



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, March 21, 2016

7:30 PM

Council Chambers

Roll Call

Present: 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Doug Stoner

Absent: 1 - Councilmember Ron Fennel

Also Present: 11 - Scott Cochran, Mike L Jones, Terri Graham, Ken Suddreth, Russell Martin, Scott Stokes, Jennifer Bennett, Dan Campbell, Heather Corn, Tammi Saddler Jones and David Lee

Call to Order

Mayor Max Bacon called the meeting of the Mayor and Council to order at 7:30 PM on March 21, 2016

1. Invocation and Pledge:

The invocation was given by Marcus Wayne James of Cumberland Community Church located at 3110 Sports Avenue. He led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes

3. Mayoral Report:

Mayor Bacon called for any candidates that would like to speak, Chuck Backman came forward, he is running for Superior Court Judge for the seat currently held by the retiring Judge Grubbs. He gave his personal and professional background.

Felicia Thomas came forward indicating she was running for Mayor.

The protest assembly disrupted the public meeting and Mayor Bacon called for a recess at 7:40 PM noting that the meeting would reconvene.

A. Recessed meeting

A motion was made by Mayor Pro Tem /Councilmember Teri Anulewicz to go into recess at 7:40 PM and reconvene later in the evening, seconded by Councilmember Doug Stoner. The motion carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson and Councilmember Stoner

Absent: 1 - Councilmember Fennel

B. Reconvene meeting after recess

A motion was made by Mayor Pro Tem / Councilmember Teri Anulewicz to reconvene the Mayor and Council Meeting at 9:05 PM, seconded by Councilmember Doug Stoner. The motion carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson and Councilmember Stoner

Absent: 1 - Councilmember Fennel

4. Land Issues/Zonings/Annexations:

A. Public Hearing - Zoning Request Z15-012 - Annexation, Rezoning and Zoning Amendment for the construction of a 200 unit independent senior housing development - 4.8 Acre Tract - Land Lot 691 - 4840 & 4788 Hanson Drive - Creekside Village Development Group, Inc.

Sponsors: Fennel

Attachments: [Z15-012 Staff Memo](#)

[Zoning Vicinity Map Z15-012](#)

[Land Use Vicinity Map Z15-012](#)

[Rezoning Application Z15-012](#)

[Proposed Site Plan Z15-012](#)

[Colored Site Plan Rendering Z15-012](#)

[Elevated Streetview from EW Connector Z15-012](#)

[Streetview from EW & S. Cobb Z15-012](#)

[Full Building Floor Plans Z15-012](#)

[Building Site Plan Z15-012](#)

[Full Building Elevations Z15-012 Part1](#)

[Full Building Elevations Z15-012 Part2](#)

[Full Building Elevations Z15-012 Part3](#)

[Full Building Elevations Z15-012 Part4](#)

City Administrator Mike Jones read aloud the background for this item at the request of Mayor Bacon and stated the following:

This item was a zoning request for the annexation, rezoning and zoning amendment for the construction of a 200 unit independent senior housing development on 4.8 Acre Tract, Land Lot 691 located at 4840 & 4788 Hanson Drive by Creekside Village Development Group, Inc., applicant.

This would be a Public Hearing with no vote. Creekside Village Development Group, Inc. was requesting a zoning amendment to modify the site plan and building elevations for the independent senior living on the northern portion of the site (phase II). The currently approved zoning plan from Rezoning Case Z08-010 allows a mixed use building with 120 independent senior living units over 70,000 sq. ft. of

commercial retail space. The currently approved building provides a four-story building over a two-level parking deck. The applicant has acquired the adjoining residential property at 4788 Hanson Drive (~0.6 acres) and is proposing to annex and rezone the property to include it into the overall development project. The proposed annexation and rezoning is from R-20 (Cobb County) to Mixed Use-Conditional (Smyrna). Cobb County has reviewed the annexation and rezoning request and has responded with a letter of non-objection to the request. The applicant was proposing to amend the currently approved zoning plan by eliminating the 70,000 sq. ft. of commercial retail space and increasing the number of independent senior living units from 120 to 200. This will result in a change in approved building from a four-story building over structured parking to a ten-story building over structured parking. In addition there are slight modification to internal site circulation and access.

