



Meeting Minutes - Draft  
City Council

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Monday, March 3, 2014

7:30 PM

Council Chambers

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**Roll Call**

**Present:** 5 - Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Wade Lnenicka

**Absent:** 2 - Councilmember Teri Anulewicz and Councilmember Ron Fennel

**Also Present:** 10 - Eric Taylor, Scott Cochran, Dan Campbell, Paige Day, Terri Graham, Chelsea Jackson, Tammi Saddler Jones, Lisa Moore, Ken Suddreth and Russell Martin

**Call to Order**

**1. Invocation and Pledge:**

Mayor Max Bacon called on Shell Osbon, Pastor of Life Church Smyrna Assembly of God, 4100 King Springs Road, Smyrna, Georgia to deliver the Invocation and to lead all in the Pledge of Allegiance.

**2. Agenda Changes:**

The Mayor announced that Item 4-B and 4-C, which are related items, will be tabled to April 21, 2014. Two Councilmembers are not in attendance for this meeting, Councilmember Ron Fennel, due to a business conflict and Councilmember Teri Anulewicz is out of town.

**3. Mayoral Report:**

**A. 2014-047** Proclamation in Recognition of American Red Cross Month, March 2014

Sponsors: Fennel

The Mayor called Racquel White from the American Red Cross to come forward to accept the proclamation establishing March 2014 as American Red Cross Month. Councilmember Wade Lnenicka read aloud the proclamation. Ms. White stated she was honored to accept the proclamation. She thanked the many everyday heroes, who reside in Smyrna, who have made the efforts of the Red Cross possible for the past 100 years.

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

**A. 2014-003**

**Public Hearing** - Zoning Request Z14-001 - Zoning amendment to modify the currently approved zoning conditions (Z11-009) for the construction of a McDonalds restaurant - 1.07 Acre Tract - Land Lot 380 - 3240 South Cobb Drive - Integrity Engineering & Development Services, Inc.

Sponsors: Welch

Mayor Bacon called on City Administrator Eric Taylor to read the background for this item. The property was originally rezoned on January 19, 2010 for the redevelopment of the shopping center. Integrity Engineering & Development has requested a zoning amendment to modify the currently approved zoning conditions for the construction of a new McDonald's restaurant on South Cobb Drive. Staff recommends approval with conditions. The Mayor announced that this is a Public Hearing and asked if anyone would like to comment on the issue and no one came forward.

Councilmember Corkey Welch asked Ken Suddreth to come forward to give the detail. Mr. Suddreth stated that there are three portions in this one request. This request deals with one of the out lots in the shopping center. The original zoning plans had the front of the building facing South Cobb Drive, however, they are requesting that the orientation be modified. Mr. Suddreth showed the zoning map and the future development map in a presentation. In addition to the orientation of the building, which would have the drive-thru side of the building fronting South Cobb Drive, they have asked the City to allow a free standing monument sign and to reduce the number of parking spaces. When the shopping center project was approved, there were many sign related negotiations and conditions that were placed on the property. One of the conditions was that in order to allow them to have additional featured tall monument shopping center type of signs, the City would not allow them to have any additional signs on the out lots. The applicant is asking to place one monument sign on the out lot.

Mr. Suddreth showed the council two options for the building which would help screen the drive thru windows from South Cobb Drive. Plan A was shown which has a proposed landscape island with five trees with ground cover between the trees. Option B would construct a screening wall horizontal to the drive thru windows, which would have to be braced to the building. Staff has had extensive conversations about these changes and they are supporting Option A. The building elevation was shown representing McDonald's new building design. The current McDonald's franchise further south on South Cobb Drive will be moved to this location. The proposed monument sign was displayed. It is eight feet tall and thirty-two square feet. The staff restricts the applicant to use the building elevations that have been submitted on December 15, 2013. With regard to the signing issue, it is a trade off in which the shopping center would be eliminating one of the four approved signs on the property. Mayor Bacon questioned whether the sign the center is losing is a sign that already exists. Mr. Suddreth, stated that no, they are losing their ability to have a sign at Concord Road sign in the future. They are asking that one of the approved South Cobb Drive signs be moved further south on South Cobb Drive than originally planned. Everyone, including the center owners, believe that if this is approved, it will facilitate increasing the number of tenants in the shopping center. Another staff condition is that the existing McDonald's be demolished within 60 days from the issuance of the certificate

