor and Council on June 18, 2007 by a vote of 6-1 to add an additional parcel to the development (Rezoning Case Z07-013). The property was never developed due to the economic downturn from 2007 to 2009. During that time, the subject property was reverted back to its original R-15 zoning and lot lay out on December 20, 2008. Section 1201 of the Zoning Ordinance requires all conditionally zoned property which have not taken affirmative action to perform said conditions of the zoning or to obtain building permits within 24 months of zoning approval be reverted back to its original zoning. The subject property has remained as two rental homes since the original zoning in 2006. The requested rezoning was recommended for denial by a vote of 4-2 by the Planning and Zoning Board at the May 11, 2015 meeting. The applicant has requested to table this item to September 21, 2015.*

A motion was made by Councilmember Teri Anulewicz to table item 2015-166 a 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 located at 1091, 1107 & 1121 Bank Street the applicant has requested this item be tabled to September 21, 2015, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**G.**

**Public Hearing** - Zoning Request Z15-007 - Rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes - 5.61Acres - Land Lot 338 - 3744 Plumcrest Road - Venture Homes, Inc. -

**Sponsors:** Fennel

*Item 8G is a zoning request (Z15-007) for the rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes on 5.61Acres, Land Lot 338*

located at 3744 Plumcrest Road by the applicant Venture Homes, Inc.

Mike L. Jones said that Venture Homes, Inc. was requesting a rezoning from R-20 to RAD-Conditional for the construction of fifteen single-family homes at a density of 2.67 units per acre. The zoning request was tabled at the May 11, 2015 Planning and Zoning Board meeting to the June 8, 2015 meeting at the request of the applicant. The rezoning request was heard by the Planning and Zoning Board at the June 8, 2015 meeting and was recommended for denial by a vote of 4-3. After the Planning and Zoning Board meeting the applicant made several changes to the site plan to address citizen concerns. These changes were deemed significant enough to warrant a second hearing by the Planning and Zoning Board before proceeding to the Mayor and City Council. The Planning and Zoning Board hear the zoning request at the July 13, 2015 meeting and made a recommendation for approval by a vote of 5-2. There were some changes to the acreage, heard by Mayor and Council on August 17th and tabled until this evenings meeting.

Mayor Bacon asked all public hearing speakers to come forward to be sworn in by City Attorney Scott Cochran. He noted that everyone would have the opportunity to speak as this was their right as citizens.

Senior Planner, Russell Martin came forward and gave the details of this item. He reiterated the details read by Interim City Administrator, Mike L. Jones and added that Community Development recommended approval with the following conditions:  
Standard Conditions

(Requirement #8 and 17 from Section 1201 of the Zoning Code is not applicable)

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 shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. The developer shall provide a vegetative buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (North Cooper Lake Road).
3. There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
4. 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.
5. The detention/retention 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.
6. All utilities within the development shall be underground.
7. 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
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. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, unless otherwise approved by the City's Arborist. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions:

16. The development shall maintain the following minimum setbacks:

Front - 30'

Interior Side - 5'

Exterior Side - See Site Plan

Lot 1 & 15 - 25'

Rear - 30'

17. The development shall be developed with a minimum lot size of 9,000 square feet.

18. The proposed homes shall have a minimum floor area of 2,100 sq. ft.

19. The fifteen new homes shall be accessed from the new proposed public road.

20. The developer shall provide a 5' sidewalk and 2' grass buffer inside and outside of the subdivision.

21. The driveway shall have minimum length of twenty-two (22') feet from building face to back edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.

22. The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.

23. The developer shall be responsible for any storm water improvements deemed necessary by the City Engineer.

24. No storm water management facility or portion thereof shall be located on any portion of the proposed lots. The storm water management facilities shall be solely located on the HOA's property.

25. The developer shall provide a 10' landscape buffer along the perimeter of the property in accordance with the City's Tree Ordinance and Section 503 of the Zoning Ordinance.

26. 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.

27. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 7/6/2015 created by Hgd Heavner Design Group.

28. The applicant shall be bound to the elevations submitted and dated 5/4/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.

