



Meeting Minutes - Final
City Council

Monday, November 18, 2013

7:30 PM

Council Chambers

Call to Order

Presiding Officer Mayor Max Bacon called the meeting to order at 7:33 pm

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

Also Present: 14 - Eric Taylor, Scott Cochran, Roy Acree, Samantha Kasraie, Chris Addicks, Terri Graham, Virginia Davis, Scott Stokes, Ken Suddreth, David Lee, Kay Bolick, Russell Martin, Toni Jo Howard and Tammi Saddler Jones

1. Invocation and Pledge:

The Mayor called on Deacon Mark Mitchell of St. Thomas The Apostle Church (4300

King Springs), who delivered the invocation and led all in the pledge to the flag.

2. Agenda Changes:

Mayor Bacon announced that an item would be added to the agenda. He stated that items 4(D) and 4(E) would be tabled but that comments would be heard from those in attendance wishing to speak on those items.

The Mayor stated that item 8(C) would be added to the agenda and relayed it was to allow the use of Smyrna City Hall for the Informational Update Smyrna meeting on Wednesday, November 20th from 6:00 – 8:00 pm.

[2013-415](#)

Suspend the Rules to add an agenda item

A motion was made by Councilmember Welch to suspend the rules to add an agenda item, seconded by Councilmember Fennel. The motion carried by the following vote:

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

[2013-417](#)

Add agenda item to Consent agenda H C

A motion was made by Councilmember Ron Fennel to add an agenda item to the Consent Agenda, item C, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

3. **Mayoral Report:**

The Mayor provided notification that an informational update meeting would be held to address topics about which citizen's had been inquiring. He noted the meeting would be held that Wednesday in the Council Chambers from 6:00-8:00.

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

A. [Z13-015](#)

Public Hearing - Zoning Request Z13-015 - (no vote at this time) Rezoning from PVC (Cobb County) to MU-Conditional (Smyrna) - 81.95 Acre Tract - Land Lots 61, 171, 172, 174, 175 & 284 of the 18th District of Cobb County - Riverview Road and Nichols Drive - Jamestown, L.P.

Sponsors: Fennel

Mr. Taylor made known the background of the request by Jamestown to develop the Riverview Landing mixed use community and provided details of the proposed complex. He shared that the rezoning by Cobb County had been approved in 2011 and that the project had also received approval from various boards and commissions. Mr. Taylor advised that the applicant was requesting annexation and zoning as mixed use conditional. He stated that the request had been heard by the Planning and Zoning Board on September 9, 2013 and was approved 6-1. Mr. Taylor made known that staff recommended approval.

The Mayor announced the public hearing and called for comment, asking those wishing to speak to come forward and be sworn in.

Councilman Fennel relayed that it had been a four year process to get to this point and that the City had been working on this request over the past four months. He shared that he had hosted several meetings to inform the public about this project, talked with many people on the phone and in person and had discussions with local groups, including the CBIA. He expressed his commitment to maintaining ongoing dialogue with those in the impacted area. He encouraged public input and called on Mr. Suddreth to deliver a presentation of the project.

Mr. Suddreth stated that the item was approved 6-1 by the Planning and Zoning Board and was recommended by staff. He noted that it would be a mixed use development with a zoning that corresponded to that assigned by the original agreement with Cobb County. Mr. Suddreth stated that a letter of non-objection had been received from the County. He displayed maps of the proposed development plan and the interchangeable pod structure approved by the County. He elaborated that the plan bound the developer to numbers and not necessarily site plan location. He shared that improvements to Riverview Rd. were approved in the 2011 SPLOST.

Mr. Suddreth referred to the 100 year flood condition in the proposed area and

made known that staff had added conditions to tighten the wording regarding that issue. He advised that a portion of the road, as well as the property, was located in the flood plain and detailed the changes recommended to accommodate those issues. Mr. Suddreth advised that City Engineer Eric Randall was present to answer questions and had been involved in addressing flood related conditions.

Mr. Suddreth stated that requirements were in place to protect the existing industrial businesses with buffers. He showed samples of the proposed architecture and renderings of Riverview Landing along with pictures of the subject property. He noted that the developer had already begun preparing that area. Mr. Suddreth stated that County zoning was currently in place and that the development would occur regardless of the outcome of the annexation request being considered by the City. He stated that the Planning and Zoning Board and staff recommend approval of the request with the following conditions:

carried over from the Cobb County Board of Commissioner's meeting on March 15, 2011 for zoning case Z-28'10 plus the following:

1. Approval of the rezoning shall be conditioned upon the all the zoning stipulations agreed upon and approved in the March 15, 2011 Cobb County Board Commissioner's Meeting Minutes. All parts of the of meeting minutes which reference Cobb County Codes or Ordinances have been modified below to reference City of Smyrna Codes and Ordinances.
2. Approval of the rezoning shall be conditioned upon the Illustrative Master Plan and Rezoning Plan attached as part of the March 15, 2011 Cobb County Board Commissioner's Meeting Minutes.
3. Approval of the rezoning shall be conditioned upon the Industrial Buffer Plan and Concept Master Plan attached as part of the March 15, 2011 Cobb County Board Commissioner's Meeting Minutes.
4. A permanent public ingress/egress from Dickerson Drive shall be provided above the 100-year flood plain elevation (El. 766 effective March 4, 2013), with access to and through the northern portion of the project prior to the issuance of the first Certificate of Occupancy.

