

City of Smyrna

*2800 King Street
Smyrna, Georgia 30080*



Meeting Minutes

Thursday, February 14, 2019

6:00 PM

City Hall

Committee of the Whole

1. Roll Call

Council: Mayor A. Max Bacon, Charles "Corkey" Welch, Andrea Blustein, Derek Norton, Susan Wilkinson, Tim Gould

Council (Excused): Ron Fennel, Maryline Blackburn

Staff: Tammi Saddler Jones (City Administrator), Scott Andrews (Asst. City Administrator), Terri Graham (City Clerk), Scott Cochran (City Attorney), Elsa Thompson (Admin. Svc. Coord.), Ashley Youmans (ICMA Man. Fellow), Kristin Robinson (Finance Director), Richard Garland (Parks & Rec. Director), David Lee (Police Chief), Tom Boland (Eco. Manager), Russell "Rusty" Martin (Sr. Planner), Joey Staubes (Sen. Planner II), Kevin S. Moore (City Engineer)

Guests: None

2. Call to Order

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

3. City Administrator Report

City Administrator Tammi Saddler Jones advised that the Fire Department would be conducting a training exercise in February 14th – 16th in the vacant building located at 601 Windy Hill Road (previously occupied by Dixie Exterminators) between the hours of 9am and 4pm. She stated that there would be training simulations on tasks commonly performed by firefighters at structure fires and that there would not be any live fire conditions used for the training. She noted that she wanted Council to be on notice in case any of their constituents contacted them. Ms. Saddler Jones also advised that the project at Ward Park had been completed and asked Parks and Recreation Director Richard Garland to give Council a brief overview of the project. Ms. Saddler Jones gave a summary of the 2019 HB 489 Elected Officials Meeting that she, Mayor Bacon, Councilmembers Maryline Blackburn and Susan Wilkinson, and Community Development Director Ken Suddreth attended and noted that Assistant City Administrator Scott Andrews was appointed to represent the City in the 2020 Census Complete Count Committee. Ms. Saddler Jones advised that there would be a concert with artist Pat Terry performing on Friday, March 22nd at the Community Center. Mayor Bacon made note that Mr. Terry was a local artist and did not perform at outdoor venues. Ms. Saddler Jones advised that the Police Department passed their mock State Certification Exam and asked Police Chief David Lee to give a brief overview of the process. She advised that the Citizens Academy applications were now open to the public with the deadline to return them to the City being February 26th and classes starting on March 12th; she noted that 20 people had already applied for the academy. She advised that the first ever (Pre) Budget Input Meeting was held at the Community Center on Monday, February 11th with 41 people in attendance and asked Finance Director Kristin Robinson to give a brief overview of the meeting and the ongoing public input surveys. There was a brief discussion about the surveys and the budget process.

4. Facility Usage Policy - Richard Garland

Parks and Recreation Director Richard Garland handed out a copy of the proposed policy and advised that it was an "amended" version from the one sent out to Council

via email earlier in the day. Mr. Garland stated that having policy in place would create a more streamlined way of handling requests for facilities as well as "alleviating" staff from going back and forth about facility rates with customers to only have the customer then call Councilmembers to try to receive a discount or a free space. He stated that the policy would specifically state who would receive special rates and what type of meetings would warrant using the facility at no cost. Mr. Garland also stated that if a request was made to receive a facility at no cost, staff would require written notice be submitted 30 days prior to the event for review so it could be determined if the event was eligible to be comped. Councilmember Andrea Blustein was not in agreement with Council having to give a 30-day notice to reserve a space at a City facility. Councilmember Susan Wilkinson noted that there are times when a meeting takes place at a moment's notice because an issue may arise. Mr. Garland advised that the policy was more so for individuals outside of the City's organization such as "County and State Officials" who were abusing "the system" and stated that the way Council has been using the facilities "is fine". Mayor Bacon agreed that 30 days' notice may be "a little bit of an issue" and suggested implementing a form submission policy that would specify the type of meeting taking place. Councilmember Charles "Corkey" Welch noted that this was an election year and there may be individuals that may want to utilize a space for weekly town hall meetings (for example) and felt that the policy was "unfair". Councilmember Maryline Blackburn asked Mr. Welch for clarification and inquired if he was speaking about personal use of the facilities. Mr. Welch advised that he was indeed speaking of "personal use". Mr. Garland stated that what he was explaining was if someone wanted the space at no cost, the meeting had to be a public meeting that the community was invited to. Mr. Welch then realized that nothing was changing in relation to paying for the space vs getting a comped space and apologized for his misunderstanding of what Mr. Garland was explaining. Mr. Garland stated that because there was no written policy in place, staff experienced a difficult time when dealing with certain customers about facility rentals. Mayor Bacon broke down the process of what Parks and Recreation had to go through whenever a space was rented which included having to pay for staff presence. Mayor Bacon also advised Council to review the policy and stated that they would revisit the conversation. Mr. Garland advised Council that \$59,530 worth of comped rentals took place in 2018 and also that school and civil events were the highest renters. Ms. Wilkinson noted that whenever she used a space at a moment's notice, she was not "picky" and would accept whatever space was available. City Administrator Tammi Saddler Jones thanked Mr. Garland for his presentation.