of occupancy of the new store. If they cannot meet this criteria in the time frame, they may come before the council to ask for an extension. The Mayor asked Mr. Suddreth to show the original rendering of the elevation so that he can see the color of the brick. The Mayor likes the color of the darker building.

The Mayor called the applicants to come forward. Anthony Lynch from Integrity Engineering introduced himself and stated they are here to answer any questions. Mr. Lynch thanked the council and staff for the time that they have put into working on this project and said this time was helpful to them in developing the plans for the building and the grounds. To answer the Mayor's question, the brick of the restaurant will match the color of the Kroger store. Councilmember Wade Lnenicka asked a question regarding the difference in the Option A and B elevations in regard to the stone work. The applicant has agreed to have stone around the window in Option A. A question is posed by Councilmember Welch regarding the proposed monument sign and whether there was a possibility of using the floating arch sign instead. Mr. Lynch requested that Todd Williams, an area construction manager with McDonald's come answer the question. He stated the sign they are proposing is a "green" LED sign which uses less energy and is the new standard sign for the restaurant. They are phasing out the floating signs, but they can investigate using the floating sign for this store. Mr. Welch stated that they are asking to go from 53 to 43 parking space and he wanted to make sure they understand the implications of that request. Karen Sanders, from real estate with McDonald's commented on the parking reduction. She stated that research has shown McDonald's only needs about 22 parking spaces at any given time during the day because in some cases their drive thru business is about 75% of sales and as a result, the parking needs are reduced. Mr. Welch asked if the original landscape plan will be a part of the current landscape plan plus the addition of the island in front of the drive through windows. Mr. Lynch stated that small landscaping will be worked into the island and basically the original plan will be followed with only minor changes. Mr. Welch questioned Mr. Suddreth if keeping the original landscaping plan is part of the conditions to the application. Mr. Suddreth stated that the council can make that a condition, but the ordinance covers the landscaping as it was originally planned. He clarified that the addition of the island landscape does not substitute for any landscaping, it will be in combination with the original plan. Councilmember Lnenicka stated that as he has traveled around, he has taken notice of other new McDonald's stores. He asked to talk again about the monument sign and stated he really likes the idea of the base with the see through arches as opposed to the solid sign that was proposed. Ms. Sanders mentioned at their last workshop, as a result of Mr. Lnenicka's suggestion, there is a plan to have a bicycle rack in front of the store and they will have brick pavers in the crosswalks. After conferring with Mr. Williams, they confirmed that if the council wanted to make the floating arch a condition of the request, they would have that put in the plan.

Councilmember Lnenicka stated that the process to approve this project has gone on for quite some time. He was not initially in favor of the store as he had become. He wanted citizens to know that McDonald's has taken the suggestions of the council and staff along with the people of Smyrna to have this store more attractive for Smyrna and make it a better store for the community. Councilmember Wilkinson stated that she also appreciated McDonald's willingness to listen to the comments and make adjustments.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2014-003 Zoning Request Z14-001a zoning amendment to modify the currently approved zoning conditions (Z11-009) for the construction of a McDonalds restaurant - 1.07 Acre Tract - Land Lot 380 - 3240 South Cobb Drive - Integrity Engineering & Development Services, Inc., with the following conditions: that we implement option A for the site plan; that the landscape plan that was originally submitted be a part of the final plan to include the landscape isle in front of both drive-thru windows with additional landscaping in that isle; and with the floating arch sign to be a part of the final construction, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

**B. 2014-034**

**Public Hearing** - Zoning Request Z14-003 - Rezoning from R-15 to RAD-Conditional - 4.01 Acre Tract - Land Lot 335 - 4105 North Cooper Lake Road - McLane Corporation. Applicant has requested this item to be tabled to April 21, 2014.