Zoning Stipulations from the February 10, 2011 Letter created by Mr. Garvis Sams

General Stipulations Applicable to the Overall Development

5. The revised stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning ("subject property").
6. Rezoning of the subject property shall be from the Heavy Industrial ("HI") and R-20 zoning districts to Conditional Planned Village Community with reference to that certain Master Site Plan prepared by Planners & Engineers Collaborative, which was submitted under separate cover on November 12,

2010. Any grandfathered HI use which has not lapsed for more than twelve (12) months shall not be in conflict with the rezoning.

7. The total site area of the subject property consists of 81.95 acres which shall be developed as a Mixed Use Development including the following: Single-Family Residential, Town Homes, Condominiums, Senior Housing, Apartments, Retail, Restaurants, Schools and Community Facilities, office and Self-Service Storage Buildings.

8. As part of the future development of the subject property, there shall be Protective Covenants which will be incorporated and expanded as each phase of the proposed community is permitted and platted and which will run with the subject property for the maximum time frame allowed by law, which will include all phases of the proposed community. Concurrently therewith, Property Owner Associations will be formed which will include all components of the proposed development on a phased development basis. The Association(s) shall be responsible for the oversight, up keep and maintenance of the entrance areas, common areas, community buildings and structures, open space areas and similar features contained within the overall community (i.e. walking trails, bike paths, sidewalks, etc.).

9. The Associations to be formed shall have Architectural Design Regulations which shall control such items as signage and other usual and necessary covenants and restrictions to protect the quality and integrity of the overall development.

10. Consistent with GRTA recommendations, the various entrances to the proposed community shall include, with potential modifications, the following: Six (6) intersection locations along Riverview Road; eight (8) intersection locations along Nichols Drive; twelve (12) intersection locations along Armstrong Place; and one (1) intersection location on Dickerson Drive.

11. All entrance signage shall be ground-based, monument-style signage with finish, materials and colors being insubstantial conformity to the architectural style embodied in the mixed-use development. There shall be no billboard signs, no roof signs unless architecturally integrated into an approved building design and no exterior, temporary signs excepting only grand opening signage and signage indicating the coming development. Freestanding signage, including sandwich-style retail boards and other signage shall be permitted in accordance with the terms and provisions of the City of Smyrna Sign Ordinance.

12. Consistent with ARC and GRTA recommendations, at full build-out, there shall be a network of walking trails and bicycle paths located within the proposed community which shall link the various components of the development. In addition, at full build-out, the Developer shall construct an eight foot to twelve foot (8' to 12') wide trail along the Chattahoochee River frontage unless prohibited by City of Smyrna's regulations or where environmental features prohibit cost-effective connections to be built. The trail may be constructed of gravel or other pervious material with input from the City Engineer and the Upper Chattahoochee River Keeper.

13. Lighting within the proposed mixed-use community shall be chosen by the Developer and shall be environmentally sensitive, appropriately spaced for

safe lighting purposes (i.e. per the Photometric Plan) and whenever possible shall be themed to the architectural style of the buildings and residences to be constructed and shall be utilized throughout the community. Effort shall be made to make all lighting as unobtrusive as possible.

14. Compliance with the recommendations and conclusions contained within that certain Archaeological Reconnaissance Report prepared by R.S. Webb & Associates. Additionally, compliance with Cobb County Historic Preservation comments and recommendations as provided in the Cobb County Staff Review completed for Z-28.

15. Minor Modifications to Minor Modification to the stipulations/conditions, Master Plan, lighting, landscaping, architecture, site features and the like may be approved by the District Councilperson as needed or necessary.

16. In order to facilitate the approval of the Master Plan changes, the Developer shall form an Advisory Committee consisting of the Developer, a representative from CIBA, a representative from MIC and the Director of Community Development, who shall facilitate decisions with respect to issues upon which the Developer, CBIA and MIC can not agree. The Advisory Committee shall also assist the Developer in the creation of Architectural Design Regulations which will be the basis by which the Property Owners Association's Architectural Review Board approves all initial building designs. The primary focus for the community representatives on the Advisory Committee shall be the Design Guidelines which affect property adjacent to Riverview Road.

17. All setbacks and buffer areas may be penetrated for purposed of detention, utilities and stormwater management as long as such encroachments satisfy City of Smyrna and MRPA regulations.

18. An agreement to comply with City of Smyrna Development Standards and Ordinances related to project improvements except as approved herein by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.