5. Review of the February 18, 2019 Mayor and Council Agenda

Land Issues/Zonings/Annexations

4A – Mayor Bacon advised that this was an appeal and gave a brief background of how the appeal came to be before Council – staff recommended approval of this item, item went before the License and Variance Board and was approved, then the Deaf Baptist Church appealed the decision. Senior Planner Russell "Rusty" Martin gave an overview of the site plan and advised that the developer submitted a variance request for a proposed project for 5 two-story townhomes in the lot next to the church. Mr. Martin stated that the developer, David Woodberry, advised that once he received the hydrology report he would be willing to shift the location of the building closest to the church. Councilmember Derek Norton inquired what the timeline was. Mr. Martin stated that the developer was ready to proceed and awaiting the permitting process. Councilmember Andrea Blustein stated that she felt that the proximity of the townhomes would could possibly cause friction between the potential residents and the church members. Councilmember Susan Wilkinson inquired how wide the units would

be. Mr. Martin advised that they would be 27 by 50-foot units. Ms. Blustein expressed concerns about the area and that 18-wheelers were frequently parked there. Mayor Bacon inquired if the developer may have issues selling the units. Mr. Norton made note that the church was only 5 feet away from the property line of where the proposed townhomes would be. There was a brief discussion about the church and how long it had been in existence in Smyrna. Mayor Bacon advised that the church was in violation because they were 5 feet over their property line. There was a brief discussion/questions about who annexed the property. Mr. Martin stated that the building was there since 1940 but the church had been there since 2012. City Attorney Scott Cochran stated that the setback variance the developer (applicant) was asking for was less than what the church had next door. Ms. Wilkinson made note that she heard comments about a bar on South Cobb Drive because of the base coming from the establishment and that it could be heard from both sides of South Cobb Drive. Mayor Bacon stated that he never had received any complaints about the church's base. Ms. Blustein inquired what the material the developer proposed using on the building closest to the church and stated that the builder should consider only building 4 units. She was advised that it was "soundproofing" material and there was a brief soundproofing discussion. Mayor Bacon stated that there was a similar rezoning issue a few years back; he stated that when he met with the pastor of the church, he asked if there was room for compromise. He stated that the pastor stated they did not want to compromise and simply did not want the project to happen. Mayor Bacon made note that the church did not meet the parking requirements and utilized Northwest Exterminators parking lot. There was a brief discussion about the developer's intentions. Mr. Martin advised that the property zoned RM12 and that no changes to the zoning had been made or requested. There was a discussion about another neighboring property (Mosaic Townhomes) and their concerns at the License and Variance Board meeting and possible resolutions to the potential noise issue. Mr. Cochran noted that the purpose of zoning was ensure that the use did not disrupt neighbors and stated that he felt that this situation was reversed. Ms. Blustein spoke about other potential projects for the area which included a gas station. Mayor Bacon stated that he would rather have the townhomes than a gas station, car or tree lot. Mr. Martin gave a brief history about the church's property, noting that the property was annexed in 1997. He advised that he did not know when the building was added – may have been added prior to the annexation but that the vestibule that connected the two buildings was done in 2011 - the City had a building permit with the building already on the permit. Ms. Wilkinson stated, "so when they bought it, it was already 5 feet from the property line?". Mr. Martin responded affirmatively, "it was already there". Mr. Cochran advised that he did not see the relevance of the discussion. Ms. Wilkinson inquired what the Mosaic residents' concerns were and was advised that their concerns were drainage issues. Mayor Bacon made comments about the church's violations and inquired if the church sent in a petition opposing the project. Administrative Services Coordinator Elsa Thompson (whom clerked the License and Variance Board meeting) advised that a copy was submitted at the License and Variance Board meeting but that the church advised a hardcopy would be forthcoming, but it was not received. Ms. Wilkinson inquired if Mr. Woodberry was the owner of the property. Mayor Bacon advised that it did not matter and stated that the pastor disclosed (at their meeting) that the church wanted the property but wanted it donated. Mr. Cochran made note to Council (when considering their vote) to stick to the matter at hand which was the setback issue and reminded them that this was not a zoning issue.