He showed the future land use map noting suburban residential. The vicinity map

was also shown and noted to be suburban residential as well. There was RAD zoning classifications shown on the map. The area as a whole is a mixture of classifications. The comparison of Zoning Standards chart was shown as was the Proposed Site Plan. A new public road would access the subdivision from North Cooper Lake Road. The storm water would be located at the south end of the property and the developer has agreed to pipe the outfall down the eastside of Plumcrest Rd. to Highview Rd. in order to connect to the City's storm water.

There would be an open space with an outdoor fireplace and a mail kiosk as required by the U.S. Postal Service.

Home Elevations, pictures of the subject site and adjacent sites were shown.

Mayor Bacon asked Mr. Martin how the City insures that the detention / retention pond would be adhered to for the next 10-20 years. Mr. Martin explained Community Developments procedures and noted there would be periodic checks.

The developer Sean Randall of Venture Homes came forward to address the Mayor and Council. He remarked that Venture Homes is very proud of this development. He showed a power point presentation and spoke about density, RAD, lot sizes, home sizes and traffic.

Since the original plan denial by the Planning and Zoning Board, the two front homes were removed, storm water was reconfigured, a hydrology study was completed and a tree preservation chart was updated.

The comments about 'McMansions' was addressed and Mr. Randall noted the new homes would be 165' from the current homes in Pineview Manor.

He met with Howard and Sandy Betts and has met with anyone who wanted to meet with him with the exception of one meeting that conflicted with a scheduled meeting with two Councilmembers. Mr. Randall noted architect Roger Caldwell completed the elevations for this development.

He discussed further RAD and the positive impact he felt this development would have on the City with \$800,000 of infrastructure and millions to the tax roles.

Councilmember Andrea Blustein asked how many homes were being built and asked about the Leland Cypress tree buffer. Mr. Randall responded there would be 15 homes now instead of 16 and the Leland Cypress buffer was primarily for the entrance.

Mayor Bacon called the public hearing and the following people spoke on a variety of issues:

Mr. Smith, 908 Carriage Path: A previous Councilmember who was representing the owner of 501 Havelon. He remarked on the rights of surrounding land owners, density, continuity of the neighborhood and he gave his interpretation of the units per acre being 3.9 and not the 2.6 as stated.

Kelly Johnson, 633 Austin Drive: An attorney representing many of the neighbors in opposition to the development. Stated this development is not consistent with the Future Land Development Plan. She noted the nine zoning standards and remarked that 6 are required. She remarked that the application ignores the standards. The following standards fail:

Standard 2

Standard 5

Standard 6

Standard 7

Standard 8

Standard 9

There would be several residents and citizens that would speak to these standards

*and she named each individual and the standard they would talk about.*

*Alan Wentzell, 44 Wentzell Avenue: Long term resident who spoke about zoning standard 2 regarding storm water and gave reasons why he felt this application failed to meet this standard because of the impervious surface of the development.*

*Mary Nelson, 3777 Plumcrest Road in Bennett Woods: Spoke about her concerns with the detention pond and how she felt it fails to meet zoning standard 8. She remarked on other detention ponds in the area she had visited, information on the internet she had read, management of the pond and mosquitos.*

*Alan Dunn, 3726 North Cooper Lake Road: 28 year resident whose home will have the new road come within 20 feet of his bedroom window. He felt this application failed to meet zoning standard 7. He showed a map where the surrounding properties to this development were all R-20.*

*Howard Betts, 3760 Richland Circle: His wife lived in the home 10 years prior to him moving into it and they have been there together 23 years. He shares a property line with the development. The application fails to meet zoning standard 6 in his opinion. Special conditions are to address topography issues with a property of which this has none.*

*Laura Brett, 3737 Cloudland Drive: She has been a Smyrna resident for 13 years. She spoke about the schools and how she felt the application failed to meet zoning standard 4 and she read this standard aloud. She spoke about King Springs Elementary and Griffin Middle School being over capacity currently.*

*Michelle Pickard, 400 Ashley Court: She stated she would be addressing why she felt the application did not meet zoning standard 4 regarding schools. She spoke about a lack of space and gave several examples. Stated the schools are 13% over capacity continue to be strained. King Springs Elementary is still a high achieving school and a model for success. Many believe schools are a cornerstone.*

