



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

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Monday, July 20, 2015

7:30 PM

Council Chambers

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### Roll Call

**Present:** 7 - Mayor Max Bacon, Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

**Absent:** 1 - Councilmember Teri Anulewicz

**Also Present:** 18 - Toni Jo Howard, Ken Suddreth, Scott Cochran, David Lee, Russell Martin, Eric Randall, Kay Bolick, Terri Graham, Heather Corn, Scott Stokes, Jennifer Bennett, Roy Acree, Mary Moore, Steve Ciaccio, Tammi Saddler Jones, Ann Kirk, Dat Luu and Amy Snider

### Call to Order

Mayor Max Bacon called the July 20, 2015 meeting of the Mayor and Council to order at 7:30 PM.

#### 1. Invocation and Pledge:

The invocation was given by Father JoJoe, St. Thomas The Apostle Catholic Church (4300 King Springs Rd).

The Pledge of Allegiance was led by the Smyrna Little League teams.

#### 2. Agenda Changes:

There were no agenda changes.

Mayor Bacon mentioned that Councilmember Teri Anulewicz was absent and on vacation.

#### 3. Mayoral Report:

##### A. Recognize Smyrna Little League All-Star Teams - GA State Champs

The Smyrna Little League All-Star Teams were present and recognized. Both teams played the State Championship in Warner Robins, Ga. during the weekend of 6/19.

The Rookie Team won the district, sectional and state title.

The Sandlot Team won the sectional and state title.

The manager recognized each of the players by name.

-8u Rookie Team Roster-

Brody Archie

Will Berny

Caden Dawson

Gabriel Hester

Benjamin Homansky  
Brady Hubbell  
Alex Johns  
Sam Oakley  
Cash Peterson  
Jackson Ramon  
Zayd Rogan  
Edward Van Nort  
Manager: Brodderick Archie  
Coach: Brian Hubbell  
Coach: Eric Homansky  
Coach: Joe Dawson  
-9u Sandlot Roster-  
Taylor Craig  
Alex Dominguez  
Drew Duelmer  
Boomer Dunn  
Jason Goldblatt  
Lucas Grantham  
Will Holland  
Zach Johnson  
Wesley James  
Tyler Koenig  
Kevin Stephens  
Conlon Walker  
Manager: Boomer Dunn  
Coach: David James  
Coach: Chad Koenig  
Coach: Bruce Hollmuller

The coaches and managers spoke about what led up to the teams being able to compete for the championship.

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

A. Public Hearing - Zoning Request Z15-002 - Rezoning of the subject property from Residential Townhouse District (RTD) to General Commercial (GC) for use of the property for commercial purposes - 5.039 Acres - Land Lot 342 - Vacant landlocked property off South Cobb Drive at the terminus of Ask-Kay Drive - William L. Askea.

Sponsors: Wilkinson

Interim City Administrator Toni Jo Howard read the background for this item stating that the Planning and Zoning Board had heard this rezoning request at the April 13, 2015 meeting and made a recommendation for approval by a vote of 7-0. Prior to being heard at the Mayor and Council meeting, the rezoning request was tabled at the request of the applicant, to the May 18, 2015 and then again to the June 15, 2015 meeting.

Mayor Bacon announced the Public Hearing and noted for the record that no one came forward to speak in opposition to or to make comment regarding this item. Sponsoring Councilmember Susan Wilkinson asked Community Development Senior Planner Russell Martin for additional background.

The applicant was requesting a change in the zoning for the subject property from Residential Townhome District (RTD) to General Commercial (GC) for commercial use. The applicant would be proposing to develop the subject property in a similar fashion as the adjoining commercial property to the east. The proposal is for one

metal building similar to the existing metal buildings along Ask-Kay Drive. Community Development recommends approval of the proposed rezoning subject to adherence to all provisions and requirements for the General Commercial (GC) zoning district as outlined in the Zoning Ordinance and the following conditions:

The following uses shall not be permitted on the subject parcel:

1. Adult Entertainment Establishments and Adult Novelty Store
2. Ambulance Services
3. Animal Hospital and Veterinary Clinics
4. Art Shows, Carnival Rides and Special Events of Community Interest
5. Automobile, Truck & Trailer Leasing
6. Automobile Parts & Tire Stores (both retail & wholesale)
7. Automobile & Truck Sales
8. Automobile Repair (Major & Minor Repairs)
9. Automobile Wash Services
10. Baseball Batting Cages
11. Billiard Parlor (Shall not preclude a restaurant/brew pub from having billiard tables. However, the billiard tables shall not exceed 35% of the gross floor area of the establishment)
12. Boarding and Breeding Kennels
13. Boat Sales and Repairs
14. Bowling alley
15. Carnivals
16. Circuses
17. Clubs and Lodges
18. Colleges and Universities
19. Day Nurseries and Kindergartens
20. Drive-in restaurants
21. Drive-in Theater
22. Emissions and Inspection Stations
23. Farm Equipment Sales and Services
24. Fireworks Sales (both retail and wholesale)
25. Funeral Homes
26. Game Arcade
27. Golf Driving Range
28. Gun Shop
29. Healthcare Clubs
30. Health Spa
31. Hospitals
32. House of Worship
33. Junk Yard
34. Landing Area for Rotary Wing Aircraft
35. Linen and Diaper Services (plant only)
36. Lumber, Hardware and Other Building Material Sales Establishments (outdoor displays)
37. Massage Parlor
38. Mobile Home and Travel Trailer Sales
39. Motorcycle Sales and Service
40. Nursing, Convalescent and Rest homes
41. Package Store
42. Parking Lots and Parking Garages (both private and public)
43. Pawnshops and Check Cashing Establishments
44. Printing Plant
45. Schools
46. Service Station
47. Skating Rink
48. Stations and Terminals for Bus and Rail Passenger Service
49. Target Range

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- 50. Tattoo and Body Piercing Parlors
- 51. Taxi Stands
- 52. Theaters
- 53. Wholesale Establishments (which sell only to businesses and not to customers)
- 54. Wrecker Service

The applicant is agreeable to the list of 54 not permitted uses for this property. Councilmember Wilkinson asked a question of City Engineer Eric Randall. Compensatory fill and cut refer to the flood plain. She also inquired if there would be a letter of map revision. Mr. Randall responded that a no rise certification would be required in order to receive the building permit.

A motion to deny was made by Councilmember Wilkinson, but Mayor Bacon interjected that the applicant still needed to speak. City Attorney Scott Cochran concurred and Mr. Kevin Moore, a representative of the Askea family came forward. Mr. Moore noted the property was currently zoned for townhomes and not accessible through the current Askea site. There was discussion with some of the neighbors and the concerns and questions they had were addressed and they were satisfied regarding the proposed use of this property. He remarked that this property was landlocked and did not provide any benefit to the City. This request would utilize its only public access and the method of development was acceptable. He believes this is a good zoning. He offers to answer any questions Council has.

Councilmember Charles "Corkey" Welch asked Mr. Moore if his client (the applicant) was comfortable with the list of restrictions and he responded in the affirmative.

Additional comment was made by Councilmember Wilkinson as she remarked that the Planning and Zoning Board did not have all the pertinent information when they voted for approval. At the Planning and Zoning meeting there was no report given by the City Engineer, nor did any of the citizens come and ask questions. She has several concerns, the most prominent being surrounding residential properties and the property currently being located in a flood plain. She stated there would be over an acre of impervious surface. With her research and investigation she remains uncomfortable being in favor of this request.

City attorney Scott Cochran instructed her to make a new motion. She repeated her original motion to deny.

Mayor Bacon made a statement that he had concerns regarding the motion to deny that was made before the applicant got a chance to speak which intimated that a decision had been made on the item prior to hearing all the evidence.

A motion was made by Councilmember Susan Wilkinson to deny item 2015-124 for zoning request Z15-002 - rezoning of the subject property from Residential Townhouse District (RTD) to General Commercial (GC) for use of the property for commercial purposes on 5.039 Acres in Land Lot 342, this is vacant landlocked property off South Cobb Drive at the terminus of Ask-Kay Drive the applicant is William L. Askea; seconded by Councilmember Wade Lnenicka. The motion failed by the following vote:

**Aye:** 2 - Councilmember Wilkinson and Councilmember Lnenicka

**Nay:** 4 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

A second motion was made for item 2015-124 by Councilmember Ron Fennel to approve zoning request Z15-002 for the rezoning of the subject property from Residential Townhouse District (RTD) to General Commercial (GC) for use of the property for commercial purposes on 5.039 Acres in Land Lot 342 this is vacant landlocked property off South Cobb Drive at the terminus of Ask-Kay Drive the applicant is William L. Askea; seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 4 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch and Councilmember Fennel

**Nay:** 2 - Councilmember Wilkinson and Councilmember Lnenicka

**Absent:** 1 - Councilmember Anulewicz

**B.** Public Hearing - Zoning Request Z15-011 - Rezoning from R-15 to RAD-Conditional for the construction of three new single-family homes - 0.668 Acres - Land Lot 560 - 1498 Walker Street - Georgian Fine Properties, LLC

**Sponsors:** Fennel

Mayor Bacon requested the background be read and it was stated by Interim City Administrator, Toni Jo Howard that Georgian Fine Properties, LLC was requesting the rezoning for 1498 Walker Street from R-15 to RAD-Conditional for the construction of three new single-family homes at a density of 4.49 units per acre. Mayor Bacon announced the Public Hearing and noted for the record that no one came forward to speak in opposition to or to make comment regarding this item. He also remarked that Councilmember Ron Fennel would address this item in Councilmember Teri Anulewicz's absence.