4B – 4D – Mr. Martin advised that Items B, C, and D on the agenda were related and part of an annexation request. He stated that "a couple of rezonings" had been done in the area for "lot splits" and advised that the applicant, Ronald Dickinson, wanted to tear down the existing home to build a new one. He advised that the lot was a

nonconforming lot therefore the applicant was requesting variances. Mr. Martin made note that the home's footprint would not change but would be a new two-story home once complete. Mayor Bacon advised Council that if they did not vote in favor of the variance to not vote in favor of the annexation.

4E – 4J – Mayor Bacon advised that Items E, F, G, H, I, and J were all “housekeeping issues” to amend a few of the City ordinances and reminded Council that although the public hearing for these items would be announced at the same time each would be voted on individually. Mr. Martin advised that some of the changes were needed updates and some were typographical in nature and pointed out the changes that needed to take place on each ordinance. Mr. Martin also advised that fencing requirements were a new addition. Ms. Wilkinson stated that she “wished” that the City could “do something” about the maintenance of the fences. Mayor Bacon clarified how fences would have to be installed. Mr. Martin advised that the “finished” side was to face the exterior of the property and gave an overview of the height requirements for a fence. Councilmember Tim Gould clarified that one could request the changes with a variance and felt the variance process should still be used for some circumstances that the ordinance amendments were making possible without it. Ms. Wilkinson stated that the configuration of some fences on corner lots “walled” homes in and that she felt the variance request process helped citizens. She stated that the changes could possibly “change the aesthetics” of the neighborhood and noted that fences “don’t look good after a few years”. Mayor Bacon inquired if she felt that if Council adopted these ordinance changes there would be a “flood” of residents that would come in to request fences. Ms. Wilkinson stated that there were already several requests of this nature. Mr. Gould stated that he felt the items should be deferred – Council agreed. Mr. Martin stated that staff believed the changes would help alleviate residents with having to go through the variance request process. Mayor Bacon advised if the decision would be put on hold, they should move on. Mr. Martin stated that the next amendment related to guest parking at townhomes and condominiums; staff would like to codify stipulations to be 1 space for every 25 of the units. He advised that it was needed because parking along streets in subdivisions of this nature, which typically have narrow streets, made response time for emergency vehicles difficult. Ms. Wilkinson inquired what the ordinance stated. Mr. Martin advised that the ordinance did not require guest parking. There was a brief discussion about parking issues in different places around the City. Mr. Martin gave an overview of the remaining items and advised that staff was attempting to clean up discrepancies in the appendices of the zoning ordinances. Mr. Gould clarified what the changes would be and that the “intent” was not being changed. Ms. Wilkinson inquired if this would apply to a specific area. Mr. Martin advised that the Section 717 applied “all across the board”. Mayor Bacon inquired if the changes were in the Council’s packet, so they could review them. Mr. Martin advised that they were. Mr. Martin advised that the last item was for typographical areas in Section 717. Mayor Bacon inquired who found the errors. Mr. Martin advised that Planner I Caitlin Crowe did and pointed out the changes.