The Mayor and Council approved the annexation and rezoning (Z08-010) of the subject property from R-20 (Cobb County) to MU-Conditional (Smyrna) on December 15, 2008 by a vote of 5-2. The approval of the rezoning allows for the construction of a mixed use development that would consist of a two-story 69 unit assisted living facility and a four-story mixed use building consisting of 120 independent senior living units and 70,000 sq. ft. of commercial retail and office space. The development was rezoned to a specific site plan and building elevations, which provided an assisted living facility on the southern portion of the site (phase I) and a mixed-use building (retail and office on the ground floor and age restricted condominiums and senior apartments on the top floors) on the northern portion of the site (phase II). Both building were proposed to have parking structures underneath each building to support each use. The independent senior living units were to be accessed off Hanson Drive and the assisted living facility was to be accessed off South Cobb Drive. The specific site plans and building elevations were approved as conditions of the zoning. Subsequently, in September 2013, the applicant requested a zoning amendment for assisted living facility in phase I. The zoning amendment for the assisted living facility dealt with modifications to the site plan and building elevations. These modifications included the elimination of the structured parking and the increase of the number of beds from 78 beds to 108 beds because the applicant wanted to add a terrace level to address geological and topographical issues on site. The Mayor and Council approved the zoning amendment by a vote of 7-0. Since the approval of the zoning amendment, the assisted living facility has been constructed and is about to receive its Certificate of Occupancy.

This zoning request was tabled at the July 13, 2015 Planning and Zoning Board meeting to August 10, 2015 meeting by a vote of 7-0. This meeting was tabled at the September 14, 2015 meeting at the request of the applicant. Planning and Zoning Board approved this zoning request February 8, 2016 with a 7-0 vote.

Community Development recommends approval of the proposed zoning amendment with the following conditions carried over from Zoning Case Z13-016 (changes are noted with the words NOT APPLICABLE):

Senior Planner, Russell Martin came forward and reviewed the information and read aloud the following applicable conditions.

Standard Conditions

(Requirements #2, 16 and 17 from Section 1201 of the Zoning Code are not applicable)

1. The composition of the buildings in the development shall include 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 buildings whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.

2. *There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.*
3. *The developer shall provide at least 200 square feet of common space per lot or unit. This common space shall be developed with improvements for the residential development such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners' Association.*
4. *The detention pond shall be placed and screened appropriately to be unobtrusive to buildings inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*
5. *All utilities within the development shall be underground.*
6. *The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the development and outside the development 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.*
7. *The developer shall install a deceleration lane at the entrance for the development. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.*
8. *A strip of brick pavers or stamped concrete shall be installed on the street at the development 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.*

Special Conditions:

15. *The development shall maintain the following setbacks:*

Two-Story Assisted Living:

Minimum Front - 0'

Minimum Side - 5'

Minimum Rear - 20'

Ten-Story Independent Living/Mixed Use:

Minimum Front - 0'

Minimum Side - 5'

Minimum Rear - 20'

16. *A 10' landscape buffer shall be provided and maintained along the property lines, except where varied by the approved site plan.*
17. *The applicant shall provide a covered entrance way over the passenger drop off zone at the Assisted Living site.*
18. *If deemed necessary by the City Engineer or Cobb County during construction plan review, a second deceleration shall be provided.*