Senior Planner Russell Martin showed the proposed site plan, the storm water management facility and the proposed home elevations. Pictures of the subject property as well as the adjoining properties were also shown. Planning and Zoning voted to approve this item with a vote of 7-0. Community Development recommended approval with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is 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.
5. No debris may be buried on any lot or common area.
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. 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, Alle Elm, and Village Green Zelkova.

Other species may be used if approved by the City.

Special Conditions

10. The development shall maintain the following setbacks:

Front - 25'

Side - 7.5'

Rear - 40'

11. Driveway - 22' minimum length from building face to back of sidewalk.

12. The development shall be developed with a minimum lot size of 9,400 square feet.

13. The right-of-ways along Walker Street shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along both right-of-ways.

14. The developer shall provide a 5' sidewalk with a 2' grass buffer along Walker Street for the length of the development.

15. 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.

16. The developer will be required to install a sanitary sewer main extension in Walker Street to serve all lots in the development. Elevations are the responsibility of the developer.

17. 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 submitted site plan dated 5/29/2015 created by Craig Wrigley.

18. The applicant shall be bound to the elevations submitted and dated 5/8/2015.

Approval of any change to the elevations must be obtained from the Director of Community Development.

Mr. Martin offered to answer any questions and Councilmember Andrea Blustein responded that she had a question regarding the price point for these homes for the applicant.

Mr. Ryan Jacobs is the applicant and represents Georgian Fine Properties, LLC. The expectation was to price the homes between \$475,000 and \$500,000. He would be removing the existing home. Mr. Jacobs stated he has built homes before and is a third generation builder.

Councilmember Wilkinson asked that he confirm that these homes would all have different elevations as well as floor plans and he responded yes.

Mayor Bacon asked Mr. Jacobs to give his entire presentation and then Council could ask further questions. He started by explaining that what he was proposing was removal of the existing house on the property and building three new homes. He talked about these homes having the nicest back yards in the neighborhood with deep lots for children to play.

There was no further discussion from Council.

A motion was made by Councilmember Ron Fennel to approve item 2015-186 a zoning request Z15-011 for rezoning from R-15 to RAD-Conditional for the construction of three new single-family homes on 0.668 Acres in Land Lot 560 located at 1498 Walker Street the applicant is Georgian Fine Properties, LLC; seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**5. Privilege Licenses:**

**A.** Public Hearing - Privilege License Requests 2015-211 - Beer, Wine, and Liquor Pouring- 2772 Cumberland Boulevard - AKSM LLC dba Bollywood Zing Indian Restaurant with Sailesh Makhijani as agent.

Sponsors: Pritchett

Due to the absence of the applicant, a motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to table 2015-211 to the August 3, 2015 Mayor and Council Meeting for a Privilege License Request for Beer, Wine, and Liquor Pouring at 2772 Cumberland Boulevard the applicant is AKSM LLC dba Bollywood Zing Indian Restaurant with Sailesh Makhijani as agent; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**B.** Public Hearing - Privilege License Request 2015-219 - Beer, Wine (Retail Pouring) - 1651 Roswell Street - Gursha Ethiopian Cuisine with Genet Tenaye as agent.

Sponsors: Welch

Due to the absence of the applicant, a motion was made by Charles "Corkey" Welch to table item 2015-219 to the August 3, 2015 Mayor and Council Meeting for a Privilege License Request for Beer, Wine (Retail Pouring) at 1651 Roswell Street the applicant is Gursha Ethiopian Cuisine with Genet Tenaye as agent; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**6. Formal business:**

**A.** Adoption of 2015 millage rate of 8.99 mills.

Sponsors: Pritchett

Finance Director Toni Jo Howard commented that the 2015 millage rate needed to be formally adopted by Council. The FY16 budget that was approved by council and included revenue projections based on 8.99 mills. This item was the formal adoption of the 8.99 millage rate. Mayor Bacon requested that City Attorney Scott Cochran explain the legal issues regarding this roll back. He remarked that the economy was turning around due to rising home values. For a single owner that has floating homestead there would be no tax increase. The City had been operating this way for over 20 years.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve

item 2015-216 for the adoption of 2015 millage rate of 8.99 mills; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**B.** Approval of the Joint Use Agreement between the City of Smyrna and Cobb County School Board for use of the athletic field at Smyrna Elementary School