**Sponsors:** Fennel

Mayor Bacon reiterated that this item is requested to be tabled. He announced that this is slated as a Public Hearing and called anyone who wished to speak on this issue to come forward and no one came to comment.

A motion was made by councilmember Charles (Corkey) Welch to table 2014-034 Public Hearing on Zoning Request Z14-003 until April 21, 2014 for the Rezoning from R-15 to RAD-Conditional - 4.01 Acre Tract - Land Lot 335 - 4105 North Cooper Lake Road - McLane Corporation, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

**C. 2014-036**

Mayor and Council grant a sanitary sewer easement between the City of Smyrna and McLane Corporation LLC to allow the installation of sanitary sewer piping for a proposed adjacent residential development. To be tabled to April 21, 2014.

**Sponsors:** Fennel

Mayor Bacon stated that this related item is requested to be tabled. He announced that this is slated as a Public Hearing and called anyone who wished to speak on this issue to come forward and no one came to comment.

A motion was made by Charles (Corkey) Welch to table 2014-036 to table this item until April 21, 2014 for the Mayor and Council to grant a sanitary sewer easement between the City of Smyrna and McLane Corporation LLC to allow the installation of sanitary sewer piping for a proposed adjacent residential development, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

**D. 2014-037**

**Public Hearing** - Zoning Request Z14-006 - Modification of currently approved site plan and building elevations - 10.454 Acre Tract - Land Lots 489, 490, 519 and 520 - Northwest corner of the intersection of Fleming Street and Atlanta Road -David Weekly Homes.

**Sponsors:** Anulewicz

The Mayor requested Eric Taylor give the background regarding this zoning amendment. Mr Taylor explained that David Weekly Homes is seeking to modify the currently approved zoning plan and building elevations for Pods C and D for the Belmont Hills Redevelopment Project at the intersection of Fleming Street and Atlanta Road. The property was originally rezoned on January 20, 2009 to mixed use. Staff recommends approval. Mayor Bacon stated that he was personally excited about the prospect of David Weekly Homes coming to Smyrna.

The Mayor called Ken Suddreth to give details of the site plan. Mr. Suddreth reminded the council that this is a modification only in the sense that it is a site plan, not a land use issue. The original approval stated that they had to come back for site plan approval. The zoning map and future development map was presented. The proposed approval is for 156 single family units with the associated open space and amenities as well as approval of building elevations. The elevations for the single family homes are unique in that they look similar to townhouses, but are not attached. The currently approved site plan and the new proposed site plan were presented. Mr. Suddreth noted that the developer asked the item be tabled at the February 17, 2014 meeting in order to change the center green space to open the development to Atlanta Road. As a result of this change, the number of units was reduced by eight. The newly proposed elevations and road sections were shown. The site will have private streets and will be gated. He noted that this product does not exist in the metro-Atlanta area. David Weekly Homes is located in Texas and they have the product there and other cities. There are three different home products. Staff recommends approval of this site plan with the stipulations which were submitted January 20, 2014 and that the plans have to be compliant with the previously approved plan dated August 10, 2012. It is also required that the homes cannot be less than 1,500 square feet. Councilmember Charles Welch asked the developer where they will start the phases.

The Mayor announced the Public Hearing and asked if anyone was present who wished to speak regarding this request. City Attorney Scott Cochran swore in those who wished to speak. Mr. Kevin Moore, the attorney for this developer, spoke about the project. This project, Pod C and Pod D, was originally approved for townhomes. What David Weekly Homes is proposing is to inject single family detached homes clustered together. The concept for the outside home is similar to taking townhomes and detaching them. The next step into the development would be more traditional two story homes with bedrooms on the upper level. In the center portion of the development, the third type of home would have a master bedroom on the main level and additional bedrooms upstairs. These three types of homes will invite a wide

variety of home buyers from young professionals to empty nesters, creating a cross generational community. They have had success with this type of development. David Weekly Homes opened the green space up so that it can be viewed from Atlanta Road and people can see all three home products and into the center of the community. The design has been recommended by the Urban Design Committee for approval. Staff has recommended approval with stipulations. All stipulations will be adhered to from the previous approval from several years ago. The applicant is requesting approval from the City Council.

