



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, August 6, 2018

7:00 PM

Council Chambers

Roll Call

Present: 7 - Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Ron Fennel

Absent: 1 - Mayor Max Bacon

Also Present: 9 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Scott Andrews, Ken Suddreth, Russell Martin, Ashley Youmans, Jennifer Bennett and Dan Campbell

Call to Order

Mayor Pro Tem Derek Norton called the meeting of the Mayor and Council to order at 7:00 PM

1. Invocation and Pledge:

Reverend Pam McCurdy of Bethany United Methodist Church located at 760 Hurt Road gave the invocation and led all in the Pledge of Allegiance

2. Agenda Changes:

Mayor Pro Tem Derek Norton announced that Mayor Bacon was not feeling well and would not be at the meeting. He advised that the Mayor's Council Committee assignments were going to be tabled until the Mayor's return.

3. Mayoral Report:

C. [2018-338](#)

Mayor's assignment of Council Committees

Sponsors: Bacon

Councilmember Ron Fennel made a motion to table the Mayor's assignment of Council Committees to the next available meeting, seconded by Councilmember Maryline Blackburn.

The motion to table carried by the following vote:

Aye: 6 - Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Mayor Bacon

- A. [2018-336](#) Approval of the recording of the Official City Election Results for the Special Election Run-off for Ward 6 held July 24, 2018. The candidates in the runoff election on July 24, 2018 were Tim Gould with 603 total votes for 60.30% and Idella Moore with 397 total votes for 39.70%. There were 1021 total votes for the Ward 6 runoff election which was 18.9% of the registered voters (5,416) in Ward 6.

Sponsors: Fennel

A motion was made by Councilmember Ron Fennel to approve the recording of the Official City Election Results for the Special Election Run-off for Ward 6 held July 24, 2018. The candidates in the runoff election on July 24, 2018 were Tim Gould with 603 total votes for 60.30% and Idella Moore with 397 total votes for 39.70%. There were 1021 total votes for the Ward 6 runoff election which was 18.9% of the registered voters (5,416) in Ward 6; seconded by Councilmember Andrea Blustein.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

- B. [2018-337](#) Swearing in Ceremony to complete the current term of the Ward 6 Council Member seat for Tim Gould by Superior Court Judge Ann Harris

Sponsors: City Council

Cobb County Superior Court Judge Ann Harris swore in Tim Gould as Council representative for Ward 6. Mr. Gould's wife Judy, along with children Jack and Abbie were present with other family members and friends to witness and celebrate his new role as a Council Member for the City of Smyrna. Mr. Gould repeated the oath, with his children holding the Bible.

4. Land Issues/Zonings/Annexations:

- A. [2018-163](#) **Public Hearing** - Zoning Request Z18-007 - Rezoning from R-15 to RAD-Conditional for two single-family homes at a density of 5.2 units per acre - 0.38 Acres - Land Lot 559 - 1478 Spring Street - PM Builders, LLC

Sponsors: Blackburn

The Mayor Pro Tem called on City Administrator Tammi Saddler Jones to give the background on the rezoning. PM Builders, LLC is seeking to rezone from R-15 to RAD-Conditional for the development of two (2) new single-family homes at a density of 5.2 units per acre. The zoning request was heard by the Planning and Zoning Board at the June 11, 2018 meeting and was recommended for denial by a vote of 6-1. Community Development recommended approval of the proposed rezoning with conditions. Ms. Saddler Jones stated that Senior Planner Rusty Martin would give the detailed background for the rezoning.

The Mayor Pro Tem announced the Public Hearing and called anyone wanting to speak on the rezoning to come forward to be sworn in by City Attorney Scott Cochran. Several people came forward and were sworn in.

Councilmember Maryline Blackburn called Rusty Martin forward. The subject property was 1478 Spring Street at the crossing of Foster Street and Spring Street. The

property was zoned R-15 and was proposed to be rezoned to RAD-Conditional for the construction of two single family homes. Currently, the lots are vacant. The zoning map was shown. The surrounding lots are zoned R-15. The future development map was shown. The zoning does not require a change in land use plan for the site. The proposed site plan showed that the land would be split into two lots. The first home would front on Spring Street with a detached two car garage fronting on Foster Street. The second home would have a front-entry garage and would face Foster Street. The requested variances are as follows:

1. A lot size reduction from 15,000 square feet to 6,800 square feet (Staff Supported)
2. A lot width reduction from 100' to 70' (Staff Supported)
3. A front setback reduction from 35' to 20' (Staff Supported)
4. A side setback reduction from 10' to 5' (Not supported by staff)
5. A rear set back reduction from 30' to 5' (Not supported by staff)

Mr. Martin showed the proposed building elevations, the subject property and the adjacent properties. Community Development recommended approval of the proposed rezoning for 1478 Spring Street with the following conditions:

Standard Conditions:

(Requirements #2, 3, 4, 8, 9, 10, and 17 from Section 1201 of the Zoning Code are 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 detention 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.*

3. *All utilities within the development shall be underground.*

4. *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.*

5. *No debris may be buried on any lot or common area.*

6. *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".*

7. *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.

