



Meeting Minutes - Final  
City Council

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Monday, February 19, 2018

7:00 PM

Council Chambers

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**Roll Call**

**Present:** 6 - Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Ron Fennel

**Also Present:** 11 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Joe Bennett, Louis Defense, Ken Suddreth, Richard Garland, David Lee, Lisa Ochoa, Ashley Youmans and Maxwell Ruppensburg

**Call to Order**

The meeting of the Mayor and Council was called to order at 7:00 PM by Mayor A. Max Bacon.

**1. Invocation and Pledge:**

The invocation was provided by Councilmember Charles (Corkey) Welch in the absence of Pastor Jeff Pennington, he then led all in the Pledge of Allegiance.

**2. Agenda Changes:**

There were no changes to the agenda.

**3. Mayoral Report:**

**A. Citizen's Police Academy Graduating Class Ceremony and Presentation of Certificates**

*Chief David Lee stepped to the podium and introduced Sergeant Louis Defense who conducted the twelve (12) week Citizen's Policing Academy class. Sergeant Defense explained that the class consisted of teaching our citizens about the inner working of the Police Department. The applicants took part in a "ride along", visiting the Medical Examiner's office and much more. The class allowed the students to gain a better awareness of an officer's day.*

*The following graduates were presented with their certificate of completion with the assistance of Councilmember Derek Norton, the City's Public Safety Chair: Patricia Healy, Jennifer Dew, Donna Downs, Gloria Favors, Stacey Nicely, Amanda Sweatt, Timothy Sweatt, Teresa Whatley, Betty Zaldivar, Nancy Ross, Regina Walker, Kyle Kirkman, James Carter, Jessica Olson, Heidi Weber, Cynthia Devine, Irina Thompson, Lindsey Johnson, Mark Stratman, Yaa Asare-Nyarko, Scott Medeiros, William Logan*

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

##### A. **Public Hearing** - Plat approval with variances for two residential lots - 0.946 Acres - Land Lot 527 - 1272 Hayes Drive - JW Hall Custom Building

**Sponsors:** Norton

*The Mayor called on City Administrator Tammi Saddler Jones to give the background on the plat request variance. JW Hall Custom Building requested approval to replat and reconfigure two existing residential lots. The property size is 0.946 acres, and zoned R-15, single family residential. Community Development reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. The Planning and Zoning Board heard the request for the plat approval at the February 12, 2018 meeting and made a recommendation for approval by a vote of 7-0. Community Development recommended approval.*

*Before calling for the Public Hearing, Mayor Bacon announced this request is in Ward 6 which was vacated by Doug Stoner effective February 15, 2018 and Councilmember Derek Norton would take care of this item.*

*Mayor Bacon called for a Public Hearing and asked anyone who wanted to speak to come forward. No one came forward to speak.*

*Mayor Bacon called Community Development Director, Ken Suddreth to give details of the request. Community Development reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. The subject property is currently comprised of two lots of record with one lot fronting on Hayes Drive and another lot being landlocked behind the first lot (See Zoning Vicinity Map) The variances would be necessary to maintain two buildable lots due to the location of the existing stream. The subject property would maintain an R-15 zoning classification and would not increase the density for the property. Mr. Suddreth presented the following slides:*

- 1. Zoning map*
  - 2. Reconfiguration of the two lots with road frontage on Hayes drive*
  - 3. Three variances from section 801 of the Zoning Ordinance*
  - 4. The consistency of recently approved devolvement that adjourns the property*
  - 5. Proposed elevations*
  - 6. Proposed site plan with adjacent development*
- Staff recommended approval of the requested reconfiguration and replatting in the R-15 zoning district with a waiver of the three requested variances of 1272 Hayes Drive.*

*The Mayor asked the applicant to come forward. Josh Hall stated he applied for this same variance last year for the adjacent property. Mr. Hall noted he would build more upscale custom homes while keeping the same look in the area.*

*Boardmember Ron Fennel inquired if Mr. Hall had received any negative responses and Mr. Hall replied no. Mr. Fennel extended his appreciation for Mr. Hall's investment in the City of Smyrna and his ongoing investment in the area.*

*Mayor Bacon concluded the Public Hearing.*

*A motion was made by Councilmember Derek Norton to approve 2018-67 for Plat approval with variances for two residential lots on 0.946 Acres at Land Lot 527 located at 1272 Hayes Drive by applicant JW Hall Custom Building, was seconded by*

Councilman Ron Fennel.

