



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, September 21, 2015

7:30 PM

Council Chambers

Rollcall

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

Absent: 1 - Councilmember Charles Welch

Also Present: 8 - Scott Cochran, Mike L Jones, Ken Suddreth, Tammi Saddler Jones, Dan Campbell, Terri Graham, Heather Corn and Amy Snider

Call to Order

Mayor Max Bacon called the September 21, 2015 meeting of the Mayor and Council to order at 7:30 PM

1. Invocation and Pledge:

Detective Ron Waddell, Chaplain Smyrna Police Department introduced Reverend Kerrick Butler from Faith Christian Center located at 3059 South Cobb Drive who led all in the Invocation and the Pledge of Allegiance.

2. Agenda Changes:

Mayor Max Bacon noted there were three (3) agenda changes, item 4 B would be tabled to October 19, 2015, item 4 C would be tabled to October 5, 2015 and item 5 A would be tabled to October 5, 2015.

3. Mayoral Report:

A. Proclamation in Recognition of Cumberland Diamond Exchange, 2015 Small Business of the Year

Sponsors: Pritchett

The Jacobson family came forward and was honored with a Proclamation for being the 2015 Small Business of the Year. Brothers Wayne and Mark Jacobson started the company over 33 years ago. Mark and his wife Rhonda now run the business. This is a first generation, family owned jewelry store and with this proclamation, Mayor A. Max Bacon has declared September 21, 2015 as a day of recognition for the Cumberland Diamond Exchange.

Mayor Max Bacon announced the Proclamation and asked Mayor Pro Tem / Councilmember Melleny Pritchett to read aloud for the receivers and the attending

public.

4. Land Issues/Zonings/Annexations:

A. **Public Hearing** - Zoning Request Z15-015 - Approval of a zoning amendment to modify the currently approved site plan and building elevations - 1.61 Acres - Land Lot 634 - 1680 Roswell Street - Christopher & Yvonne Ogbuefi

Sponsors: Anulewicz

Interim City Administrator, Mike L. Jones read aloud the following background for this item:

Christopher and Yvonne Ogbuefi are seeking approval of a zoning amendment to modify the currently approved site plan and building elevations from Zoning Case Z06-048. The applicant is proposing to construct a 6,131 sq. ft. addition onto the existing food store and a 2,550 sq. ft. multi-tenant building to bring the total floor area for the site up to 17,234 sq. ft.. This is an increase of 1,283 sq. ft. of building floor area over the original zoning for the property. The 1.61 acre subject property was originally approved for rezoning from OD to NS - Conditional by the Mayor and Council on November 20, 2006 by a vote of 6-1 (Zoning Case: Z06-048). The zoning proposal provided for a 15,960 sf. retail center. The retail center was planned to accommodate 6 retail stores averaging 1,160 sf. per store, a 5,160 sf. food store, and two restaurants averaging 1,920 sf. The applicant has developed the site and completed Phase I, which includes an 8,553. Sq. ft. food store.

The applicants were present and asked to come forward by Mayor Bacon. The public hearing was called and no one came forward to speak in favor of or against this item. City Attorney Scott Cochran swore in the applicants and their architect who was present to answer questions.

Community Development Director Ken Suddreth stated he was glad to see this project come to fruition. He noted all the pertinent information had been spoken in the background read aloud. The Planning and Zoning Board voted a 7-0 approval and Community Development recommended approval with the following conditions:

Standard Conditions

(Requirements #1, 2, 3, 4, 5, 8, 9, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable)

- 1. All utilities within the development shall be underground.*
- 2. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.*
- 3. No debris may be buried on any lot or common area.*

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- 4. 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.*

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

- 6. All open space and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

Special Conditions

- 7. The retention pond shall be placed and screened appropriately to be unobtrusive inside and outside the development. The storm water retention plan shall be designed to create at least a 20% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*

- 8. A ten-foot wide sidewalk shall be constructed along Roswell Street and Hawthorne*

Avenue.

9. A ten-foot landscape buffer shall be provided and maintained along the eastern property line.

10. Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The brick shall match the color and material used for the commercial buildings.

11. The commercial buildings shall utilize four-sided brick or stone elevations which generally match the elevations submitted on 7/22/2015.

12. The applicant shall incorporate windows or shadowboxes (false window or display area) along the northern (Roswell Street elevation of building), western (Mathews Street elevation of the building) and eastern (Public Storage elevation of building) façade of the food store and multi-tenant building.