8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

10. 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

11. The development shall maintain the following setbacks:

Front - 20' (from existing right-of-way)

Side - 10' (not as requested by the applicant)

Rear - 20' (not as requested by the applicant)

12. The development shall be developed with a minimum lot size of 5,293 square feet.

13. The proposed homes shall have a minimum floor area of 1,800 sq. ft.

14. The driveways shall have a minimum length of 22' from building face to edge of Private Street. Each unit shall have a two-car garage.

15. The final plat for the development shall include a right-of-way dedication of 5' along both Springs Street and Foster Street.

16. A new 5' sidewalk with 2' grass buffer shall be constructed along both Foster Street.

17. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.

18. The developer shall replace and upgrade the drainage pipe along the eastern property line and provide associated easements per the City Public Works Director.

19. The developer shall provide new curb and gutter along Foster Street for the length of the development.

20. The developer shall improve the curb radius at the intersection of Spring Street and Foster Street per the City Public Works Director.

21. 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.

22. The home adjacent to Spring Street shall have the front of the home on Spring Street.

23. 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 site plan submitted 5/9/2018 created by BH & D Engineering. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.

24. The applicant shall be bound to the elevations submitted and dated 3/9/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.

Community Development Director Ken Suddreth added that there were two different recommendations: one recommendation is from the Planning and Zoning Commission to deny and one is from the Community Development staff for approval. Both recommendations were included in the presentation.

Councilmember Blackburn inquired that the future land use is mixed use, so she wanted to know if this rezoning fell within mixed use. Mr. Martin stated that it did fall within the mixed use designation for minimum lot size.

The applicant, Mr. Brad Thompson, came forward to discuss the proposed rezoning. Mr. Thompson stated he would focus on the staff's recommendation. He felt the area in the Williams Park area was in need of a facelift. He stated it was in close proximity of the railroad tracks and the industrial uses that are closer to the tracks. He liked building in the Williams Park area because of its location to the Market Village and it is a great place to live. He sees that the area where this property is located is more amenable to homes in the \$400,000 to \$500,000 instead of the \$700,000 in Williams Park. He wanted to move down the street and build homes as they get sold. He owns an additional two lots down the road. It is his intention to build out the street, but there are some homes that he has tried to purchase and could not. Under a moderate density, the maximum is 4.5 homes which is now no longer moderate density. He stated that a few years ago, the city hired a company to study future development and with citizens' input. The comprehensive plan redesignated the area to mixed use at a density of 6 units per acre; this property would be only slightly over the 4.5 home densities. Mr. Thompson reminded the Council that there are many other uses under mixed use that could be built and he read some of the potential uses on the list. It also allows for single detached homes. He felt there was a bit of affordability crisis in the country. There is a large part of the population that can't afford to buy in Smyrna. He believed the City has enjoyed a diverse population, but the higher the price point for homes, the less diversity there will be. He felt you can build a \$750,000 home, but is that person more likely to participate in the community or one will engage in the public education or will they send their children to private school? He opined that someone who buys a \$500,000 home will be more likely to participate in the local schools and foster changes in the schools. He provided a list of people's names that could not attend the Council meeting, but are in support of what he is trying to do. Most of the people on the list live in \$200,000 homes. They want to get involved in the community. At this price point, this rezoning is not for work force housing. What he hoped the Council would consider is the density of 5.2 as opposed to the 4.5 density. He asked that they give strong consideration to the professional staff and their recommendation.

Councilmember Susan Wilkinson asked how the developer would handle the storm water runoff. Mr. Thompson stated they would use bio-retention which could be a rain garden which would allow drainage over time on a lot by lot basis.

Councilmember Maryline Blackburn asked what the price point for the homes would be. Mr. Thompson believed the home that fronts Foster Street would be around \$450,000 and the Spring Street home to be in the mid \$500's.

Councilmember Ron Fennel clarified that instead of the developer building a commercial unit, he would invite two residents to live in Smyrna. Mr. Thompson stated that this development would be a good step down from the Williams Park homes to the multi-use designation.

Leanne Fey, who has lived at 1496 Spring Street for 20 years, asked that the rezoning would be denied. She believed this would set a negative precedent for the neighborhood. This property is located 75 feet from her home. She stated that without many resident's knowledge, it was determined that the end of her block should have a mixed use designation the future land use plan. She did not want that. She opined that the developer is using the mixed use designation to build high density homes in a moderate density neighborhood. The neighborhood has been very proactive in preserving their neighborhood and this would significantly impact the neighborhood. There is now 10 acres in Williams Park that is designated as mix-use. Allowing the mixed use to be used as residential would allow one extra home to be built on this lot, but the president could cause 24 homes to be built in the neighborhood. She believed this would be too many. She asked that the Council continue the precedent of moderate density homes and deny the request.