The motion to approve carried by the following vote:

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

**B. Public Hearing - Zoning Request Z18-002 - Rezoning from R-15 to LC for the use of the building as an office - 0.25 Acres - Land Lots 340 & 381 - 596 Concord Road - William and Kathryn Rhodes**

**Sponsors:** Blackburn

*The Mayor requested City Administrator Tammi Saddler Jones to provide the background on the plat request variance. William and Kathryn Rhodes were proposing to rezone the property at 596 Concord Road from R-15 to LC as an office building. The proposed business will have three (3) employees on-site. The subject property is currently vacant and it is one of the last single-family residences remaining on this portion of Concord Road. The rezoning request was heard by the Planning and Zoning Board at the January 8, 2018 meeting and was recommended for approval by a vote of 6-0. Community Development recommended approval of the proposed rezoning from R-15 to LC with conditions.*

*Mayor Bacon called for a Public Hearing and asked anyone who wanted to speak to come forward. No one came forward to speak.*

*Councilmember Maryline Blackburn called Community Development Director Ken Suddreth, to give details of the request. The proposed rezoning would allow the applicant to convert the property from a single-family residence to an office. There would be no changes on the future maps since this was already believed to be commercial property; it is surrounded by commercial property. The applicant is not planning to make any significant changes to the existing structure. Also, the applicant proposed to construct four (4) parking spaces to accommodate business generated by the office use. These parking spaces will be accessed from Concord Road.*

*Community Development recommended approval of the proposed rezoning from R-15 to LC for use as an office building with the following conditions:*

- 1. The applicant must provide four (4) parking spaces in substantial compliance with the parking plans shown on the site plan and tree plan designed by Paul Lee Consulting and Engineering Associates, Inc. and submitted 12/15/2017.*
- 2. The stormwater detention facility shall be placed and screened appropriately to be unobtrusive to homes outside the development. The stormwater 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. There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the commercial use.*
- 4. Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.*
- 5. The applicant shall install two (2) four-inch (4") caliper overstory trees along the Concord Road street frontage.*

*The Mayor asked the applicant to come forward, Attorney Garvis Sams, representing William and Kathy Rhoades came forward for the applicants. The Rhoades were present to answer any questions. Mr. Sams stated the zoning request was not a complex one but it was a very important zoning for the applicant's business. Mr. Garvis*

*noted that Planning and Zoning approved the rezoning at a 6-0 vote. He also stated that at the start of developing Concord Road about fifty (50) years ago, consisted of residential homes. In time, the trend changed to the retro fitting and rehabbing existing residences that would accommodate office utilization. This area is commercially oriented and this property met the staff and policy requirements. Mr. Sam's stated the Rhoades are very business minded people and would be a welcome addition to the Concord Road properties. Mr. Sams also indicated he had architectural renderings and elevations for viewing. Mr. Sams acknowledged that he and his clients accept the conditions given by Mr. Suddreth.*

A motion was made by Councilmember Maryline Blackburn to approve Zoning Request Z18-002 for Rezoning from R-15 to LC for the use of the building as an office on 0.25 Acres in Lots 340 & 381, located at 596 Concord Road by applicant William and Kathryn Rhodes with all conditions, seconded by Councilmember Derek Norton. The motion to approve carried by the following vote:

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

**C. Public Hearing Only - Zoning Request Z17-023 - Rezoning from R-15 & R-20 to RAD-Conditional for the development of fifteen single-family residences at a density of 3.57 units per acre - 4.2 Acres - Land Lot 340 - 3328 & 3366 Old Concord Road - Epic Homes, LLC**

**Sponsors:** Blackburn

*The Mayor called on City Administrator Tammi Saddler Jones to give the background. Epic Homes, LLC is requesting an annexation and rezoning from R-15 & R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of fifteen (15) new single-family homes at a density of 3.57 units per acre. Community Development reviewed the proposed redevelopment against the zoning standards of a recent adjacent rezoning and found the proposed development to be compatible with the infield development in the immediate area. Planning and Zoning approved the rezoning at the January 8, 2018 meeting by a vote of 6-0, Community Development recommended approval with staff conditions.*

*The Mayor called for a Public Hearing and one (1) person came forward to speak. The speaker was sworn in by City Attorney Scott Cochran.*

*Councilmember Maryline Blackburn asked Mr. Ken Suddreth to come forward and provide the information on the re-zoning and annexation. Mr. Suddreth stated this is a somewhat unique combined rezoning and annexation from Cobb County because not all the property would come into the City. There are two existing single-family homes that are zoned as R-15 and R-20. Epic Homes asked for RAD conditional. Mr. Suddreth displayed a future developmental map and site plan. The proposed development was presented. They originally submitted to have curb and gutters and a 5-foot sidewalk, but have amended the agreement to a 7-foot sidewalk along Old Concord Rd. There will still be a 5-foot sidewalk along Charlotte Circle. Storm water detention would be off Charlotte Circle. The plan also included nine guest parking spaces.*

*The corner property consisting of 9,000 square feet on Concord Road and Old Concord would be open space. That property would remain in the county because bringing this piece into the city would create an island. Proposed home elevations were shown. Staff recommended approval with standard conditions and special conditions as follows*

*including recommendations of Attorney Garvis Sams:*

- 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. There shall be protective covenants with a mandatory homeowner's association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.*
- 3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.*
- 4. 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.*
- 5. All utilities within the development shall be underground.*
- 6. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.*
- 7. No debris may be buried on any lot or common area.*
- 8. The developer will install decorative streetlights within the development, subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property using "full-cutoff lighting".*
- 9. 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.*
- 10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
- 11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*
- 12. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, unless otherwise approved by the City's Arborist. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other*

*species may be used if approved by the City.*

*Special Conditions*

*13. The development shall maintain the following setbacks: Front - 25', Exterior Side - 25' (Along Charlotte Circle), Interior Side - 5', Rear - 25'.*

*14. The development shall be developed with a minimum lot size of 7,365 square feet.*

*15. The lots shall be developed with a minimum lot width at the setback line of 50'.*

*16. The homes shall have a minimum floor area of 1,800 sq. ft.*

*17. The maximum allowable lot coverage for the property shall be limited to 45%.*

*18. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the City of Smyrna Public Works Director and Cobb County Water System.*

*19. Driveway - 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.*

*20. The developer shall install a 5' sidewalk with a 2' grass buffer along Old Concord Road, Concord Road and Charlotte Circle for the length of the property.*

*21. The developer shall install curb and gutter along Old Concord Road, Concord Road and Charlotte Circle.*

*22. The developer shall install a right turn lane on Old Concord Road at the intersection of Concord Road.*

*23. The private shared drive shall have a minimum width of 20'.*

*24. The developer shall provide a 10' landscape buffer along the western property boundary in accordance with Section 503 of the Zoning Ordinance.*

*25. All trees within the limits of disturbance that are scheduled to be preserve shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.*

*26. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property and shall be maintained by the HOA.*

*27. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 12/19/2017 created by Terra BuildUsa, Inc.*

*28. The applicant shall be bound to the elevations submitted and dated 10/24/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.*