19. The trash dumpsters shall utilize rubber tops and/or trash compactors be appropriately screened with a three-sided brick enclosure.
20. [NOT APPLICABLE] The applicant must obtain an easement to access the private sewer system on the adjacent property to the south or if the applicant elects to use the sewer along South Cobb Drive, approval must be obtained from the appropriate jurisdiction.
21. Units shall be limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time. This requirement shall be included in the protective covenants developed for the property.
22. The development should incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath with ample maneuvering space.
23. Each unit must be protected by a fire sprinkler system.
24. [NOT APPLICABLE] The mandatory homeowners association must include the following rule for the independent senior living units:
- No more than 20% of the total units may be leased by individual owners at a time and for no term less than one year in duration.
25. The applicant shall provide a refundable deposit of \$3,000.00 per acre at the issuance of a building permit for the cost of general site maintenance should the property be abandoned and no site maintenance is provided. At the completion of the overall project and the issuance of a Certificate of Occupancy, all or a portion the deposit shall be refunded to the person or entity that provided the deposit. If the developer is unable to provide a deposit; a five-year bond or letter of credit shall be an acceptable alternative. This bond or letter of credit may be a two-year bond or letter of credit that is automatically renewed for a period of five year. At the completion of the overall project and the issuance of a Certificate of Occupancy, the bond or letter of credit should be released to the developer.
26. The proposed development shall conform in substantial compliance to the site plan dated 1/11/2016 for the independent senior living facility and the site plan submitted on 8/9/2013 in Zoning Case Z13-016 for the assisted living facility. Slight deviations to the site plan may be approved by the Community Development Director. Any significant changes to the site plan will require an amendment to this rezoning.
27. The proposed development shall conform substantially to the conceptual elevations submitted on 1/11/2016 for the independent living facility and the elevations submitted on 8/9/2013 in Zoning Case Z13-016 for the assisted living facility. Detailed elevations indicating building materials and colors shall be submitted to Community Development prior to final approval. Slight deviations to the elevations may be approved by the Community Development Director. However, any significant changes to the elevations will require an amendment to this rezoning.
28. [NOT APPLICABLE] The following uses shall not be permitted on subject property:
- Check Cashing Offices
 - Pawn Shops
 - Package Stores
 - Tattoo Parlor
 - Arcades
 - Pool Halls
 - Cigar Shops
 - Automotive Shops and Service Centers
 - Adult Entertainment
29. If any fence is constructed on the southern property line, it shall be wooden or

decorative metal.

30. Decorative metal fencing shall be constructed along the top of all retaining walls providing a structural safety barrier as well as an attractive architectural element.

Additionally, Mr. Martin stated that this property was located between Hanson Drive and South Cobb Drive in Ward 7. The majority of the area was zoned Mixed Use and surrounded by Cobb County. This property was zoned Urban Residential and would not change with this request. He spoke about Phase I consisting of a memory care facility and assisted living. Phase II would be mixed use with a four story parking garage and 120 independent senior living housing units. He showed the proposed site plan with different building configurations increased building height and senior bedding count. The new proposed building elevations were shown as well as a picture of how it would look from the East-West Connector. Councilmember Anulewicz asked the developer and local resident, Jason Lewis about the specifics of what was being offered to seniors. He stated it was independent living with an activity director. He also stated the 55 and up tower would be connected to the assisted living center.

B. Approval of Ordinance #2016-04 - Annexation request (100% of owners requesting annexation) - Land Lot 691, 17th District, 2nd Section, Cobb County, .60 acre tract - 4788 Hanson Drive, Smyrna Georgia, Ward 7 - effective date April 1, 2016

Sponsors: Fennel

Attachments: [4788 Hanson Drive Annexation application.pdf](#)

[Signed notice to CC Clerk's office.pdf](#)

[Signed Notice to CCCD office.pdf](#)

[Ordinance 2016-04 4788 Hanson Drive.pdf](#)

[Exhibit A Ordinance 2016-04 .docx](#)

[Non-Objection Cobb County BOC - 4788 Hanson Dr. Smyrna.pdf](#)

Councilmember Ron Fennel who was absent for this vote and he is the sponsor for the items 4 A-C he sent a message to the City Clerk advising:

"Out of the abundance of caution and in full disclosure. I wish to recuse myself from a pending action of City Council. Having a previous business association with the applicant, Jason Lewis, I will recuse myself from consideration of item 2015-194, Zoning Request Z15-012.