Casey Clavin, who lives on Roswell Street, gave the Council a handout of the points she planned to make in her statement. She gave the history of the Williams Park neighborhood to demonstrate how the neighborhood had improved over the last years. Commercial properties in the area have declined. She discussed the changes in the land use maps and wondered how they evolved. She referenced maps on her handout that showed how this rezoning was contrary to the precedent of development in the neighborhood. She believed the Council should uphold the moderate use precedent in the area.

Matt Bennett, who lived next door to the subject property at 1486 Spring Street, stated that the developer had not provided a plan for storm water management. He was concerned about its impact on his property. He disagreed with the staff's recommendation and suggested it had too many variance requests.

Lemuel Ward, who lived at 1496 Spring Street, discussed the policy of the land use plan. He read the narrative of the plan of infill development and the comprehensive plan. He believed that the homes in the neighborhood could be rebuilt on a one for one basis. The rezoning should be for the benefit of the neighborhood. He was concerned about crowding in to the neighborhood. He discussed the negative precedent of this development.

Councilmember Maryline Blackburn stated that she appreciated the people who came out to speak. She understood both sides of the discussion. She understood the resident's desire to keep the neighborhoods standard. She also understood the developer's desire to provide affordable housing in the neighborhood to people who are looking to move to Smyrna.

A motion was made by Councilmember Maryline Blackburn to approve zoning request Z18-007 - Rezoning from R-15 to RAD-Conditional for two single-family homes at a density of 5.2 units per acre - 0.38 Acres - Land Lot 559 - 1478 Spring Street - PM Builders, LLC; seconded by Councilmember Ron Fennel.

The vote of the Council members was a tie with Councilmembers' Maryline Blackburn, Corkey Welch and Ron Fennel voting, aye and Councilmember's Andrea Blustein, Susan Wilkinson and Tim Gould voting, Nay. Mayor Pro Tem Derek Norton as chair had to break the tie and he voted Aye.

The motion to approve carried by the following vote.

Aye: 4 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch and Councilmember Fennel

Nay: 3 - Councilmember Blustein, Councilmember Wilkinson and Councilmember Gould

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

A. [2018-304](#) Adoption of the 2018 millage rate of 8.99 mills

Sponsors: Fennel

The Mayor Pro Tem called on the City Administrator to provide the background. The FY19 budget that was approved by council included revenue projections based on 8.99 mills. This is the formal adoption of the 8.99 millage rate.

The official notice, and all required information, was posted in the Marietta Daily Journal on July 11th, and July 18th. Required public meetings were held on July 18th at 10 a.m. and 6 pm and on July 25th at 10 am. Staff recommended approval.

Councilmember Ron Fennel noted that this was the twelfth year that the rate has not changed and taxes have not been raised. The City has maintained their AAA rating.

A motion was made by Councilmember Ron Fennel to approve the adoption of the 2018 millage rate of 8.99 mills; seconded by Councilmember Tim Gould.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

B. [2018-343](#) Approve Non-Exclusive Access Easement, in favor of Frances J. Cribbs, and her successors in title, across the entrance way into North Cooper Lake Park in order to allow access, limited to a single curb cut to 4281 Nowlin Drive.

Sponsors: Fennel

A motion was made by Councilmember Ron Fennel to approve a Non-Exclusive Access Easement, in favor of Frances J. Cribbs, and her successors in title, across the entrance way into North Cooper Lake Park in order to allow access, limited to a single curb cut to 4281 Nowlin Drive; seconded by Councilmember Charles "Corkey" Welch.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

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 by City Administrator Tammi Saddler Jones for Council approval; seconded by Councilmember Maryline Blackburn.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Mayor Bacon

- A. [2018-327](#) Approval of the July 16, 2018 Mayor and Council Meeting Minutes
Sponsors: City Council
- B. [2018-328](#) Approval of the July 16, 2018 Pre-Council Meeting Minutes
Sponsors: City Council
- C. [2018-319](#) Approval of the June 28, 2018 Committee of the Whole Meeting Minutes
- D. [2018-321](#) Approval of the July 12, 2018 Committee of the Whole Meeting Minutes
- E. [2018-329](#) Award RFP 18-021 for annual financial audit services to the low bidder Nichols, Cauley & Associates, LLC. in the amount of \$28,000 per year and authorize the Mayor to execute any related documents.
Sponsors: Fennel
- F. [2018-332](#) Approve the 4 year lease of Turf Maintenance equipment for \$35,331.12 per year, on GA State Contract Pricing, from Jerry Pate Turf and Irrigation, 5350 Tulane Drive, Atlanta, GA 30336 and authorize the Mayor to execute any related documents.
Sponsors: Wilkinson
- G. [2018-340](#) Approve the replacement of radios that control the ten (10) Severe Weather Outdoor Warning Sirens, Phase II SPLOST expenditure in the amount of \$58,970.00 from Allcomm Wireless, Inc, 1508 Noble St., Anniston, AL.
Sponsors: Norton
- H. [2018-341](#) Approval to revisions to Personnel Policy EMP 3-0 Recruitment and Selection, and authorize the Mayor to execute related documents
Sponsors: Blackburn
- I. [2018-334](#) Approval of the 2018 Star 94.1 Woofstock Downtown Event Area