19. Compliance with written recommendations from Cobb County Stormwater Management Dision with respect to the location, configuration and methodology of water quality and on-site detention (if any). Additionally, an agreement to the following:

a. To design and adhere to the Best Management Practices in the construction of detention and water quality areas on site with such design and installation based upon City of Smyrna Development Standards. To the extent that such infrastructure exceeds these standards, they may be installed in lieu of contributions to the Cobb County Off-Site Detention Fund.

b. All above-ground detention areas shall be landscaped and/or fenced in accordance with City of Smyrna Development Standards.

c. In order to improve water quality, reduce target contaminant loads and to maintain higher water quality standards by addressing run-off and pollution for non-point sources, the Developer and Cobb County have jointly applied for an

EPA 319 Grant which proposed improvements, if jointly funded by the Developer and EPA, will be completed in accordance with the submitted grant application.

d. To the extent City of Smyrna and the ARC concur with the same, compliance with the comments of the Chattahoochee River Keeper, dated November 30, 2010.

e. Compliance with provisions of the Metropolitan River Protection Act ("MRPA").

f. Compliance with the Letter of Map Revision issued by FEMA on February 26, 2010 for this segment of the Chattahoochee River.

g. All proposed structures must meet the elevation freeboard and venting cod requirements.

h. Any field placement within the floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.

i. Subject to FEMA and City of Smyrna, consideration to be given to raising the grade of the intersection of Riverview Road and Dickerson Drive to allow access of emergency and any other vehicles to the development during the flood conditions on the Chattahoochee River with the Developer agreeing to participate with respect to the incurrence of cost concerning the same.

j. Subject to the letter to David Breaden, dated February 9, 2011, from ARC Planner Jim Santo.

20. Compliance with the recommendations of the Cobb County Water System with respect to availability and acquisition of water and sewer to service the subject property. Additionally, compliance with the recommendations of the Cobb County–Marietta Water Authority.

21. With respect to the proposed development, the Developer seeks a rezoning to a Conceptual Site Plan and seeks contemporaneous variances to the regulations of the PVC zoning district which are consistent with the Conceptual Site Plan and which include the following:

a. Allowing a PVC development in an Industrial or Industrial Compatible area.

b. The allowance of restaurants larger than three thousand square feet (3,000 sq. ft.)

c. Allowing Self-Service Storage Facility within the MU zoning district.

d. A waiver of the front setback from fifty feet to zero feet (50'-0'), side setbacks from fifteen feet to zero feet (15'-0') and rear setbacks from thirty feet to zero feet (30'-0').

e. Waiving requirement for retail and service square footage from eighty-five thousand, one-hundred square feet (85,100 sq. ft.) to one-hundred ninety thousand square feet (190,000 sq. ft.).

f. A reduction in the forty foot (40') landscape screening buffer in Overlook District (B1) to zero feet (for approximately 500 linear feet of common boundary with the Enclave at Oakdale).

g. Waiving the parking requirements for the proposed commercial space including retail/restaurants, office space and self storage facilities so that parking ratios shall be set at not less than three (3) spaces per one-thousand square feet (1,000 sq. ft.) of building area, subject to the submission of a "Shared Parking Analysis" (including on-street parking) for staff review and approval. Parking for any self storage facilities shall have a parking ratio of not less than 1 space per twenty-five hundred square feet (2,500 sq. ft.).

22. An agreement to comply with on-site system improvements mandated by GRTA, Cobb County DOT and the recommendations contained within the Transportation Analysis prepared by Kimley-Horn & Associates and submitted to GRTA on November 5, 2010, as may be modified through negotiations and agreements with Mayor and City Council of Smyrna and/or with the Cobb County Department of Transportation. However, an agreement has been reached with CBIA that "roundabouts" will not be constructed within the proposed development and that the radii currently in place at existing street intersections will be designed to accommodate tractor trailer trucks and industrial vehicles. Other design options, including widened medians and landscape zones, may be considered where not in conflict with normal movement of commercial and industrial traffic.

As part of the foregoing, the Developer agrees to participate with respect to the design, signalization and improvements to the intersection of Riverview Road and Veterans Memorial Highway, if warranted.

23. Prior to the issuance of building permits, Staff shall review and approve all landscaping and architecture not otherwise herein approved as depicted in the renderings/elevations and plans submitted to Cobb County on November 12, 2010 and those which may be filed under separate cover. A set of Architectural Design Regulations will be established by the Developer with assistance from the Advisory Committee and shall be used for approval of all initial improvements by the Property Owners Association/s ARB.\

24. Proposed Plans are to include restaurants as a part of the retail component within the proposed community. Said restaurants may serve alcoholic beverages as part of their respective food services upon securing the proper permits from the City of Smyrna and State agencies.

25. There shall be no tenant vehicles or vehicles of any type permanently parked in front of the proposed overall development containing tenant identification signage or advertising signage. This provision shall be contained within any lease between the Property Owner and any prospective tenant and the Property Owner agrees to make its best efforts to enforce these provisions against any tenant which violates the foregoing.

26. The Open Space under the MU district shall comply with the regulations contained therein. At present, the overall total Open Space consists of 30.5 acres which translates into 37.2% of the total site area.

27. There will be no occupied buildings within the ultimately reconfigured flood

plain except for accessory structures such as pavilions, gazebos, barns, boat houses, etc.