*Scott Crooks, 4049 Winding Valley Drive. He is an 18 year resident and in commercial real estate. Spoke about the density and unintended consequences and why he is in opposition to this development. He gave his opinion as several examples as to why the application failed to meet standard 3 and read the standard aloud. He stated the area was losing its charm that bring people to the City of Smyrna.*

*Melinda Hill, 223 Austin Drive: She spoke about her concerns regarding zoning standard 4. Her home is directly across from the development. She shares many of the concerns mentioned previously. She remarked that the sewer system that runs down North Cooper Lake has backed up into her home and front yard twice in the last two years. Stated City staff told her this problem would be repetitive.*

*Sharon Rice, 4244 Fawn Lane: She has lived in her home since 1973. Her daughter is present with her and is the reason why they chose to stay and remodel their home in Smyrna. Her daughter does not have enough seats on the bus currently. There are 36 children per classroom and 6 per assignment. Teachers cannot help her daughter with questions because they only have time to help children with lower grades. Quality over density.*

*Laura Lynn, Pineview Drive: She has been a resident for 7 years. She took a year to find a home because of wanting to be in a particular area. Her dining room will be facing 65' of homes, 165' feet from her window. She feels the application fails to meet zoning standard 7 and standard 5 and she read both aloud. This development*

*does not preserve the character of the neighborhood. Surrounding homes are known for their quality.*

*Kay Clapper, 3927 Plumcrest Road: She has lived in the City for 30 years. She gave her opinion as to why the application did not adequately address the green space and the tree canopy. She brought a piece of yarn to show the 10' tree buffer proposed as well as an example of a long needle pine branch. She gave several examples of the pine being an endangered species as well as historically important to the state of Georgia. R20 would save more trees in her opinion.*

*A citizen gave handouts of the petition signed by residents in opposition to this development. Spoke to zoning standard 5 and standard 9. The currently petition has over 600 signatures and 230 comments. The petition is not anti-development but rather a want for more appropriate zoning.*

*Charles Hunter, 6221 Traymore Trace: He noted there were several people from Austin Lake HOA present to speak in opposition to this development. He asked everyone who was present and opposed to stand for the Mayor and Council's view. He asked the Council why so many people were here in solidarity. He spoke about the proximity of the roofs. Asked Mayor to veto this item if Council approved it.*

*Bruce Davis, 471 Havelon: He is a commercial real estate developer and understands development and building with density but feels Mr. Randall picked the wrong site for this type of development. He has concerns regarding fire truck access to this new development.*

*Chris Richer, 3922 Lake Drive: He moved to Smyrna because of King Springs Elementary. He noted two properties in Green Forest that are potentially going to have this same argument in the near future. Those are currently proposed as infill development properties. Concerned this precedence will cause arguments later for other properties facing the same.*

*Robbie Huitt wanted to speak to zoning standard 4 regarding the roadways. The most recent traffic study done in this area found 2623 vehicles per day on North Cooper Lake Road. If developed and increase of 10% can be expected. He gave several statistics regarding same. There would be a significant impact and would devalue their properties in his opinion.*

*Matt Callaway, Traymore Trace: He is the neighbor of Tom Lily and spent a year looking all over North Atlanta for a home. He knows growth is inevitable and is essential to the livelihood of a community. He feels this is not smart growth. He notes that all nine zoning standards had been discussed by various residents. He asked Council to consider why this development has touched a nerve. He would like more reasonable development.*

*Kristine Howser Suddeth, North Cooper Lake Road: Has been a resident for 41 years with the exception of the four she attended college. Has lived all these years on North Cooper Lake Road and has seen the development. She spoke about the burden to schools, the dead end road and the potential for having to widen the road to address traffic and density. She feels the applicant has not satisfied the requirements.*

*Alegria Goodman, Bennett Woods: She stated she has been coming to many meeting. This is not personal, it is business to the developer, but nothing is more personal to this community. She noted that no one stood in favor of this development. She has listened and done the research and believes Council should vote with the community.*

Mayor Bacon asked developer Sean Randall to come forward again and address the items spoken about by residents.