Definition, Street Closings to include the Market Village entrance (West Spring) in front of City Hall, and Bank Street from King Street to the private residence including entrances on Bank Street, to close the Circle (in front of the Library and the Community Center - including connecting streets), and Special Requests for approved festival on Saturday, September 29 and Sunday, September 30, 2018.

Sponsors: Fennel

9. Committee Reports:

Councilmember Ron Fennel noted that Smyrna Little League won the Southeast Region Division in North Carolina. They will be recognized at a Council meeting in two weeks. Mr. Fennel thanked the Staff, Administration, Finance Department, Council and their teams on their work on the budget and the millage rate. He expressed his pride in living and working in a City with a robust fiscal health.

Councilmember Tim Gould thanked Derek Norton, Council and Staff for making his transition as easy as possible. He looked forward to serving the citizens and doing his part on the Council.

Councilmember Susan Wilkinson gave a report from Library Director Mary Moore. The library wrapped up the Summer reading program. The library thanked the Friends of the Library for providing incentives for the program. Ms. Wilkinson read upcoming events at the library which are posted on the Library's online calendar of events. She mentioned the City's birthday celebration over the past weekend. It was a wonderful event and the staff did a great job preparing for the event. There was a rain storm, but the concert went on anyway and the fireworks were awesome. She also thanked Mr. Gould and looked forward to working with him on the Council.

Councilmember Charles "Corkey" Welch welcomed Tim Gould to the Council. He also thanked everyone for coming out to the Birthday Celebration.

Councilmember Maryline Blackburn also congratulated the Smyrna Little League team and was excited for them. She welcomed Mr. Gould to the Council. She enjoyed the Birthday Celebration. She thought the City outdid themselves on the fireworks, they were amazing. The staff did a great job on the event. She thanked her Ward 3 residents for coming to support at the meeting to make Smyrna more sustainable.

Councilmember Andrea Blustein commented on the rain at the Birthday Celebration and thanked the staff for their hard work in making it a memorable event. She also said the fireworks were outstanding and the City could compete with anyone. She also welcomed Mr. Gould.

City Administrator Tammi Saddler Jones added her welcome to Mr. Gould, she looked forward to working with him.

Assistant City Administrator Scott Andrews also welcomed Mr. Gould and wished Mr. Fennel a happy birthday.

City Clerk Terri Graham added her welcome to Mr. Gould and also wished Mr. Fennel a happy birthday.

Mayor Pro Tem Derek Norton welcomed Mr. Gould. He also thanked the Public Safety

members for their work at the celebration.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Mayor Pro Tem Derek Norton called for Citizen's Input. Four people had signed up to speak.

Alex Backery, 3459 Shawnee Trail discussed his disappointment in the voter turnout in the Ward 6 election. He believed this was due to voter apathy and hoped the Council would do something to correct this. He also noted that he had never had any Councilmember respond to his comments. He further discussed his opinion that term limits needed to be added to a ballot for the people to vote on this issue. He believed term limits would make citizens feel more involved in their government.

Leonard Robertson, 1809 Teasley Drive came forward to discuss sustainability. This is a strategic growth plan that addressed environmental protection, economic development and social equity. He asked the Council insert that in the City's vision plan because of the exponential growth of the city. The plan has been adapted by several Georgia cities.

Ryan Campbell, 2004 White Cypress Court also discussed sustainability. He is a long time Smyrna resident. This issue means a lot to him. He asked the City Council to get involved in the communities and meet with residents.

Jenny Bartell, 4094 Laurel Springs Way discussed sustainability. She has been a resident since 2003 and loves Smyrna. She was attracted by its curbside recycling and by the efforts of Keep Smyrna Beautiful. City parks and recreation are well maintained. She wanted to push Smyrna to adopt a sustainability plan. She would like to see the city adopt renewable energy and embrace the future. She discussed the possibility of more solar energy usage in the City.

12. Adjournment:

Mayor Pro Tem Derek Norton adjourned the meeting of the Mayor and Council at 8:16 PM.