Stipulations Applicable to the Non-Residential Components

28. The Developer proposes retail, restaurants, live-work, farmers market building, community facilities, flex-space buildings, self service storage buildings and offices utilizing the Village Concept with varying storefronts, roof elevations, and other aesthetically pleasing treatments. The front building façades and other facades which face streets or important connecting ways to community spaces shall be a mixture of brick, stone, cedar shake, articulated stucco, hardi-board, wood siding or other compatible materials. The architectural style and composition shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on November 12, 2010 as may be approved during the Plan Review process and which shall be consistent with the Architectural Guidelines established by the Developer.

29. Pursuant to a request from CBIA, only self-service storage buildings or other non-residential buildings shall be constructed within the A-4 (Creekside) District as shown on the Rezoning Master Plan.

30. The proposed non-residential components shall contain a maximum of 190,000 sq. ft. which will include a flexible mix of commercial space including retail/restaurants, office space and self-service storage facilities.

31. Landscaping for the proposed development shall be pursuant to that certain Landscape Plan which shall be submitted under separate cover, reference being made to said plan for a more particular delineation and location of plantings and species to be planted.

32. Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries so as to eliminate light pollution and prevent illumination from penetrating outside boundaries of the subject property.

33. Hooded security lighting shall be utilized on the building within the non-residential areas as required by City of Smyrna Codes and Ordinances.

34. The developer agrees to install and construct site lighting pursuant to a Site Lighting/Photometric Plan which shall be submitted to staff for review and approval.

35. Every effort will be made so that dumpsters will be positioned to prevent visual intrusion from major streets, connection points to community spaces and wherever possible from any trail or green space along the Chattahoochee River with screening by berms, landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying.

36. All exhaust from restaurant facilities shall be filtered and attenuated to minimize grease and odors.

37. There shall be no outside paging systems, phones bells and loud speakers.

However, outdoor music systems shall be allowed.

38. The following uses shall be prohibited:

- a. Automotive sales, repair and/or service facilities.
- b. Video arcades as a primary use.
- c. Adult themed bookstores as a primary use.
- d. Pawn shops and check cashing establishments.
- e. Skating rinks, except small, season-appropriate rinks.
- f. Houses of worship.
- g. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.
- h. Retail facilities which sell knives as a primary use.
- i. Retail facilities which sell or initiate transactions including guns or weapons.
- j. Retail facilities which sell gasoline except as an accessory use limited to two (2) pump stations.
- k. Wholesale warehouse sales centers.

39. An agreement that there shall be no outside storage facilities except for community garden and recreation equipment, including small tractors, storage ancillary to multi-family and commercial utilization, bikes, kayaks, canoes, etc. as such terms are used and defined in the City of Smyrna Zoning Ordinance.

40. The non-residential components will include pedestrian walkways between the proposed buildings and throughout the parking areas subject to approval pursuant to the Landscape Plan submitted during the Plan Review process. Additionally, there will be pedestrian connectivity between the non-residential and the residential components.

41. There shall be no non-residential building footprint which exceeds thirty-five thousand square feet (35,000 sq. ft.).

Stipulations Applicable to the Residential Components

42. Within residential areas there shall be a total maximum number of one-hundred fifty-five (155) single-family residences; three-hundred thirty-two (332) townhomes; one-hundred sixty-five (165) condominium flats; two hundred (200) residential senior housing units; and, eight hundred fifty (850) apartment units.

43. The architectural style and composition of the various residential components shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on November 12, 2010 or as otherwise approved during the Plan Review process in accordance with the Architectural Design Regulations established in advance by the Developer with the assistance from the Advisory Committee.

44. The Developer agrees to begin development of the other mixed-use components of the proposed development during the construction of the multi-family dwellings or immediately upon reaching a maximum threshold of 450 multi-family units. Prior to any additional multi-family development above this threshold, the Developer shall begin the construction of (including any non-multi-family construction begun before the threshold has been reached) Ten (10) acres of other mixed-use development including retail, office, open

space and/or for sale housing. Excepting the apartments and the RSL development, all residential development will be "for sale" units.

45. All residential components of the subject property which are located contiguous to industrially utilized properties (not including Freeman Pond) shall have either an existing natural buffer of at least one-hundred feet (100') in width or a fifty-foot (50') landscaped buffer containing a berm of not less than eight-feet (8') in height. Referenced landscaping shall include landscaping on the sides and top of the berm. However, should such industrial properties cease being used or zoned in an industrial classification, the Developer shall have the option to remove/ reconfigure said buffers and berms.

Where space is especially limited, an alternative buffer composed of a solid, architecturally appealing wall, at least eight-feet (8') in height as may be reduced when placed on a raised berm or existing raised topography, may be constructed with a minimum of twenty-feet (20') of landscaped area remaining on the proposed development site for landscape materials.

In order to protect and/or enhance residential views, the buffer on the Highland District (A-1) shall be a minimum of forty-feet (40') in width with an adequate berm and landscaping.

46. The following recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of conveyance including, but not limited to warranty deeds and quitclaim deeds and all leases, Covenants, Conditions and Restrictions ("CCRs"):

"The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable conditions concerning which the parties herein have any control over the use of such industrial properties."

In addition to the foregoing, the Developer will utilize sound attenuation devices and construction materials on homes directly abutting industrial property boundaries in order to ameliorate adverse impacts.