13. No neon or flashing signs shall be permitted. All freestanding signs shall be monument style.

14. The applicant shall remove the existing billboard on site within 90 days of the approval of the rezoning.

15. The proposed development shall have the following setbacks:

Front – 0'

Side – 30'

Street Side – 0'

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Rear – 0'

16. The following uses shall be prohibited in the proposed shopping center:

- Automotive sales/repair
- Automobile wash service
- Boat sales and repairs
- Boarding and breeding kennels
- Dry cleaning plants
- Farm equipment sales and service
- Lumber, hardware and other building material establishments
- Mobile home and travel trailer sales
- Motorcycle sales and service
- Pawnshops
- Adult novelty stores
- Package stores
- Service stations
- Stations and terminals for bus and rail passenger service
- Taxi stands
- Theaters
- Tattoo Parlor
- Arcade or Video Game Parlor
- Massage Parlor
- Pool Hall
- Check Cashing Store

17. The construction of the project shall be based on the site plan submitted on 7/22/2015 and created by A'Vant Architecture. Any significant change to this site plan requires the approval of Mayor and Council.

18. The applicant shall remove parallel parking spaces labeled one and two on the site plan dated October 6, 2006. The applicant shall make modifications to the site plan dated October 6, 2006 to address all stipulations stated above. These modifications shall be completed prior to the plan review process.

19. The applicant shall dedicate the necessary right-of-way to the City needed to complete the round-about road improvement planned for the intersection of Hawthorne Avenue, Mathews Street and Roswell Street.

The proposed elevations were shown as was the site plan. The pictures of the subject property were shown. Councilmember Anulewicz asked if the setbacks for this building would still accommodate the proposed roundabout in the 2016 SPLOST. Mr. Suddreth responded in the affirmative. She remarked that it was such a lovely building to look at and will be a great addition to the neighborhood. The applicants also own the mom and pop grocer across the street.

Sonya, the applicant's architect, spoke on behalf of the applicants. She said the applicants want to incorporate the neighborhood with the store and wants to improve the area. By making the addition to the grocery store it will remove the current freezers from the building across the street. They have incorporated some green space around the building. Councilmember Fennel asked for additional clarification about the mentioned rooftop dining. Sonya responded that they would construct to accommodate for rooftop dining if renters want to utilize that space.

A motion was made by Councilmember Teri Anulewicz to approve item 2015-226 for zoning request Z15-015 for a zoning amendment to modify the currently approved site plan and building elevations on 1.61 Acres in Land Lot 634 located at 1680 Roswell Street the applicants are Christopher & Yvonne Ogbuefi, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

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

Absent: 1 - Councilmember Welch

B. **Public Hearing** - Zoning Request Z15-016 - Rezoning from R-15 to RAD-Conditional for the development of 5 new single-family residences at a density of 3.81 units per acre - 2.36 Acres - Land Lot 593 - 1505, 1515, 1525, 1529, 1533 and 1537 Spring Street - Pradera Group, LLC. ***The applicant has requested to table this item to November 16, 2015.***

Sponsors: Anulewicz

A motion was made by Councilmember Teri Anulewicz to table item 2015-26 to October 19, 2015 for a Public Hearing on Zoning Request Z15-016 for a Rezoning from R-15 to RAD-Conditional for the development of 5 new single-family residences at a density of 3.81 units per acre - 2.36 Acres - Land Lot 593 - 1505, 1515, 1525, 1529, 1533 and 1537 Spring Street - Pradera Group, LLC., seconded by Councilmember Susan Wilkinson. The motion carried by the following vote:

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

Absent: 1 - Councilmember Welch

C. **Public Hearing** - Zoning Request Z15-008 - Rezoning from R-15 to RAD-Conditional for the development of five single-family homes - 1.27 Acres - Land Lot 488 - 1091, 1107 & 1121 Bank Street - Pritchard Brothers, Inc. ***This item was tabled on October 5, 2015 to be heard on October 19, 2015 at the request of the applicant.***

Sponsors: Anulewicz

A motion was made by Councilmember Teri Anulewicz to table item 2015-166 to October 5, 2015 for a public hearing - Zoning Request Z15-008 - Rezoning from R-15 to RAD-Conditional for the development of five single-family homes - 1.27 Acres - Land Lot 488 - 1091, 1107 & 1121 Bank Street - Pritchard Brothers, Inc., 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 Anulewicz, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

Absent: 1 - Councilmember Welch

5. Privilege Licenses:

A. Public Hearing - Privilege License Request 2015-291 - Beer and Wine Pouring - 2680 Cobb Parkway - Coffee House Holdings Inc. dba Starbucks #8371 with Joseph George Del Savio as agent. This item was tabled on October 5, 2015 to October 19, 2015 at the request of the applicant.