Although I have no interest in the project in question, I choose to recuse myself, due to the previous and potential future business dealings with the applicant."

A motion was made by Councilmember Doug Stoner for item 2016-102 to approve Ordinance #2016-04 - Annexation request (100% of owners requesting annexation) - Land Lot 691, 17th District, 2nd Section, Cobb County, 60 acre tract - 4788 Hanson Drive, Smyrna Georgia, Ward 7 - effective date April 1, 2016; Seconded by Councilmember Charles "Corkey" Welch. The motion carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson and Councilmember Stoner

Absent: 1 - Councilmember Fennel

- C.** Final Vote - Zoning Request Z15-012 - Annexation, Rezoning and Zoning Amendment for the construction of a 200 unit independent senior housing development - 4.8 Acre Tract - Land Lot 691 - 4840 & 4788 Hanson Drive - Creekside Village Development Group, Inc.

Sponsors: Fennel

A motion was made by Councilmember Doug Stoner to approve item 2016-104 for the Final Vote - Zoning Request Z15-012 - Annexation, Rezoning and Zoning Amendment for the construction of a 200 unit independent senior housing development - 4.8 Acre Tract - Land Lot 691 - 4840 & 4788 Hanson Drive - Creekside Village Development Group, Inc. to include all recommended stipulations, seconded by Councilmember Charles "Corkey" Welch. The motion carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson and Councilmember Stoner

Absent: 1 - Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses

6. Formal Business:

- A.** Approval for the City of Smyrna to continue as a Subrecipient of the Cobb County CDBG Program and authorize the Mayor to sign the 2016 Subrecipient Agreement documents.

Sponsors: Stoner

Attachments: [2016 City of Smyrna Subrecipient Agreement Part 1](#)
[2016 City of Smyrna Subrecipient Agreement Part 2](#)

City Administrator Mike L. Jones gave the background for this item. It is for the approval for the City of Smyrna to continue as a Subrecipient of the Cobb County CDBG Program and authorize the Mayor to sign the 2016 Subrecipient Agreement documents.

Every year the City of Smyrna signs a Subrecipient Agreement with Cobb County CDBG. This agreement authorizes Cobb County to continue the administration of funds and reporting to HUD on behalf of The City. The City's preliminary funding amount for 2016 is \$200,765.00. This amount is subject to increase should HUD release more funds to Cobb County.

Staff recommends approval for the City to continue as a Subrecipient of the Cobb County CDBG Program and for the Mayor to sign the 2016 Subrecipient Agreements. Assistant City Administrator Tammi Saddler-Jones came to the podium. She listed some of the 2015 CDBG completed projects and said that 2016 CDBG projects had not been determined yet. 2015 the City received \$291,000. 2016 had a decrease in award funds to \$200,765.

A motion was made by Councilmember Doug Stoner to approve Contract CON2016-02 for the City of Smyrna to continue as a Sub-recipient of the Cobb

County CDBG Program and authorize the Mayor to sign the 2016 Sub-recipient Agreement documents, seconded by Councilmember Susan Wilkinson. The motion carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson and Councilmember Stoner

Absent: 1 - Councilmember Fennel

7. Commercial Building Permits:

There were no Commercial Building Permits

8. Consent Agenda:

The consent agenda was read aloud by City Administrator Mike Jones for Council approval.

A motion was made by Councilmember Charles "Corkey" Welch to approve the consent agenda, seconded by Mayor Pro Tem / Councilmember Teri Anulewicz. The motion carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson and Councilmember Stoner

Absent: 1 - Councilmember Fennel

A. Approval of the March 7, 2016 Mayor and Council Meeting Minutes

Sponsors: City Council

Attachments: [03-07-2016 March 7, 2016 M&C Meeting Minutes - FINAL](#)

B. Award RFP 16-031 Pipe Burst Process Drainage Rehabilitation Annual Contract to the lowest bidder, 3 Rivers utility Rehab LLC for the unit prices submitted in their bid and authorize the Mayor to execute any related documents.