Formal Business

6A – Finance Director Kristin Robinson advised that the Finance Department received their monthly water bill from Cobb County for January usage and noticed that the sewer rate had increased. She stated that the increase had raised from \$4.22 to \$4.71 and that the City did not receive notice about the January 2019 increase. Ms. Robinson advised that the increase caused a \$50,000 increase to the City’s monthly bill. She advised that staff was proposing a rate change from \$7.25 to \$8.10 and noted that the rates would be raised at the same percentage as usual. Mayor Bacon advised that he would contact Stephen McCullers (Cobb County Water System Director) because the

City was now facing being 2 months behind and the bill would be \$100,000; he would inquire the City could either credited or allowed to pay over time. Ms. Wilkinson inquired if the City's rate change vs the County's rate change would financially hurt citizens. Ms. Robinson advised that the water rate increase was based on a percentage and that was how they based their increase amount and noted that the increase was also based on 7,000 gallons consumption and also that an increase had not happened in approximately 7 or 8 years. Ms. Wilkinson stated that she thought the rate was too high. Ms. Robinson stated that she agreed however the money was necessary and inquired if Council wanted the increased rate to become effective in March or April. Mayor Bacon made note that with March approaching the City would now be \$150,000 in debt to Cobb County and stated his concerns about waiting too long to implement the rate increase in the City. Mr. Welch suggested that a letter be sent to Cobb County about not notifying the City about the increase. Mayor Bacon was upset that Cobb County passed the rate increase in July to become effective in January the following year but never notified the City and stated that Mr. McCullers was "very apologetic" about the mishap. Ms. Robinson advised that the County's website was not updated with the new rate. There were discussions about the financial impact. Ms. Wilkinson inquired if the citizens would be notified of the rate increase prior to the increase being effective. Mayor Bacon stated that they would put a note in with the citizens' new bill. Discussions continued.

6B – City Engineer Kevin S. Moore advised that the Cobb Framework Agreement related to implementing a "quiet railroad crossing". He advised that the City's portion was 25% and their role was strictly financial, and that SPLOST funds would be used. Mayor Bacon advised that this has been on Council's schedule of things "to do" for a long time.

6C – Economic Development Manager Tom Boland advised that the City had received a funding from the Surface Transportation Block Grant Program for \$300,000 and was requesting that Council sign for staff to accept it. He stated that the City's part of the study was \$75,000 to receive the funds. Mr. Boland advised that the City would hire a consultant to do the study and that bids would be put out for that. Ms. Wilkinson expressed that she should be the sponsor for this item because it was related to transportation and she was the Chair of the Transportation Committee. Mayor Bacon advised that it was going to stay under Councilmember Tim Gould because he was the Community Development Chair.

Consent Agenda

8A – 8C – no discussion

8D – Police Chief David Lee advised that the police department was seeking Council's approval for them to accept the Edward Byrne Memorial Justice Assistance Grant, a grant that they received annually. He stated that this year they would like to purchase a message board with the funds and also advised that the amount quoted on the item was based on the first and only quote the police department received.

No other items were added to the agenda.

6. Other Business

Councilmember Susan Wilkinson advised that the Peachtree Care Urgent Care ribbon cutting she attended "was very nice".

Councilmember Andrea Blustein asked Police Chief David Lee if there was a surge of car break-ins and noted that there had been 2 car break-ins “in the last week”. He stated that “it strikes various areas at different times” and it was the highest crime in the Atlanta area.

Councilmember Tim Gould commended the City’s police officers for “a fantastic job” at a specific crime scene. He advised that Campbell High School wanted to change parking lot rules on Belmont and that there was currently a 3 hour parking limit. Mayor Bacon noted that it was not being enforced and that he was “fine” with considering the school’s request. Mayor Bacon stated that the City’s experience with the school was that whenever the City relinquished something to them, it had not gone well, and that the school would not follow through with the upkeep – would like something in writing that the school would maintain it. City Attorney Scott Cochran suggested that the City could create something to say that the school would lease the property during day hours only.

7. Adjournment