Sponsors: Pritchett

The applicant asked that this item be tabled until the October 5, 2015 Mayor and Council meeting because he was out of town. Corporate called and asked if they could send an attorney on behalf of the applicant and they were unable to because the City requires the applicant be present.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to table item 2015-291 to October 5, 2015 for a Public Hearing - Privilege License Request 2015-291 - Beer and Wine Pouring - 2680 Cobb Parkway - Coffee House Holdings Inc. dba Starbucks #8371 with Joseph George Del Savio as agent. Tabled to October 5, 2015

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

Absent: 1 - Councilmember Welch

B. Public Hearing - Privilege License Request 2015-298 - Beer and Wine Pouring - 2517 Spring Road STE 101 - Taco Cantina LLC dba Taco Cantina with Stephanie Brianna Gonzalez as the agent.

Sponsors: Pritchett

Mike L. Jones, Interim City Administrator read the background. This is a new application for a privilege license for Taco Cantina LLC dba Taco Cantina for the sale of beer and wine (retail pouring). Stephanie Brianna Gonzalez will be the registered agent, responsible for the sale of alcohol at the referenced location. Stephanie Brianna Gonzalez has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate attached) A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Stephanie Brianna Gonzalez has agreed to abide by the guidelines set forth by the City of Smyrna

ordinance governing the sale of alcohol. Staff recommended approval of a privilege license for the sale of beer and wine (retail pouring) for Taco Cantina LLC dba Taco Cantina with Stephanie Brianna Gonzalez as the registered agent.

Ms. Gonzalez came forward and the public hearing was called with no one coming to speak in favor of or against this item. She stated that she and her husband had been in business for approximately 6 weeks and were excited about being able to apply for this license.

Mayor Pro tem / Councilmember Pritchett asked if she understood that the police department conducted undercover stings to test businesses and see if they sell to minors. Ms. Gonzalez replied that she is aware of the stings and that both she and her husband understood the ramifications of failing a sting.

Councilmember Fennel welcomed her to Smyrna and thanked her for investing in Smyrna. He asked her to talk about the stores policy for employees. She stated they have hired an employee who currently holds an alcohol permit in the City of Douglasville and she will start as a part time employee and move into being their full time employee. She herself remarked that the classes she took were important and she took them very seriously. She has never served alcohol but she and her husband intend to fully train staff as well as carry a policy to require the necessary training for any future employees. Councilmember Fennel reiterated that compliance checks were an important element in how the City controls and maintains proper alcohol serving and pouring.

Ms. Gonzalez also mentioned she and her husband moved to Smyrna about a year ago and their children attend Campbell Middle School.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve item 2015-298 for a privilege license request for Beer and Wine Pouring at 2517 Spring Road STE 101 for Taco Cantina LLC dba Taco Cantina with Stephanie Brianna Gonzalez as the agent, seconded by Councilmember Wade Lnenicka. The motion carried by the following vote:

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

Absent: 1 - Councilmember Welch

6. Formal business:

There was no formal business

7. Commercial Building Permits:

There were no commercial building permits

8. Consent Agenda:

Interim City Administrator Mike L. Jones read aloud the consent agenda for Council's approval.

A motion was made by Councilmember Ron Fennel to approve the Consent Agenda, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

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

Nay: 2 - Councilmember Wilkinson and Councilmember Lnenicka

Absent: 1 - Councilmember Welch

A. Approval of the Mayor and Council Meeting Minutes for September 8, 2015

Sponsors: City Council

B. Award RFP 16-001 Security Cameras to the second lowest responsible and responsive bidder, LMI Systems for \$439,763.00 and authorize the Mayor to execute any related documents.

Sponsors: Welch

C. Award RFP 16-014 Highview Drive at Plumcrest Road Drainage Project to the lowest bidder Ardito Construction Co. Inc for \$27,889.00 and authorize the Mayor to execute any related documents.