David Durnett of David Weekly Homes, answered Mr. Welch's question regarding phasing. Phase one is the northeast corner and the main entrance which includes a part of the central green. Phase two will be south of there and includes the main part of the central green. Phase three is west of Atlanta Road. All three product types will be in each of those phase. Councilmember Susan Wilkinson asked a question regarding the reduction of the homes and what type of home was reduced. Mr. Durnett answered that it was eight homes, roughly four of the smaller homes and four of the medium homes. Ms. Wilkinson also asked if the drives are mostly rear loading and if they are facing the street that goes to the elementary school. The new proposed site plan is shown which shows that all the homes in the perimeter of the development are facing the main street with the drives/garages facing the interior of the development.

The Mayor called for anyone who wished to comment to come forward. Steven McQuay, 1555 Roswell Street came forward. He referenced a Cobb County School Board statement that this development will have a minimal impact on the new elementary school as the school is currently 100 students below capacity. He questioned whether the school had been notified of the development. He believes the school could be over capacity next year due to other homes in its school zone being constructed. Ken Suddreth comes forward to explain that the City has a letter from the school board. The Mayor stated the school is a draw for David Weekly homes. Mr. McQuay wondered at what point will the city and the school board work to get another school to accommodate the new growth. Mayor Pro Tem/Councilmember Melleny Pritchett stated that the number of roof tops Smyrna increases, the school board will consider adding more schools. He also asked if there are walkways to the corners of the property for children to walk because traffic can get bad on Fleming Street. Mr. Moore stated that there is connectivity to the main streets and to the school. He reminded the council that the original zoning had a plan for more than 400 units as townhomes in Pod C & D. These homes will be less in number and a better quality community. The Mayor hopes this project will draw new businesses and restaurants to the Belmont Hills area. He thanked Mr McQuay and stressed the importance of citizens asking pertinent questions of the council. He reiterated that the school system does get notified and they provide feedback on the development. Councilmember Andrea Blustein asked if the four or five different projects in the overall development will have an Home Owners Association. This community will be under a sub-HOA to the master association which is required in the zoning agreement for the management of the over all mixed use development.

Councilmember Welch thanked David Weekly Homes for coming to Smyrna with this development. He expressed his excitement to having a new, different type community in Smyrna.

A motion was made by Charles (Corkey) Welch to approve 2014-037 Zoning Request Z14-006 - Modification of currently approved site plan and building elevations - 10.454 Acre Tract - Land Lots 489, 490, 519 and 520 - Northwest corner of the intersection of Fleming Street and Atlanta Road -David Weekly Homes., seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

**5. Privilege Licenses:**

The Mayor stated there where none.

**6. Formal business:**

**A. 2014-050** Appointment of the Permanent and Alternate License and Variance Board members

Sponsors: Taylor

Mr. Taylor gave the background that the City has as a License and Variance Board which consists of mostly senior staff members and whose purpose is to hear routine privilege license and variance requests. There has been some turnover on the committee and a new board needs to be appointed. Staff recommends approval of the appointments.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve the appointment of Tammi Saddler Jones, Roy Acree and Scott Stokes as permanent board members and Eric Taylor, Paige Day, Eric Randall, and David Lee as alternate board members for the License & Variance board, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

**B. 2014-053** Recommendation to utilize cooperative contract for Law Enforcement, Fire/Rescue and Other Fleet Vehicles under Bid 11-10-1202 of the Florida Sheriff's Association, to purchase Two (2) Arrow XT Fire Engines from Pierce Manufacturing, Inc. through Ten 8 Fire & Safety Equipment of GA.