47. The establishment of one or more mandatory Property Owners Association(s) which shall include architectural controls (Architectural Review Board), oversights and the submission of Declaration of Covenants, Conditions and Restrictions or, in the case of the condominium component, said units shall comply in all respects to the State of Georgia Condominium Act.

48. A third-party management company and/or the Developer shall manage the day to day operations of the Property Owners Association(s), including the responsibility of all commonly owned properties and all amenities within the proposed community. They shall also be responsible for the management of all association monies as well as ensuring that any association is properly insured.

49. The submission of a landscape plan during the Plan and Review Process

which shall be subject to staff review and approval and which shall include the following:

- a. Sodded or otherwise landscaped front, side and rear yards.
- b. The installation of underground utilities.
- c. Ground-based, monument-style signage which shall be landscaped and irrigated as appropriate.
- d. Landscaping throughout the community which shall be irrigated as appropriate.

50. As recommended by ARC and GRTA, a network of sidewalks and bike paths throughout the residential community which shall be designed to promote a pedestrian and bicycle friendly atmosphere and which shall be designed in order to provide meaningful connectivity to adjacent retail and office areas. All buildings shall have sidewalks on their respective road frontages. Alleys are not required to have sidewalks. All required sidewalks shall be interconnected with sidewalks or trails.

Master Plan Districts and Miscellaneous Stipulations and Conditions

51. The gross square footage of permitted uses within the Master Plan Districts shall be as described on the Rezoning Master Plan (Riverview on the Chattahoochee) prepared by Planners & Engineers Collaborative, which was submitted under separate cover on November 12, 2010. Any unused permitted development may be transferred to and among the various districts shown on Master Plan except for the A-4 (Creekside) District which shall be utilized for self-service storage buildings and non-residential uses. However, there shall be no multi-family apartments, nor commercial/retail/office development within the B-1 (Overlook) District.

52. Bike lanes, where designated along Riverview Road, shall be a minimum of four-feet (4') in width, except where on-street parking is also present and then shall be a minimum of four-feet, six-inches (4'6") in width. On all of the internal streets, bike routes shall be permitted and encouraged.

53. For non-residential uses, an appropriate amount of bicycle parking shall be provided subject to staff review and approval. Public and resident access to bicycle parking facilities within commercial/office areas shall be permitted during non-business hours.

54. With respect to on-street parking on or immediately adjacent to Riverview Road, parallel parking spaces shall be a minimum of eight-feet (8') in width and shall be a minimum of twenty-feet (20') in length or twenty-two feet (22') wherever the additiioal

Mr. Suddreth stated that additional information had been made available in the packets provided to Mayor and Council and contained approximately 80 conditions (attached)

The Mayor called on Mr. Garvis Sams, representative for the applicant and property owner. Mr. Sams stated that Mr. Walter Brown of Jamestown (Sr. VP of development and environmental affairs) was in attendance, along with Mr. Stephen Arms of Marthasville Development (principal partners) and Mr. Kenneth Wood (planning and engineering collaborative). He mentioned that

since the application had been approved by the Planning and Zoning Board the applicant had been working with city staff to make adjustments to accommodate city requirements. He noted the efforts of Councilman Fennel in facilitating meetings to gain public input. Mr. Sams advised that the item had been continued on several occasions in order to ensure a comprehensive approach.

Mr. Sams provided details about Jamestown and their portfolio and shared a history of the assemblage process for the subject property. He stated that the applicant was not seeking changes to the proposal approved by the County and that the request was only for rezoning and annexations purposes. He detailed the types of business, residences and amenities that would be part of the finished development. Mr. Sams noted the extensive scrutiny of this application and shared the organizations and commissions that had reviewed the proposal. He announced that the development had the support of the surrounding residences and businesses as well as the city's Planning and Zoning Board, emphasizing the request for annexation was not being made in an attempt to increase density or seek leniency. Mr. Sams made known that the applicant wanted to be part of the city's vision and would be part of a strategic expansion of the city's boundaries. He emphasized the significant investment to date on infrastructure improvements and expressed gratitude to Council and staff for their efforts and support.

Carl Westmoreland of 3433 Peachtree Rd. in Atlanta, representative of CBIA, was not opposed but stated his concern about the addition of residential development in an established industrial zone. Mr. Westmoreland noted that several of the recommended conditions related to roads and buffers addressed this issue. He opined that the intersection of Riverview Rd. and Dickerson should be elevated and that the City's condition provided for that. He referenced the flooding of 2009 and voiced his concern about the large amount of industrial traffic interacting with a large amount of residential traffic. He recognized condition 22, emphasizing its importance in prohibiting improvements that would conflict with industrial users.

Kenneth Patterson of 503 Waterford Dr. in Mableton stated his main concern was the road. He stated that he was in support of the development and noted that the existing road was two to three feet below the 100 year flood elevation. He requested that the road be raised and expanded to include a center turn lane. Mr. Patterson advised that he ran between 3000-5000 trucks along that road every month and that incoming residents might not appreciate his business.