Sponsors: Welch

Attachments: [Bid Tabulation RFP 16-031 Pipe Burst Bid Tab 2.pdf](#)

[Bid Recommendation RFP 16-031 Pipe Burst Process Annual Contract Bid Recommendation.doc](#)

C. Award RFP 16-030 CIPP Process Drainage Rehabilitation Annual Contract to the lowest bidder based on unit pricing to CaJenn Construction and Rehabilitation Services and Authorize the Mayor to execute any associated documents.

Sponsors: Welch

Attachments: [Bid Tabulation RFP 16-030 CIPP Bid Tab.xlsx](#)

[Bid Recommendation RFP 16-030 CIPP Process Annual Contract Bid Recommendation.doc](#)

D. Award RFP 16-032 Public Works F250 Extended Cab Truck to the

most responsive and responsible bidder Wade Ford for \$31,773.00 and authorize the Mayor to execute any related documents.

Sponsors: Welch

Attachments: [RFP 16-032 Bid Tabulation Public Works F250 Ext Cab Truck Bid Tab.pdf](#)
[Bid Recommendation RFP 16-032 Public Works F250 Ext Cab Truck Bid Recommendation.doc](#)

- E. Award RFQ 16-029 Departmental Vehicles to the combined lowest bidder for four (4) vehicles specified as outlined in the RFQ to Wade Ford for \$86,702.00 and authorize the Mayor to execute any associated documents.

Sponsors: Welch

Attachments: [Bid Tabulation RFQ 16-029 Departmental Vehicles Bid Tab.xls](#)
[Bid Recommendation RFP 16-029 Departmental Vehicles Bid Recommendation.doc](#)

- F. Award RFP 16-027 Glendale Place to the lowest bidder Ohmshiv Construction LLC for \$1,396,992.80 and authorize the Mayor to execute any related documents.

Sponsors: Wilkinson

Attachments: [Bid Recommendation RFP 16-027 Glendale Place Bid Recommendation.pdf](#)
[Bid Tabulation GLENDALE PLACE - Bid Tabulation.pdf](#)
[Glendale Place\(3-14-16\).pdf](#)

- G. Approval of the Student Affiliation Agreement with WellStar Health System and authorize the Mayor to execute any related documents.

Sponsors: Norton

Attachments: [Wellstar Health System Student Affiliation Agreement.pdf](#)

- H. Approval of Star 94.1 FM to produce and hold an event titled "Woofstock" in the downtown (Village Green and Smyrna Market Village area) on October 1, 2016

Sponsors: Anulewicz

Attachments: [DaveDemer-Star94_WoofstockSmyrna2016_10-1-16.pdf](#)

9. Committee Reports:

Ward 1 - Councilmember Derrick Norton had no report.

Ward 2 - Councilmember Andrea Blustein had no report.

Ward 3 - Mayor Pro Tem / Councilmember Teri Anulewicz gave information about the event to be held the following evening sponsored by the Vision group.

Ward 4 - Councilmember Corkey Welch had no report.

Ward 5 - Councilmember Susan Wilkinson had no report.

Ward 6 - Councilmember Doug Stoner reminded citizens of Fridays closure for Good Friday.

Ward 7 - Councilmember Ron Fennel was absent.

10. Show Cause Hearings:

There was no Show Cause Hearings

11. Citizen Input:

A concerned citizen spoke about manners and responsibility in reference to what he feels was unreturned phone calls from a Councilmember. He also referenced a piece of property bordering his that he has cut and kept for several years and he wants the City to step up and take care of their own property. He has called as early as today and the people he met with want to spray it with poison as opposed to mowing it. He is not satisfied.

Gary Pelphrey spoke about Nick Thomas chase and noted the one year anniversary in a few days. He also remarked that he was disappointed in the interruption of a lady who was praying and was interrupted by the Mayor with the Pledge of Allegiance. He remarked that he counted 24 officers present tonight and he felt they did not know how to get promoted except by killing.

12. Adjournment:

Mayor Max Bacon adjourned the Mayor and Council Meeting at 9:28 PM.