Sponsors: Fennel

The Mayor asked Eric Taylor to give the background. He stated the city has \$1,100,000.00 set aside from the 2011 SPLOST which was for the purchase of two new pumper fire trucks. The Fire Department with Chief Day has been deligently looking for these new trucks in recent months. They have located two trucks that they are able to purchase for \$905,108 through this cooperative

contract for law enforcement. Staff recommends approval.

Councilmember Welch called Fire Chief Day to come forward for a general background on the process. Ms. Day completed a research study of all the engines and apparatus that the city has in its fleet. The engines that are being replaced were built in 1999 and have had a lot of hard use and need to be retired. Working closely with Purchasing and the City Attorney, the City was able to "piggy back" on an existing contract to purchase the trucks. This will eliminate a lot of time in bidding and construction. These Type 1 Pumpers will be able to be in service in the city by August 8, 2014, at the latest.

Councilmember Welch asked City Attorney Scott Cochran if this was a fully acceptable method of procurement from a legal standard. Mr. Cochran stated that it is.

A motion was made by Councilmember Charles (Corkey) Welch to approve 2014-053 recommendation to utilize cooperative contract for Law Enforcement, Fire/Rescue and Other Fleet Vehicles under Bid 11-10-1202 of the Florida Sheriff's Association, to purchase Two (2) Arrow XT Fire Engines from Pierce Manufacturing, Inc. through Ten 8 Fire & Safety Equipment of GA, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

## 7. Commercial Building Permits:

The Mayor states there were none

## 8. Consent Agenda:

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve the consent agenda, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

**Aye:** 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

### A. 2014-051 Approval of the February 17, 2014 Mayor & Council Meeting Minutes

These Minutes were approved.

## 9. Committee Reports:

Mayor Pro Tem Melleny Pritchett began with a report regarding the Vision Committee. There was a meeting on Friday to look over the list of people who are interested in serving in this area. This Wednesday, will be the cut-off for the introduction of people to serve on the committee. She reminded citizens that there will be 35 people on the Steering Committee, and eleven different focus groups where interested citizens can serve. At the last meeting the Committee selected three comparison cities. The week of March 14th, the

Vision Committee will begin conducting interviews for the Steering Committee. Tony Britton and Slade Gullede, both Smyrna residents, will be co-chairs of the Steering Committee.

Councilmember Andrea Blustein announced that there are 17 days until spring. This has been an extraordinary winter for our area.

Councilmember Charles (Corkey) Welch encouraged support for the Friends of the Garden tour either as a member or a sponsor. Interested citizens should contact with Ann Kirk at Keep Smyrna Beautiful.

Councilmember Susan Wilkinson announced that the Police Department is having another "Coffee with a Cop" event at Atlanta Bread Company on South Cobb Drive near the East-West Connector on Friday, March 7th from 8:00 AM to 10:00 AM.

Councilmember Wade Lnenicka thanked the Creatwood at Vinings Association for allowing him to host their meeting on Sunday, February 23. He also thanked .Krispy Kreme for building their store in Smyrna. He remarked how successful the opening has been in its first week. He finds it interesting that there will be an organic grocery store, a Del Taco, Krispy Kreme, and Jim 'n Nicks all side by side in that area. Smyrna is a very eclectic community with wide and varied taste. He commended Campbell High School's Boys Lacrosse team, which he is assisting as a coach, for their first win of the season. They broke several records during the game. Lacrosse and other sports are a great vehicle to teach kids life skills such as cooperation and hard work.

City Clerk Terri Graham announced that after an extensive search, the City has hired a new Deputy City Clerk. Lisa Moore, who previously worked in the Court Services Department, began work in this position officially today. She been filling in at the position in the interim since the former Deputy City Clerk left at the beginning of the year. Ms Graham stated that the City was very proud of the fact that it was able to hire from within. The Mayor and Councilmember Lnenicka welcomed Ms. Moore to the position.

**10. Show Cause Hearings:**

There were none

**11. Citizen Input:**

The Mayor announced there was no public comment.

**12. Adjournment:**

8:52 PM