**Sponsors:** Wilkinson

The background for this item was read aloud and it was stated that City staff had been working with Cobb County School District Staff to development a joint use agreement for use of the athletic field next to Smyrna Elementary School. The agreement would allow the City, our residents, and sports leagues to use the field after 6pm until dark during the weekdays of the academic school year. The City would also have use of the field between the end of each academic year and the beginning of the next academic year. The agreement would be for 5 years and would automatically renew for an additional 5 years at the end of the first term and each subsequent term. In regards to maintenance of the property, the Board would do regular mowing of the grass and the City would assist with maintaining the trash receptacles and locking the field gates at night. City staff recommended approval of the joint use agreement with Cobb County School Board.

A few years ago, the City of Smyrna and the Cobb County School Board entered into a Development Agreement whereby the City would construct a road on the City property by the school and provide areas suitable for parallel parking and the Board would construct and maintain the athletic fields on the School Property. The Development Agreement further provided that the Board would provide the City with a joint use agreement permitting the use of the School Property by the City and our residents/sports leagues subject to the Board's use of same. The City and the Board wanted to memorialize this joint use agreement. Such Agreement was authorized as an intergovernmental agreement pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia. The City Attorney had reviewed the proposed agreement.

A motion was made by Councilmember Susan Wilkinson to approve item 2015-225 the Joint Use Agreement between the City of Smyrna and Cobb County School Board for use of the athletic field at Smyrna Elementary School; seconded by Councilmember Charles "Corkey" Welch. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**C.** Approval of adjustment payment to Georgia Municipal Association in the amount of \$1,602,911.83 to the Defined Benefit Plan and authorize Mayor to sign any related documents

**Sponsors:** Lnenicka

Mayor Bacon requested the background be read aloud by Ms. Toni Jo Howard and she read the following:

As a result of an internal audit of retiree benefit calculations conducted by the City, outside auditors and GMA, several retiree accounts were identified as receiving incorrect benefit payments, requiring the City to make an adjustment payment to the plan to cover the under/over payment (plus interest) due to the affected retirees and to the plan.

106 retirees (or beneficiaries) were or are currently underpaid, amounting to \$1,507,084.91 and 32 retirees (or beneficiaries) were or are currently overpaid, amounting to \$95,826.92. This will be paid from funds currently committed for retirement in the general fund's fund balance.

Staff recommended approval of adjustment payment to Georgia Municipal Association in the amount of \$1,602,911.93 to the Defined Benefit Plan and authorize Mayor to sign any related documents.

Councilmember Wade Lnenicka explained that under the previous Human Resources Director, the benefit calculations were not done correctly. It was brought to his attention by HR Director, Kay Bolick and staff had done extensive review and retrieved years of documentation in order to produce the most accurate information. Although there were some overpayments made, those retirees would not be asked to return the overpaid monies. Their checks have been adjusted as of August 1, 2015 for any future benefits. For retirees that were underpaid, they would receive a check for the difference plus interest. This would also include some deceased retirees and efforts were being made to locate those estates. He remarked that he was satisfied that the City had arrived at the right conclusion noting that it was a responsibility to make it correct.

A motion was made by Councilmember Wade Lnenicka to approve item 2015-239 the adjustment payment to Georgia Municipal Association in the amount of \$1,602,911.83 to the Defined Benefit Plan and authorize Mayor to sign any related documents; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**D.**

Approval of extended work hours for the Jonquil Village redevelopment project - 12.62 Acres - Land Lots 559 & 594 - Northeast corner of the intersection of Atlanta Road and Spring Road - Plateau Excavation, Inc.

**Sponsors:** Pritchett

In regards to the background for this item, Interim City Administrator Toni Jo Howard remarked that Plateau Excavation, Inc. (Jonquil Village Grading Contractor) was requesting an extension of normal work hours during the grading of the site in preparation of the new redevelopment project. The grading permit for this project was issued on July 1, 2015 with a total estimated cost of construction of \$659,610. The grading permit does allow for land disturbance activities and infrastructure removal/replacement. Plateau is currently working in coordination with the contractors on the Braves Stadium site to bring in fill dirt to raise the elevation of the site by three to five feet. To avoid delays and remain in coordination with the work going on at the Braves Stadium site, Plateau is requesting an extension of normal work hours on Saturdays from 7 a.m. to 6 p.m. This will provide two additional work hours on Saturday and allow Plateau to make up any production lost during peak traffic flows during the week. The completion date for the project is set for September 2015.