Sponsors: Welch

D. Award RFP 16-013 Hickory Hill Drive Sewer and Storm Drainage Project to the lowest bidder Ardito Construction Co. for \$56,500.00 and authorize the Mayor to execute any related documents.

Sponsors: Welch

E. Award RFP 16-002 Village Parkway Improvements to the lowest bidder Summit Construction and Development Inc. for \$624,617.80 and authorize the Mayor to execute any related documents.

Sponsors: Blustein

F. Approval to award RFP 16-004 to the lowest responsive bidder, Summit Systems, Inc, for the replacement of network equipment for the amount of \$105,826.60 and the optional network access control security software for the amount of \$37,403.27.

Sponsors: Anulewicz

G. Approval to award RFQ 16-015 to the lowest responsive bidder, Gulf States Distributors, Inc. for the amount of \$29,168 for the Police Department's FY16 ammunition order.

Sponsors: Fennel

H. Approval to use Council Chambers for a Ward 6 HOA meeting for Oak Ridge Estates September 29, 2015 from 6:00 - 8:30 PM

Sponsors: Lnenicka

I. Approval to use Council Chambers on Wednesday, September 23, 2015 from 7:00-9:00 PM for the Williams Park Annual Neighborhood Association Meeting.

Sponsors: Anulewicz

9. Committee Reports:

Ward 7 Councilmember Ron Fennel spoke about the upcoming time change, kids back in school and announced a change to the date of his next Town Hall Meeting regarding the annexation for the Maxwell property. The new date is October 6, 2015 at the Summit Clubhouse in the Vining Estates Community. There is an additional meeting scheduled for October 8, 2015 at Whitfield Academy. HE asked that when the public encounters or Public Safety Officers and Firefighters to thank them for their service.

Ward 6 Councilmember Wade Lnenicka offered his condolences to the families of Geraldine Hide and the mother of David Brown. He also offered congratulations to Derrick Norton and wife for the birth of their new baby girl. Campbell High School held an event called Power Hour that he participated in and he commented on the great time he had volunteering at this event.

Ward 5 Councilmember Susan Wilkinson also offered condolences.

Ward 4 Councilmember Corkey Welch was absent from the meeting.

Ward 3 Councilmember Teri Anulewicz remarked that she attended the DDP Yoga Studio ribbon cutting. She was very excited to see the development and renovating going on with businesses on Concord Road. She commented on the Arkle Animal Clinic and its beautiful rebuild. She also attended the Campbell High School Power Hour and noted it was a very positive afternoon because of not only the faculty and staff but all the community support. She participated in Principal for a Day at Campbell Middle School and was encouraged to see many young people carrying casual reading books. The Bike Share was up and running and she stated there had been an impressive number of participants already. The first four hours were free and every hour after was \$5.00 per hour. There were no membership fees as well.

Ward 2 Councilmember Andrea Blustein announced a Ward 2 Town Hall meeting at the Smyrna Public library on Saturday, October 3rd from 10:00am - 12:00pm. She has invited several people to come and discuss various projects.

Ward 1 Mayor Protem / Councilmember Melleny Pritchett reminded the public of her Ward 1 Town Hall meeting on Tuesday, October 22, 2015 from 6:30pm - 9:00pm in the City Hall Council Chambers. There would be Ward 2 business, City business as well as information on the Braves.

10. Show Cause Hearings:

There were no show cause hearings

11. Citizen Input:

Alex Backry of Shawnee Trail, noted his disappointment with the lack of discussion regarding term limits. He also commented on the previous meetings vote on Jonquil plaza and the lack of Council understanding for what the majority wanted and spoke about.

Ward 1 candidate Derrick Norton announced his official candidacy for the Ward 1 Council seat. He spoke about the birth of his new baby girl and expressed his excitement at the fun they were having campaigning in Ward 1.

Ward 3 candidate Bentley Brandon gave his personal history and stated he feels that Ward 3 needs new representation. He is a business owner in the City as well.

Mayoral candidate Wade Lnenicka spoke about questions he had received while campaigning and spoke about the different Committees he wants to form to tackle some of the City's needs, such as Economic Development, schools, arts and cultural, transportation, and senior housing.

Ward 6 candidate Tara Simon came forward and spoke about her singing studio on Concord Road, signing with an elderly resident and posting it on Facebook as well as campaigning.

12. Adjournment:

Mayor Max Bacon adjourned the meeting at 8:30 PM