*29. The additional stipulations agreed upon by the applicant in the letter by Garvis Sams submitted and dated on February 9, 2018. If there should be a discrepancy*

*between the stipulations in the February 9, 2018 letter and the stipulations stated above, the stipulations stated above shall apply.*

*30. There shall be substantial architectural differentiation between the proposed homes. No two homes shall have the same building elevations.*

*Attorney Garvis Sams came forward as the representative for Epic Homes, LLC. He presented the annexation and rezoning in unison which would be part of a future land use map change. The 4.2-acre tract of land across from Old Concord Rd and the subdivision Concord Lake Estates is in the unincorporated boundary of Cobb County. The City has a path of contiguity with Cobb County which prevents creating an unincorporated island. Mr. Sams referenced the Intergovernmental Agreement between Cobb County and the City of Smyrna that allows Cobb to weigh in on each annexation. This application was tabled twice, but has been recommended for approval by Planning and Zoning, 6-0 having one member absent. Epic Homes, LLC is requesting an annexation and rezoning from R-15 & R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of fifteen (15) new single-family homes. The price of the homes would range from \$400,000 to \$460,000, with this price point expected to rise with custom additions. Mr. Sams addressed the inquiry of a bicyclist that wanted to have a multi-use trail to ride her bicycle on the sidewalk. The developer agreed to a 7-foot sidewalk. Attorney Garvis Sams stated the 9000-foot corner was left in the County to prevent an island will become a passive recreation area as dog park maintained by the HOA. Epic Homes LLC proposed the density would be the lowest at 3.57 units per acre, the largest minimum lot size and widest lots. Mr. Sams did submit a revised stipulation letter to address the sidewalk and pin corner issue. Concurrently with the first revised stipulation letter, Mr. Sams has submitted a full hydrology report for water and sewer. There are five concurrent variances unless Epic proves a hardship. On behalf of Epic Homes LLC, Attorney Garvis respectfully asked the Councilmembers to follow the recommendations of Planning and Zoning.*

*Mayor Bacon asked Mr. Sams if he knew if this was the Marshall and Theodocian property. Mr. Garvis did not know.*

*Councilmember Susan Wilkinson thanked Mr. Sams for meeting with Councilmember Blackburn and herself concerning the sidewalk increase. Councilmember Wilkinson brought to Mr. Sams' attention a typographical error that said Holly Springs and thought it should say City of Smyrna. Mr. Sams said that it was a typographical error and would have it corrected. Ms. Wilkinson inquired about the entry access to the proposed Dog Park and how residents would access the area. Mr. Sams stated there would be a common driveway in the back. Councilmember Wilkinson asked if the client would be agreeable to a bench in the dog park. Mr. Sams expressed the request is problematic because the land managed by an HOA is in Cobb County and it would not be an insurable set of circumstances the HOA could take on.*

*The Mayor called for a Public Hearing and one person came forward to speak and was sworn in by City Attorney Scott Cochran.*

*Ms. Kaye Klapper of 3927 Plumcrest Road spoke against the clear cutting of trees in new developments in Smyrna. She believed that clear cutting trees caused problems with displaced wildlife, flooding, water runoff and soil erosion. She was alarmed at the trend of rezoning properties to RAD, as it causes school overcrowding, increased traffic and increased City budget demands for Police, Fire, etc. She stated that the fact that the developer can make more money with a more dense zoning than an R-20 zoning is not a legal reason to rezone a property. She opined that the developer could*

*make money leaving the zoning the same and keeping many of the trees.*

*Mayor Bacon commented that the City requires all new developments to bury utilities underground which results in trees being clear cut. Ken Suddreth addressed the tree inquiry. Mr. Suddreth informed Ms. Clapper that the tree ordinance is only 10 years old and still used by many tree foresters. The tree ordinance requirements must be met. If a tree is removed, it must be replaced or the developer pays into the tree bank. There must be at least 100 inches per acre of planted trees.*