Councilmember Welch stated that he would not support the item as requested

because he felt 7:00am was too early. He preferred the hours be from 8:00am - 7:00pm.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve item 2015-233 to extend work hours to 7:00 AM to 6:00 PM for the Jonquil Village redevelopment project on 12.62 Acres in Land Lots 559 & 594 located at the Northeast corner of the intersection of Atlanta Road and Spring Road the applicant is Plateau Excavation, Inc.; seconded by Councilmember Ron Fennel. The motion failed by the following vote:

**Aye:** 2 - Mayor pro tem/Councilmember Pritchett and Councilmember Fennel

**Nay:** 4 - Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Lnenicka

**Absent:** 1 - Councilmember Anulewicz

A second motion was made for item 2015-233 to approve the amended hours set forth by Councilmember Ron Fennel for 8:00 AM - 7:00 PM extending the work hours for the Jonquil Village redevelopment project on 12.62 Acres in Land Lots 559 & 594 located at the Northeast corner of the intersection of Atlanta Road and Spring Road the applicant is Plateau Excavation, Inc.; seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The vote carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

**E.** Vote on whether to begin the process to amend the charter to increase the salaries for subsequent City elected Officials

**Sponsors:** Lnenicka

A change in the salary for elected officials must be done by Charter amendment. The amendment would not affect the current Mayor and Council salaries but would commence for the subsequent elected officials January 2016.

Councilmember Lnenicka was called on by Mayor Bacon as the sponsor and he stated he would defer discussion to his fellow councilmembers because he was unsure where others stood on this issue. Mayor Bacon asked if he was going to make a motion and Councilmember Lnenicka did so making a motion to start the process to amend the charter for councilmembers salaries.

Councilmember Welch responded by stating that a discussion took place where a suggestion was made that Council get salaries of fellow councilmembers in the area for comparison. He opined that this Council was well compensated for what they do. Smyrna is within surrounding cities and in most cases at a higher rate. He stated he would vote against the increase.

Councilmember Fennel remarked that he differed slightly with Mr. Welch's characterization that Council is well paid for what they do. If calculated by the hour they may be in the minimum wage category but he does think that coming into this, it is a public service position to take on these responsibilities and he felt that at this juncture and based on the information provided, he would decline supporting an increase in pay as well.

Mayor Bacon remarked that in looking at the studies provided, the Smyrna Council is the highest compared to Sandy Springs, Roswell, John's Creek, Alpharetta, Marietta and Kennesaw. Also Woodstock, Canton, Acworth, Powder Springs and Austell. He does not feel a need to increase salaries for the Mayor and Council.

Councilmember Blustein wanted to add to the discussion by saying that she would

hate to see running for a local office get as bad as it is on a national level or in the legislature where a person has to have gazillions to participate and run. She does not take City benefits. She remarked that she feels unsure but she probably will not support it. It is a hot button issue.

Councilmember Lnenicka echoed what Councilmember Blustein said. He noted that some Councilmembers had more freedom financially than other council members. When he began Council he was the only one with a college degree. There were mostly blue collar workers who took time away from their jobs to serve. All of us should be doing it for service, and not solely for financial gain. If we want a representative of all classes and people, we need to provide means for them to serve. He has served on six councils who voted to increase salaries.

A motion was made by Councilmember Wade Lnenicka to approve item 2015-241 and begin the process to amend the charter to increase the salaries for subsequent City elected Officials; seconded by Councilmember Susan Wilkinson. The motion failed by the following vote:

**Aye:** 2 - Councilmember Wilkinson and Councilmember Lnenicka

**Nay:** 4 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

## 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; seconded by Councilmember Charles "Corkey" Welch. The motion carried by the following vote:

**Aye:** 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Anulewicz

### A. Approval of Mayor and Council Meeting Minutes for July 6, 2015

Sponsors: City Council

### B. Award RFP 15-045 Paving Projects to the lowest bidder C.W. Matthews Contracting Company for \$1,216,695.16 and authorize the Mayor to execute any related documents.

Sponsors: Welch

### C. Award bid to Sears Pool Management Consultants; RFP15-046 Wolfe Center Therapy Pool Replastering in the amount of \$20,982.00. This is a SPLOST funded project.

Sponsors: Wilkinson

D. Approval of the FY15 Edward Byrne Memorial Justice Assistant Grant (JAG) for Criminal Investigation Software and Employee Workout Equipment for the Wellness Program; the amount of \$14,036 awarded to the Smyrna Police Department.

Sponsors: Fennel

E. Authorize permit for Atkins Park Tavern Beer Trailer for the Smyrna Birthday Celebration on August 1, 2015

Sponsors: Anulewicz

F. Approval to change precinct boundary and polling location for Smyrna 7A (Griffin Middle School) and 7B (Life Church Smyrna Assembly of God) to be combined to one precinct voting location at Life Church Smyrna Assembly of God. Griffin Middle School will no longer be a precinct polling location.