Mr. Randall said he listened and there were many good points made but the precedent had already been set. He remarked that someone else could purchase the property and build a 10 million dollar home that would tower over neighbors. His starting price would be \$450,000 and most homes would be \$550,000 because of the additional expense of the pipe being installed down the middle of the road to address runoff. Economics 101 tells him you cannot sell \$450,000 - \$550,000 homes and pull down surrounding home values.

The development is surrounded by 17 homes, not 20 homes. Venture Homes has made tremendous compromises to meet the wants and needs of the surrounding neighbors.

There were no additional questions for Mr. Randall.

Mayor Bacon concluded the public hearing.

Councilmember Ron Fennel stated that the 24 people who spoke were impressive. He himself chose to live in Smyrna. He spoke about where he lives and how he came to live there. RAD has been an excellent tool for the City. He held 2 town halls and 85 residents came to the first and 32 came to the second. He spoke about what goes into a rezoning application. He remarked that it was difficult to hear the anger directed at the Council and towards the prospective new homeowners coming to Smyrna. He has read every received letter, email and listened to every voicemail. This proposal has been weighed very carefully. There have been other applications that have come before the collective and he has been surprised not to hear the same sort of outcry as heard for this item. He spoke about the growth of Smyrna since the 1950's when Bennett Woods was developed. When people move here you want to call them neighbor. Development in Smyrna is a challenge because of the charm. Developers know Smyrna is hot and they are looking at every vacant piece of property. He noted the traffic issues and those coming from surrounding counties clogging up the roads towards Atlanta. He has weighed the nine zoning standards, listened to constituents, studied the history of Smyrna and taken all comments into consideration. He feels the surrounding neighbors have made this proposal an island unto itself with the surrounding of trees. He challenged with realtors to state on the records that this development would devalue homes in the area. For all these reasons he would make a motion to approve.

\*Clerk's note: Mayor Protem/Councilmember Melleny Pritchett made a motion to second via Granicus and a verbal was not heard by the Council or the attending public.

Councilmember Charles "Corkey" Welch explained that he had listened carefully to the comments since the beginning and had visited the site three times. He had also taken phone calls and answered emails. In weighing both the good and bad sides of the issue he could see the good but in some of the assessments, he discerns them to be on target; some may have been stretching a bit. He believes this development could be a detriment to the surrounding homes property values. Councilmember Welch recited "be careful what you wish for" because the negatives that will still remain if this stays R20 are the heights of the homes, the entrance to the property as well as the schools being impacted. He will not support this zoning and concluded that a few of the zoning standards had not been adhered to.

Councilmember Teri Anulewicz asked to speak and remarked that she was impressed with how thoughtful and cohesive the attendees spoke. This was well

*organized and it was apparent that time and care that went into the statements. She noted the common understanding that something would be developed there if not this application. She pointed out that RAD had improved the City and schools and although she appreciates the arguments, each case has to be evaluated on its own merit. She argued that this application and development were not high density. David Weekly properties were high density developments. She voiced that she was uncomfortable voting against a development of this size and because more kids would be added to local schools. She stated it was dangerous and not necessarily a great decision to keep families from moving into the area and into schools. This was a difficult decision and she would vote her conscious.*

*Councilmember Susan Wilkinson is opposed to the development because she believes the road into the development creates a non-conforming R20 lot with Mr. Dunn's property. She appreciated and agreed with some of the comments made.*

*Councilmember Lnenicka has studied the issues and listened to all sides of this debate. He has also studied the zoning criteria and does not agree with staff recommendations. He expressed concerns with the zoning criteria and gave examples, and extended praise to Sean Randall for trying hard to meet the neighbor's needs. He asked Mr. Randall to meet with him on Short notice Monday, Labor Day for an hour so he could get the latest information after missing the last meeting. He expressed pride in the residents who spoke and remarked on their kindhearted well-mannered presentations. There was passion and energy in their words. RAD is not bad in and of itself. it was just a tool in the zoning kit. What he heard was that there needed to be more conversation about zoning criteria and more input from citizens. He struggled with Councilmember Fennels comments. He also asked Mayor Bacon to veto should Council vote for this development.*