*Susan said she understood there is a preliminary storm water report that was reviewed by Eric Randall. She asked what would happen if the analysis did not comply with the City Engineer's decision. Mr. Suddreth stated the development will have to comply with the City Engineer's report. Councilmember Wilkinson asked about the development being on a hill and would there be a fence. Mr. Suddreth replied he did not know.*

*The Mayor closed the Public Hearing.*

Public Hearing Only No Vote taken - Zoning Request Z17-023 - Rezoning from R-15 & R-20 to RAD-Conditional for the development of fifteen single-family residences at a density of 3.57 units per acre - 4.2 Acres - Land Lot 340 - 3328 & 3366 Old Concord Road - Epic Homes, LLC

- D.** Approval of Ordinance # 2017-13- Annexation request (100% of owners requesting annexation) - Land Lot 340, 17th District, 2nd Section, Cobb County, Georgia, a total of 4.2 acre tract, 3328 & 3366 Old Concord Road, Smyrna Georgia, will be a part of Ward 3. The annexation will be effective March 1, 2018

**Sponsors:** Blackburn

A motion was made by Councilmember Mayline Blackburn to approve 2018-88, Ordinance # 2017-13, for the annexation request (100% of owners requesting annexation) of Land Lot 340, 17th District, 2nd Section, Cobb County, Georgia, a total of 4.2 acre tract, 3328 & 3366 Old Concord Road, Smyrna Georgia, will be a part of Ward 3. The annexation will be effective March 1, 2018; seconded by Councilmember Ron Fennel.

The motion to approve carried by the following vote:

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

- E.** **Final Vote** - Zoning Request Z17-023 - Rezoning from R-15 & R-20 to RAD-Conditional for the development of fifteen single-family residences at a density of 3.57 units per acre - 4.2 Acres - Land Lot 340 - 3328 & 3366 Old Concord Road - Epic Homes, LLC

**Sponsors:** Blackburn

A motion was made by Councilmember Maryline Blackburn to approve 2018-87 Zoning Request Z17-023 to allow Rezoning from R-15 & R-20 to RAD with Conditions for the development of fifteen (15) single-family residences at a density of 3.57 units per acre on 4.2 Acres in Land Lot 340 located at 3328 & 3366 Old Concord Road - the applicant Epic Homes, LLC, to include all standard and special conditions and any stipulations; seconded by Councilmember Ron Fennel.

The motion to approve carried by the following vote:



**Aye:** 5 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch and Councilmember Fennel

**Nay:** 1 - Councilmember Wilkinson

## 5. Privilege Licenses:

There were no Privilege Licenses

## 6. Formal Business:

### A.

Approval for the Smyrna Police Department to enter into a contract with Ten-Eight Forensic Services, Inc. located in Douglasville and have the Mayor sign and execute all related documents

**Sponsors:** Norton

*Mayor Bacon asked the City Administrator to give the background. Ten-Eight Forensic Services will provide an on-call service for blood and urine evidence draws from suspects of driving while under the influence of alcohol and or drugs. This service has become too costly and difficult to obtain from local hospitals with most wanting a court issued search warrant, even when it is not required by law. The City's contracted price is based on services provided. The Smyrna Police Department Chief and staff recommended approval.*

A motion was made by Councilmember Derek Norton to approve 2018-92 for the Smyrna Police Department to enter into a contract with Ten-Eight Forensic Services, Inc. located in Douglasville, GA and have the Mayor sign and execute all related documents; seconded by Councilmember Charles (Corkey) Welch.

The motion to approve carried by the following vote:

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

### B.

Approval for the City of Smyrna to continue as a Subrecipient of the Cobb County Community Development Block Grant (CDBG) Program, to receive the grant amount of \$195,043.30, authorize the Mayor to sign and execute the 2018 Subrecipient Agreement documents.