Sponsors: City Council

G. Approval to use Council Chambers on Wednesday, August 12, 2015 from 7:00-9:00 PM for the Smyrna Arts & Cultural Council (SACC) First Annual Meeting.

Sponsors: Pritchett

## 9. Committee Reports:

Ward 1 Mayor Protem / Councilmember Melleny Pritchett gave the information for the Smyrna Arts and Cultural, on August 12th in the Council Chambers. This is one of the groups formed from the Smyrna Vision process and she is pleased with the swiftness with which the groups were meeting and making plans.

Ward 2 Councilmember Andrea Blustein called upon Community Development Director Ken Suddreth to give his departmental report and he said they issued 17 new single family permits in May and 22 in June. over 1100 inspections in May and June and went out over 350 times to complete these inspections. He expects July to be quieter.

Councilmember Blustein commented that homes, condos and townhomes are selling like hotcakes. Some of the couples purchasing are the millennials who did not want to settle down and are getting to be of age where they do not want to pay rent for an apartment.

Ward 4 Councilmember Welch asked Keep Smyrna Beautiful Director Ann Kirk to the podium and she discussed the summer Adopt-a-Mile Event. It was held Saturday, and 102 volunteers cleaned 32 miles of roadway and collected 79 bags of litter in about two hours. It was the first event held at the new Recycling Center and it went well. Keep Smyrna Beautiful would be hosting a free document shredding event on September 26, 9:00 am - 12:00 pm, at the Wolfe Center on Church Street. Paper only for shredding.

Do not miss out on the great produce at the Smyrna Fresh Market Saturdays from 8:00 am - 12:00 pm at the First Baptist Church parking lot. The local tomatoes and corn are in, but you need to come early for the best selection. There was 600 people

in attendance at the last fresh market.

Public Works Director Scott Stokes gave the following updates:

-Concord Road SPLOST project:

Croy Engineering and City Staff have completed the punch list of items to complete the road project. C.W. Matthews water/sewer contractor continued working this week raising manholes to grade.

-Windy Hill/Atlanta Road SPLOST intersection improvement project:

The contractor and soils engineer took soil samples this week where all the retaining walls are to be constructed on the project.

-Gann Road Storm Sewer:

The contractor has completed pouring the top sections to the box culvert, The downstream and upstream wing walls and head walls should be poured next week.

-Belmont Sewer Rehabilitation:

The contractor punch list items this week that included a missing sewer tap, replacing ring and covers at the Greens and Carriage House Apartments and re-installing chain link fencing behind the Greens Apartments.

-Lake Court Park building painting contractor still has not shown up. We will revoke their PO and award to the next lowest vendor.

-Curb replacement started this week on Howell Drive and is about 20% complete.

-Restroom repairs to Campbell Middle Park School Park are underway.

-Crews are currently lowering manholes and water valves on the streets to be milled and paved.

-Preconstruction meeting held on 7-20-15 with the paving contractor, all the streets to be paved this year were visited and marked. Paving should begin next week and is to be completed by the end of August.

-Projects Scheduled:

Water main replacement So. Cobb, Concord to Wisteria Lane

CCTV and Cleaning of 52,000 feet of sewer main

Water main leak detection Vinings Estates

-Projects out for Design:

Hickory Acres Drive Storm culvert

Smyrna Powder Springs Road Sanitary outfall

Sub-basin 1 Sanitary Sewer Outfall

Antler Trail Sanitary Sewer Outfall

Lake Drive at Magnolia Dr. Storm Sewer Replacement

Fox Creek Lake

Hickory Hill Dr Sanitary and Storm Sewer Rehabilitation

Lois Street at Lois Point

Lake Drive at Brentwood

King Springs Road near Kings View

Walker Court near Morris Circle

Doeskin Ln

Pat Mell Rd

-Projects out for bid:

Village Parkway Multi Use Trail Spring to Windy Hill

Ward 5 Councilmember Susan Wilkinson asked Library Director Mary Moore to give a department report. She read the following report:

Library Announcements

This is the last week of the Summer Reading program. So far, our Smyrna readers have logged over 400,000 minutes of reading. Please come by the Youth Services desk this week to collect your prizes. And join us for the Summer Wrap-Up Celebration on Saturday, July 25, from 11:00 a.m. to 1:00 p.m. for superhero activities and free ice cream provided by the Friends of Smyrna Library.

Starting Tuesday, July 21, Smyrna Library cardholders will be able to check out up to seven (7) DVDs at a time. Up to now, the limit has been five; but we have really beefed up our collection over the past three years, so we feel that we can

accommodate the extra activity. Not only do we have new releases, we have really worked on collecting favorite titles from many decades, as well as family and children's titles, and a very respectable Foreign Film collection.