Charles Bolash, resident at 6205 Indian Woods Circle, stated his support of the annexation. He affirmed business owner's comments regarding conflicts. Mr. Bolash noted current hazardous conditions for pedestrian and recreational foot traffic. Mr. Bolash made known his employment as a realtor and requested that the City consider a name for south Smyrna, offering "Riverline Community" as a suggestion.

Clint Stamps, owner of 28 acres off Riverview and CBIA president stated that he did not dispute the quality of the proposed development. He made known that businesses in that area had been established since 1952 and had no intention of annexing into the city. He stated for the record that he would contact the City with any complaints arising as a result of the development and

wanted his concerns made known in advance. Mr. Stamps raised the issue of flooding and recommended that the entire road be elevated in order to accommodate adequate ingress and egress in times of flooding. He emphasized the desire of the CBIA to coexist and requested protective measures for existing businesses, future investors and families.

The Mayor called for additional comment. There was none. He advised the public hearing was completed.

B. [2013-398](#)

Annexation request (100% of owners requesting annexation) - (Ordinance 2013-12) 81.95 Acres in 3 Tracts of the 18th District, 2nd Section, Cobb County, 18.967 acres of Parcel 1 in Land Lots 175 & 176, 36.563 acres of Parcel 2 Land Lots 61, 171, 172 & 175 and 26.420 acres of Parcel 3 Land Lots 61, 172, 174, 175, & 284 total of 81.950, Riverview Road and Nichols Drive, Riverview Landing.

Sponsors: Fennel

The Mayor asked the city attorney if this item required a public hearing and was informed it did not. Mr. Taylor provided the background and shared the various types of annexation. Councilman Fennel stated that no formal objection had been registered at the public hearing or at various community meetings.

A motion was made by Councilmember Ron Fennel, I hereby with pride urge this council to approve the request by Jamestown for annexation by approving 2013-298 annexation request (100% of the owners requesting annexation) - Ordinance 2013-12 - 81.95 Acres in 3 Tracts of the 18th District, 2nd Section, Cobb County, 18.967 acres of Parcel 1 in Land Lots 175 & 176, 36563 acres of Parcel 2 Land Lots 61, 171, 172, & 175 and 26.420 acres of Parcel 3 Land Lots 61, 172, 174, 175 & 284 total of 81.950, Riverview Road and Nichols Drive, Riverview Landing, seconded by Councilmember Teri Anulewicz. The motion was carried by the following vote:

The Mayor stated that the effective date would be December 1st and Mr. Cochran elaborated that the ad valorem taxes would not be effective until December 31st.

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

C. [2013-400](#)

Final Vote - Rezoning Request Z13-015 - Rezoning from PVC (Cobb County) to MU-Conditional (Smyrna) - 81.95 Acre Tract - Land Lots 61, 171, 172, 174, 175 & 284 of the 18th District of Cobb County - Riverview Road and Nichols Drive - Jamestown, L.P.

Sponsors: Fennel

A motion was made by Councilmember Ron Fennel to approve the rezoning request Z13-015 - Rezoning from PVC (Cobb County) to MU-Conditional (Smyrna) - 81.95 acre tract - Land Lots 61, 171, 172, 174, 175, & 284 of the 18th District of Cobb County - Riverview Road and Nichols Drive - Jamestown, L.P., seconded by Councilmember Teri Anulewicz. Motion carried by the following

vote:

Councilwoman Anulewicz noted recent events taking place in Smyrna including the announcement of the relocation of the Braves stadium. She shared her enthusiasm about the annexation and acknowledged the extensive scrutiny of the request on the part of colleagues and staff. She expressed that she was comfortable offering her support of the request and that the location of residential development in commercial areas was not unprecedented.

Councilman Lnenicka stated that he had conducted extensive, independent due diligence and would support the request. He noted that no alterations to the project approved by Cobb County were being considered other than the additional conditions added by the City to enhance public safety. Councilman Lnenicka expressed his desire to ensure that when the area flooded that people would be able to evacuate and public safety could provide necessary services. He advised that he was satisfied that the city could accommodate those needs and that the development could be safely constructed to protect the people that would live and work there. The Councilman recognized the efforts of the applicant, staff and Councilman Fennel in ensuring that these issues had been addressed. He expressed his appreciation for the comments of the CBIA members and encouraged ongoing dialogue with business owners to make known conditions or concerns that might arise.

Councilman Welch emphasized the importance of heeding the warnings made by the CBIA members and cautioned Council and staff to be prepared for complaints. He acknowledged the issues raised by the businesses that had been in that area for 60 years and advised that he was in support of the development, citing the long term benefits.

Councilman Fennel expressed his gratitude to the applicant and to city staff for taking part in communicating with the public and gathering feedback.

Mayor Bacon noted that it was rare for businesses to come in and support residences and recognized the comments the business owners had made for the record.

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

D. [Z13-014](#)

Public Hearing - Zoning Request Z13-014 - Zoning amendment request to modify the currently approved site plan and building elevations for the Jonquil Village redevelopment project - 11.03 Acre Tract - Land Lots 559 & 594 - Northeast quadrant of the intersection of Atlanta Road and Spring Road - Branch Capital Partners, L.P.