**Sponsors:** Fennel

*City Administrator Tammi Saddler Jones gave the background. Every year the City of Smyrna signs a Subrecipient Agreement with Cobb County CDBG (Community Development Block Grant). This agreement authorizes Cobb County to continue the administration of funds and reporting to HUD on behalf of the City of Smyrna. The City's preliminary funding amount for 2018 is \$195,043.30. This amount is subject to change/increase should HUD release more funds to Cobb County. The CDBG funds have been used for projects in Parks and Recreation, Public Works and to fund staff in the Code Enforcement Division. Staff recommends approval of the agreement.*

A motion by Councilmember Ron Fennel to approve 2018-86 for the City of Smyrna to continue as a Sub-recipient of the Cobb County Community Development Block Grant (CDBG) Program, to receive the grant amount of \$195,043.30 and authorize the Mayor

to execute the 2018 Sub-recipient Agreement documents; seconded by Councilmember Charles (Corkey) Welch.

The motion to approve carried by the following vote:

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

**C.** Approval to Adopt Resolution 2018-01 designating the Market Village as a Restaurant District.

**Sponsors:** Norton

*Mayor Bacon asked the City Administrator to give the background. This Resolution would allow the carry-out of alcoholic beverages in the City's Restaurant District designated as Market Village.*

*The Market Village area is defined as the area including the W. Spring St. area that extends from King Street SE to Atlanta Road SE as demarcated by the brick road way including sidewalks, green space and the fountain area. The Market Village represents one of the City's centers of commerce and patrons frequently utilize the area.*

A motion was made by Councilmember Maryline Blackburn to approve RES2018-01 to adopt Resolution 2018-01 designating the Market Village as a Restaurant District; seconded by Councilmember Derek Norton. The motion to approve carried by the following vote:

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

**D.** Approval of Ordinance 2018-04 amending the City of Smyrna Code of Ordinances to regulate the carry-in or out of alcoholic beverages within authorized Restaurant Districts; to define the process for the designation of a Restaurant District; and to repeal any conflicting provisions.

**Sponsors:** Norton

*Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background. The amendment to Chapter 6, Sec. 6-46 "Carry-in prohibited" would allow individuals to carry out and consume an alcoholic beverage from a place of business in the downtown area provided that the individual remain within the authorized Restaurant District, the beverage is purchased from a business with an alcohol license residing within that Restaurant District, and the alcoholic beverage has to be consumed from a plastic/paper cup limited to sixteen (16) ounces in size. Several municipalities in the metro Atlanta area have similar changes to their Code of Ordinances to allow the carry-out of alcoholic beverages within authorized areas. Staff recommended approval.*

A motion was made by Councilmember Maryline Blackburn to approve ORD2018-04 amending the City of Smyrna's Code of Ordinances to regulate the carry-in or out of alcoholic beverages within authorized Restaurant Districts; to define the process for the designation of a Restaurant District and to repeal any conflicting provisions; seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

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

**E.** Approval of Ordinance 2018-06 amending the City of Smyrna Code of Ordinances, Chapter 70, Parks and Recreation, Article I, In General, Sections 70-1 and 70-2 pertaining to use of park areas and recreation facilities

**Sponsors:** Wilkinson

*Mayor Bacon asked the Ms. Saddler Jones to give the background. A review of existing city ordinances pertaining to the public use of park areas and recreation facilities was completed and the attached proposed ordinances are being recommended by the Parks and Recreation Director. Some of the changes were related to closing hours, conduct in the park and parking of vehicles as well as other pertinent changes. It is the recommendation of the Parks and Recreation Director that the city adopt the proposed ordinances pertaining to the public use of park areas and recreation facilities.*

*Councilmember Susan Wilkinson stated that while the council was mostly in agreement with the Ordinance, she believed there were still details to be worked out.*

A motion was made by Councilmember Susan Wilkinson to table ORD2018-06, the approval of Ordinance 2018-06, to have more time to review the amendments to the City of Smyrna Code of Ordinances, Chapter 70, Parks and Recreation, Article I, In General, Sections 70-1 and 70-2 pertaining to use of park areas and recreation facilities; seconded by Councilmember Maryline Blackburn.