On Sunday, August 2, the Friends of Smyrna Library will hold their monthly "First Sunday Lecture" with another segment of the World War II commemorative series. We will screen the short film, "The Return of the Violin." This film depicts a famous violinist, Bronislaw Huberman, and his struggle to save Jewish musicians from the Nazis. A discussion will follow the film which starts at 3:00 p.m. on August 2 in the Library Meeting Room.

The Library will have an irregular schedule the first week of August. We will close at 2:00 p.m. on Saturday, August 1, for Birthday Celebration preparations. We will also be closed Wednesday, August 5; Thursday, August 6; and Friday, August 7; for a parking lot re-paving as well as interior maintenance projects. The CobbWorks Mobile Career Center, which visits us every Wednesday, will park in front of the Community Center on August 5. Thanks go to the Community Center for hosting for us.

Parks and Rec Director Steve Ciaccio gave his departmental report.

- The Saturday, July 18 feature movie "Annie" - a Movie by Moonlight production – was cancelled due to impending weather. Another date in September will be selected to show a movie in its place. The August movie "Boxtrolls" will be shown on the 15th.
- Regarding parking for those with Disabled tags or displayed stickers on the date of the Downtown Birthday Celebration event on August 1st, , part of the Library lot will be reserved for those with special needs. Access to this lot can only be gained from Powder Springs Street at Hamby Street as the Green will already be closed for the concert setup.
- An award for replastering the Wolfe Therapy Pool was made this evening. This is one of several projects that will happen simultaneously there. The replacement of the boiler and sand filtration tank will be made and we are also looking at the addition of interior lighting in the pool space. These upgrades with the plaster and tile work will take 2 – 3 weeks so we are planning on a 3 week closure, dates to be announced. We will have a better understanding of when, specifically the closure will be once the replastering vendor is notified of the award tomorrow, July 21 st. Thereafter, the contractors will be pulled together to figure the dates for this collective of individual projects. We would like to get the work done in late August into early September but do not yet know vendor availability. We will give the patrons there as much notification as possible.

Ward 6 Councilmember Wade Lnenicka asked City Clerk, Terri Graham for a Court Services and Clerks office report.

#### COURT SERVICES UPDATE

-Cases processed:

In June 2015 there were 801 citations received and processed for court dates

-Docket count:

In June 2015 there were 740 cases that ended up on 9 dockets

-Bond forfeitures:

In June 2015 there were 328 cases that paid prior to their court date

-Failure to appear:

In June 2015 a total of 161 defendants failed to appear for their court date

-Web payments:

In June 2015 a total of 397 defendants paid with our online payment system

#### CLERK'S OFFICE REPORT

Police Department processed 60 record requests

Clerk's office processed 23 open records requests

Qualifying will be Monday August 31st through Wednesday September 2nd

8:30 AM – 4:30 PM in the HR Conference Room 1st floor City Hall building

We will be qualifying for all 8 seats.

Qualifying fees for Councilmembers seats \$567.00 and Mayor's seat is \$756.00

There are 7 polling places located in Smyrna a map will be posted on our website and available at city hall. If you would like a copy of our ward map with polling places indicated it can be emailed to you. Contact the city clerk's office.

Councilmember Wilkinson asked if a copy of the new map could be posted and available for residents in City Hall as well as the library.

HR Director Kay Bolick read the names of employees with service milestones:

Eric Cooper – Supervisor Water & Sewer (25 years)

Claire Phillips – AP/Payroll Coordinator (20 years)

Metra Wearing – GCIC Specialist (15 years)

James Bennett –Crew Worker (15 years)

Jodi Mills – Recreation Coordinator (5 years)

Councilmember Lnenicka announced that Uncle Maddio's Pizza was officially open.

Recognized Linda Hedrick, an army veteran who was recognized by the Smyrna American Legion Post 160 as Legionaire of the Year.

Ward 7 Councilmemebr Ron Fennel noted a new business, Jimmy Johns, open in his ward. He called upon Fire Chief Roy Acree. He spoke about heat related emergencies:

Summer in Georgia is a time for camping trips, cookouts and afternoons by the pool. However, it's also a time to be aware of the dangers soaring temperatures can bring. Extreme heat is the No. 2 weather-related killer in the U.S. after excessive cold, according to the Centers for Disease Control and Prevention. Smyrna Emergency Management Agency (EMA) urges City of Smyrna residents to take steps now to beat the heat.