*Mayor Bacon spoke about the meeting he held recently to allow for the Council and Planning and Zoning Board to begin the discussions of current zoning standards and the application process and see where improvements could be made. He cited the Tackett Farms development and the lack of opposition it had at the time and observed that RAD had not been all bad through the years of use. He mentioned the struggles City Engineer Eric Randall faced everyday with the balance. He noted that this was an election year and he vowed that he would never "play" the citizens of Smyrna for political benefit.*

*Councilmember Blustein heard how precise the speakers were and could tell there was a lot of thought given to their comments. When there are that many people concerned about the effects a development will have on their neighborhood you have to listen. She would try to do best for all involved.*

A motion was made by Councilmember Ron Fennel to approve item 2015-168 a zoning request Z15-007 for a rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes on 5.61 Acres in Land Lot 338 located at 3744 Plumcrest Road the applicant is Venture Homes, Inc, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion failed by the following vote:

**Aye:** 3 - Mayor pro tem/Councilmember Pritchett, Councilmember Anulewicz and Councilmember Fennel

**Nay:** 4 - Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

## **5. Privilege Licenses:**

There were no Privilege Licenses

**6. Formal business:**

There was no Formal Business

**7. Commercial Building Permits:**

There were no Commercial Building Permits

**8. Consent Agenda:**

A motion was made by Councilmember Ron Fennel to approve the consent agenda as read aloud, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

**Aye:** 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**A.** Approval of the meeting minutes for the Mayor and Council Meeting August 17, 2015

**Sponsors:** City Council

**B.** Approval to purchase Motorola 800 MHz TDMA mobile, portable, desktop, and console radios for Police and Fire at 37.5% discount off of state contract pricing at a total cost of \$1,130,544.80 and installation through Diversified Electronics at a total cost of \$28,700. Total purchase price \$1,159,244.80

**Sponsors:** Fennel

**C.** Approval of a 10K Event that was approved as an 11K Run Event for Zone5 the event has changed it's name to Smyrna Village 10K for November 14, 2015 to begin at 8 AM in Smyrna at the roundabout for approximately 500 runners to end at 11:00 AM

**Sponsors:** City Council

**D.** Approval to use the Council Chambers for a Ward 1 Town Hall Meeting by Council Member Melleny Pritchett Tuesday, September 22, 2015 from 6:30 PM - 9:00 PM

**Sponsors:** Pritchett

**9. Committee Reports:**

*Councilmember Ron Fennel has a Town Hall meeting scheduled for Wednesday, September 22, 2015 in the Vining Estates Community, Summit Clubhouse at 7:00pm. He thanked all who attended and helped with the Labor Day 5K.*

*Councilmember Wade Lnenicka had no report.*

*Councilmember Susan Wilkinson had not report.*

*Councilmember Corkey Welch commented that he would be out of town with family for the September 21, meeting of the Mayor and Council.*

*Councilmember Teri Anulewicz had no report.*

*Councilmember Andrea Blustein announced her October 3 Ward 2 meeting at the library from 10:00 am - 12:00 pm.*

*Mayor Protem / Councilmember Melleny Pritchett Ward 1 would be held in the Council Chambers from 6:30 pm - 9:00 pm as voted on in the consent agenda and there would be discussion regarding the updates on the Braves.*

#### **10. Show Cause Hearings:**

There were no Show Cause Hearings

#### **11. Citizen Input:**

*Councilmember Susan Wilkinson announced her qualifying for running for Ward 5 re-election. It has been her honor and privilege to serve Ward 5.*

*Jerry Jacobs, citizen and current City Marshal announced his candidacy to run for the Ward 5 Council seat. He and his wife live in the Enisbrook Subdivision. He is originally from New York, a retired New York Police Officer. He is a proud resident who would like to serve in the capacity of Councilmember for Ward 5.*

#### **12. Adjournment:**

Mayor Max Bacon adjourned the meeting at 11:38 PM.