The motion to table failed by the following vote:

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

**Nay:** 4 - Councilmember Norton, Councilmember Blustein, Councilmember Welch and Councilmember Fennel

A second motion was brought forward for item ORD2018-16 - Ordinance 2018-06 Parks and Recreation facilities.

A motion was made by Councilmember Ron Fennel to approve ORD2018-06, Ordinance 2018-06 amending the City of Smyrna's Code of Ordinances, Chapter 70, Parks and Recreation, Article I, In General, Sections 70-1 and 70-2 pertaining to use of park areas and recreation facilities; seconded by Councilmember Charles (Corkey) Welch.

The motion to approve carried by the following vote:

**Aye:** 4 - Councilmember Norton, Councilmember Blustein, Councilmember Welch and Councilmember Fennel

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

**7. Commercial Building Permits:**

There were no commercial building permits.

**8. Consent Agenda:**

A motion was made by Councilmember Charles (Corkey) Welch to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones; seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

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

**A.** Approval of the February 5, 2018 Mayor and Council Meeting Minutes

**Sponsors:** City Council

**B.** Approval of the February 1, 2018 Pre-Council Meeting Minutes

**Sponsors:** City Council

**C.** Approval of the February 5, 2018 Committee of the Whole Meeting Minutes

**Sponsors:** City Council

**D.** Approval to purchase 5 (five) equipped Ford Explorers, 1 (one) admin. Ford Explorer, and the refurbishment of two (2) equipped Ford Crown Victorias for the Police Department as part of the FY18 Vehicle Replacement Fund at a total cost of \$259,742.04. This vehicle purchase will be through state contract - Wade Ford.

**Sponsors:** Norton

**E.** Approval to use Council Chambers for Vinings Forest HOA Meeting, Wednesday, April 18, 2018 from 6:30pm - 9:00pm

**Sponsors:** Norton

**9. Committee Reports:**

*Councilmember Maryline Blackburn stated that she had been on the Council for two (2) months one (1) day and one (1) hour. She then announced that there would be a Ward 3 Town Hall meeting at the Smyrna Library on March 3, 2018 at 10 AM until 12 PM.*

*Councilmember Charles "Corkey" Welch thanked everyone for attending the ribbon cutting at North Cooper Lake Park.*

*Councilmember Susan Wilkinson announced that on Sunday March 4, 2018 at 3 PM, The First Sunday Lecture will feature Ms. Gwen Kohler from Bullock Hall in Roswell, Georgia will speak at the Smyrna Library.*

*Councilmember Ron Fennel announced the Finance Committee meeting will be held on March 5, 2018 at 4 PM at City Hall. He also announced a Town Hall meeting held by local elected state officials on February 26, 2018 at the Community Center.*

*City Clerk Terri Graham introduced the new Deputy City Clerk Lisa Ochoa.*

*Mayor Bacon thanked Ms. Blackburn for all her hard work with tonight's zoning. He reminded the Council that if the property had not been annexed into the City, the County would have rezoned it.*

**10. Show Cause Hearings:**

There were no Show Cause Hearings.

**11. Citizen Input:**

*Alex Backry, residing at 3459 Shawnee Trail commented on the Brightside article about the Reed House renovation which stated the price was \$1.5 million and actually was \$1.9 million. He also discussed the Windy Hill project and need for a City Town Hall meeting.*

*Patricia Burns, residing at 4218 Cheltingham Lane SE discussed the vision plan of the City and its possible positive impact on DACA recipients. She mentioned the Campbell High School diverse student population. She asked the council to use the Vision Plan to welcome people of all ethnicities to our City.*

**12. Adjournment:**

Mayor A. Max Bacon adjourned the meeting of the Mayor and Council at 8:33 PM