"People most at risk for heat-related illness are seniors, infants and people with circulation problems, but staying indoors and drinking plenty of water will help you stay cool and hydrated when temperatures rise," says Smyrna EMA Director Roy Acree.

Follow these 10 tips to ensure a safe summer for every family:

1. Never leave children or pets alone in closed vehicles.
2. Fluids are lost through perspiration, so it's important to stay well hydrated. Drink plenty of water, even when you're not thirsty.
3. Stay indoors in air-conditioned spaces as much as possible and limit exposure to the sun.
4. Dress in loose-fitting, lightweight and light-colored clothes that cover as much skin as possible.
5. Avoid strenuous work during the warmest part of the day. Drink two to four cups of water every hour when you are working outside.
6. Check on elderly neighbors and family and friends who do not have air conditioning.
7. Make sure pets have plenty of water and shade, be careful to not over-exercise them, and keep them indoors when it's extremely hot.
8. Familiarize yourself with the symptoms of heat exhaustion and heat stroke. Heat exhaustion symptoms are heavy sweating, fatigue, muscle cramps, confusion, cold, pale and clammy skin, a weak rapid pulse, and possible fainting and vomiting. Heat stroke is a severe medical emergency that occurs when the body temperature reaches 106° F. or higher. Symptoms include hot dry skin, rapid and strong pulse, and possible unconsciousness. Summon immediate emergency medical assistance.
9. Insulate your home by installing weather stripping around your doors and windowsills to keep the cool air inside.
10. Closely monitor a local radio station, TV station or NOAA Weather Radio or download the Ready Georgia app for the latest information on excessive heat watches and warnings.

To help Georgians prepare, Ready Georgia, a statewide emergency preparedness campaign created by the Georgia Emergency Management Agency/Homeland Security, offers the tools needed to make an emergency supply kit, develop a communications plan and stay informed about potential threats. Visitors to Ready

Georgia's website can create an online profile to receive a tailored plan for the entire family that includes the specific amount of supplies to put in their household Ready kits. In addition, the newly upgraded free Ready Georgia mobile app provides weather alerts, traffic updates and preparedness information for people on the go. For more information, contact Smyrna EMA at 770-434-6667 or visit [www.smyrnacityfire.com](http://www.smyrnacityfire.com).

Councilmember Fennel thanked Chief for the use of the training room for his Town Hall meeting. He also mentioned the Smyrna Swim teams has over 500 swimmers in the Smyrna Sharks were co-division champions. 69 of 104 swimmers that went to district went on to state and 10 swimmers set new state records.

Police Chief David Lee came forward and spoke about the Smyrna PD Explorers going to a state competition at Georgia Public Safety Training Center. There were 20 teams from 14 agencies. The Smyrna Explorers came in first for The Trouble Unknown Call competition. The Call Before You Go Program has taken off and Wendy Corona from WSBTV did a report on this public service and she filmed an officer escorting a business to their bank.

The program has received statewide attention and the department has received calls from other agencies in Georgia wanting information. Master Patrol Officer Defense met with the Chamber of Commerce and they were pleased to hear about the program as well.

PIO Chris Graeff is leaving law enforcement to pursue a career in Engineering. He has recently received his degree and was offered a lucrative job. He will be missed as he is an outstanding officer.

Some of the local banks have contacted the PD and are pushing the program to their business clients.

K9 Paco assisted Cobb County in a tracking and apprehension of a homicide suspect. Please do not leave valuables in plain site in your vehicle.

Operation Safe Sale is also a positive program where sellers on the internet can use the PD parking lot to meet potential buyers and sellers and the PD will run serial numbers for free.

Councilmember Fennel will hold a Town Hall meeting on August 11th, 7:30pm at Vining Estates for the annexation and zoning request for the Pebblebrook application of the Maxwell property.

Ward 3 Councilmember Teri Anulewicz was absent so Mayor Pro tem Pritchett called upon Community Relations Director Jennifer Bennett to give her report. She asked water bill residents to look for the new City Newsletter in their bill. It includes a recap of happenings as well as upcoming events. Development and Property updates as well as the qualifying information. Smyrna Birthday celebration will run from 6:00pm - 10:00pm with live bands, fireworks and food, specifically a huge McEntyre Birthday Cake. Additionally, two of the new digital signs are up and running in the City.

## **10. Show Cause Hearings:**

There were no show cause hearings

## **11. Citizen Input:**

There were two people signed up for citizen comment, Alex Backry and Councilmember Charles "Corkey" Welch

Alex Backry expressed his frustration with the lack of conversation regarding term limits,

Charles "Corkey" Welch announced his campaign for re-election at Ward 4 Councilmember.

## **12. Adjournment:**

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Mayor Max Bacon adjourned the meeting at 9:36 PM