Sponsors: Anulewicz

The Mayor announced that this item was going to be tabled and that public comment would be heard for those wishing to offer their input. Mr. Cochran advised that this was not the public hearing and made known that there was a separate zoning hearing scheduled. He restated that this was a public input session.

James Conyers advised Council that he, along with several of his neighbors,

were against the development in that location. He noted that tabling and deferring appeared to be an attempt to outlast opposition.

Sandra Chase of 1189 Powder Springs St. expressed her pleasure at being able to walk with her dog through the city. She requested that consideration be given to constructing a pedestrian bridge to facilitate community integration.

Councilwoman Anulewicz commented on the large number of conversations taking place about Jonquil village over the past few weeks. She noted the recommendation of the Planning and Zoning Board and emphasized the positive impact of additional time to discuss and conduct negotiations. The Councilwoman made known that the development would be among the topics discussed at the Update Smyrna meeting and advised that session would be broadcast live on Charter and available on the website with additional details to be provided on the city's website and facebook feed. Councilwoman Anulewicz stated that a vote would be held on December 2, 2013.

A motion was made by Councilmember Teri Anulewicz to table zoning request Z13-014 - Zoning amendment request to modify the currently approved site plan and building elevations for the Jonquil Village redevelopment project - 11.03 Acre Tract - Land Lots 559 & 594 - Northeast quadrant of the intersection of Atlanta Road and Spring Road - Branch Capital Partners, L.P. to the December 2, 2013 Mayor and Council Meeting, request to table was made by the applicant, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

E. [Z13-018](#)

Public Hearing - Zoning Request Z13-018 - Zoning amendment to modify currently approved site plan and building elevations - 4.369 Acre Tract - Land Lots - 620 and 677 - Southwest quadrant of intersection of East/West Connector and South Cobb Drive - Columbia Properties, Inc.

Sponsors: Lnenicka

The Mayor called for comment and noted that this item had also been tabled at the request of the applicant.

Councilman Lnenicka referenced Mr. Conyers comment about tabling to wear down opposition and stated that he had no reason to believe this was taking place. He advised that the applicant, Sprouts Farmer's Market, had requested additional time to provide site drawings to the developer and staff for review prior to Council voting on the issue.

A motion was made by Councilmember Wade Lnenicka to table zoning request Z13-018 - Zoning amendment to modify currently approved site plan and building elevation - 4.369 Acre Tract - Land Lots - 620 and 677 - Southwest quadrant of intersection of East/West Connector and South Cobb Drive - Columbia Properties, Inc. to the December 2, 2013 Mayor and Council Meeting, request to table was made by the applicant, seconded by Councilmember Ron Fennel. Motion carried by the following vote:

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

5. Privilege Licenses:

The Mayor stated that there were none.

6. Formal business:

The Mayor stated that there was none.

7. Commercial Building Permits:

- A.** [2013-405](#) Issuance of commercial building permit to J.E. Dunn Construction for the construction on manufacturing building for Consultinvest, Inc. at 600 Highlands Parkway.

Sponsors: Fennel

Mr. Taylor noted that Consultinvest continued to expand their footprint and was requesting a permit to construct building C. He stated that staff recommended approval

A motion is made by Councilmember Ron Fennel to approve issuance of commercial building permit to J.E. Dunn Construction for the construction on manufacturing building for Consultinvest, Inc. at 600 Highlands Parkway, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

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

8. Consent Agenda:

Mr. Taylor read aloud the consent agenda.

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

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

- A.** [2013-406](#) Approval of November 4, 2013 Mayor and Council Meeting Minutes

This Minutes was approved.

- B.** [2013-392](#) Award of RFP 14-008 Classification and Compensation Study to the lowest bidder, The Archer Group, for \$14,860 and authorize Mayor to sign any related documents.

This Authorization was approved.

- C. [2013-416](#) C. Allow Mayor Bacon to use the Council Chambers for an informational meeting Wednesday, November 20, 2013 6-8 PM.

This Authorization was approved.

9. Committee Reports:

Councilman Fennel announced that DUI arrests had been consistently strong under Chief Lee. The Chief shared that the DUI task force, instituted in March with two officers, had made 244 DUI arrests to date. Chief Lee shared that Captain Tony Leonard had graduated from the Southern Police Institute with the highest academic score and that Detective Keith Sherwood had graduated from the National Forensic Academy. Chief Lee made known that extra patrols had been put in place during Halloween and relayed positive citizen feedback. He shared details of the women's self-defense class for female city employees and announced that the police department had finished its strategic plan.

Councilman Fennel commended the presence of public safety during Halloween. He shared that the City of Smyrna had partnered with FEMA as a disaster preparedness city and called on Acting Fire Chief Acree to discuss. Chief Acree introduced members of the inaugural citizen fire academy: Randy and Claudia Rowe, Beau Chatham, Barb Allen, Philip Hanniford. There was discussion about the topics covered in the course and the participants spoke about the program. Chief Acree addressed the partnership with FEMA and that additional details were available at www.readysmyrna.com. He reminded all citizens to exercise caution if frying turkeys for Thanksgiving. Councilman Fennel thanked the public safety departments for their input on the development project under consideration and expressed his gratitude for their efforts in ensuring community safety.

Councilman Lnenicka stated that he, along with the City Engineer, would be meeting with the residents of Vintage Square. He discussed the move of the Braves to the area and noted that not a great deal of information had been provided yet. The Councilman stated that the property was adjacent to Smyrna and shared that he had been contacted by citizens concerned with the volume of traffic and the potential increase of DUI incidents. The Councilman recognized that the addition of safety personnel and the financial impact would have to be considered. He expressed his commitment to ensuring appropriate management of the impact and the protection of the community. He recommended efforts focus on maximizing the positive effect of the community. Councilman Lnenicka mentioned many local charity drives ongoing in the Smyrna area and expressed his appreciation to the community for their participation, wishing all a happy holiday season.

Councilwoman Wilkinson called on Travis Landram, who delivered a report of upcoming events including the Home for the Holidays celebration, tree lighting and coat drive at Brawner Park. He shared that the recent Village to Village race was successful. Councilwoman Anulewicz inquired if the Santa House at Aunt Fanny's Cabin would take place and was informed it would. Mary Moore offered a report on events at the library. She highlighted National Family History Day, sharing that the library had an extensive collection of genealogical reference materials and was known nationally for their Virginia collection. Ms.

Moore announced that the Smyrna library was the first in Georgia to offer Hoopla, a program to access and download TV shows, movies and audio files. Councilwoman Wilkinson recognized the performance by Belmont Hills students at the Veteran's Day memorial ceremony.

Councilman Welch called on Virginia Davis, who relayed that the IBM day of service was successful with 153 volunteers. She shared details of the Rivers Alive event, listing participating groups and their accomplishments. Ms. Davis reminded all present that used cooking oil could be taken to the recycling center and encouraged all to take advantage of the city's Christmas tree recycling program. It was made known that cooking oil could also be left curbside for recycling

Mayor Bacon recognized IBM as an outstanding corporate partner and shared that Angie Bolton had been recognized as the Smyrna Citizen of the Year.

Scott Stokes from public works provided the holiday schedule for trash pick-up. He shared that public works utilized used cooking oil to manufacture bio-diesel and would collect it curbside on recycling days. He advised of closures along Concord Rd. and encouraged motorists to utilize alternate routes. Mr. Stokes delivered an update on projects throughout the city including Ward St., Atlanta Rd., Campbell Rd., Kathy Ln., Reed Rd. and Ann Rd.

Councilman Welch requested that public works with the contractors to ensure they were being diligent with signage. Mayor Bacon advised that the City had received a grant to convert oil to bio-diesel and encouraged all to take part. Mr. Stokes noted that all of the fire departments accept used cooking oil in addition to recycling and public works. He made known that citizens could request containers from public works if needed.

Councilwoman Anulewicz encouraged all to attend the holiday festivities. She reminded all that the Mayor would be hosting the Update Smyrna meeting and that it would be live on cable, the internet and on demand with the ability to submit questions online. She congratulated Angie Bolton and encouraged all to recycle their cooking oil.

Councilwoman Blustein called on Mr. Suddreth, who delivered a report on statistics from Community Development. He noted a continuing upward trend and a significant increase in dwelling units and inspections. He stated that he anticipate numbers to continue to rise as a result of the annexations and development taking place. Councilwoman Blustein wished all a happy thanksgiving.

Councilwoman Pritchett provided an update on the Vision Committee efforts to select a company to conduct a community driven vision process that would incorporate citizen input and direction. She advised it would be open to all residents. Councilwoman Pritchett stated that she was looking forward to incoming development.

10. Show Cause Hearings:

The Mayor stated that there were none.

10. Show Cause Hearings:

11. Citizen Input:

The Mayor reminded all that the citizen input portion was not a question and answer period and was intended as a forum for public comments. The Mayor recognized the City Attorney as the meeting parliamentarian and Mr. Cochran stated that citizens input was a time for residents to participate by addressing elected officials. He shared that it was not required by law to be part of a meeting and advised that the City had invited comment by placing it on the agenda. He noted that sometimes people in various jurisdictions would utilize such forums for publicity or to instigate and do things counter to the purpose of citizen's input. He reminded all present that the time was designed to allow expression of legitimate concerns dealing with city business and not to make personal attacks or spread false information. Mr. Cochran offered to regulate if needed and emphasized that many governments did not include a citizen's input portion.

Larisa Edwards of 304 Hickory Springs Drive advised Council that the meeting was not being streamed live on the internet. She commented that this was the third or fourth communication interruption of which she was aware and stated that she was not there to be seen on TV. Ms. Edwards remarked that her purpose was to educate Smyrna leadership and displayed a chart she referred to as Satan's formula. She commented on potential flooding in the annexed area and that a person's life was more valuable than the monetary investment in that location. She commended the fire department on their resourceful funding to build fire station 5.

The Mayor called on the other speakers signed up and there was no response. He noted that they had been heard earlier in the meeting on the Riverview Landing and Jonquil Village items.

12. Adjournment:

The Mayor declared the meeting adjourned at 9:22 p.m.