

**Pre-Council Meeting – Final
February 18, 2019
6:00 PM**

*Present: Mayor Max Bacon Tim Gould Andrea Blustein
Maryline Blackburn Derek Norton Charles “Corkey” Welch
Susan Wilkinson*

Absent: Ron Fennel

Also Present: Tammi Saddler Jones (City Administrator), Scott Andrews (Assistant City Administrator), Scott Cochran (City Attorney), Terri Graham (City Clerk), Ken Suddreth (Director of Community Development), Rusty Martin (Senior Planner), Tom Boland (Economic Development Manager), David Lee (Chief of Police), Christy Ullman (Executive Assistant to the Mayor and Council), and Tina M. Monaghan (Deputy City Clerk)

Mayor Max Bacon called the Pre-Council Meeting to Order at 6:00 PM.

City Administrator Report

City Administrator Tammi Saddler Jones stated that she was going to yield her time and asked City Attorney Scott Cochran to speak on the issue of gating the Smyrna Grove subdivision.

Mayor Bacon announced that Councilmember Ron Fennel was not going to make it to the meeting.

Mr. Cochran explained that he has been meeting with the head of the development company for Smyrna Grove about once a quarter and wanted to give the Mayor and Council a heads up about a potential upcoming variance. About six months ago, residents started pushing to get the community gated due to some crime in the area. There are currently 172 houses out of the 194 that are proposed to be there and they all would like to see gates. There are three entrances to the subdivision and the main entrance is off Windy Hill Road. Due to the type of bonds that were taken out by the City for the project, the roads are public, not private and therefore cannot be closed off. Upon its conception, the neighborhood was wrongly advertised as a gated community and at two of the entrances, fancy gates were built. The City made efforts to correct the mistake in advertising as soon as it was discovered. On top of the bond issues related to gating the community, there are also Police, Fire and Community Development issues that need to be taken into consideration.

The Mayor explained that this was once the sight of a troubled apartment complex that the City bought and tore down using a bond that will be paid off in time.

Councilmember Charles “Corkey” Welch asked for an update on how many units were sold or under construction. Director of Community Development Ken Suddreth answered that 172 units

sold with thirteen under contract and seventeen under construction. The average price per home has been \$333,000.00.

Ms. Wilkinson asked for more clarity regarding a statement made about not all entrances being gated. Mr. Cochran explained that all three entrances could not be closed off because the roads are public, and access is necessary due to tax exempt status on the bonds.

According to Mr. Cochran, the developers proposed keeping the gates open during the day and closing at night as an alternative.

Mayor Bacon asked if there was more than one entrance/exit to the neighborhood.

Mr. Suddreth explained that there are three entrances which are Old Concord, Windy Hill, and Benson Poole. In response to a question posed by Ms. Wilkinson he stated that the intended main entrance was Windy Hill, but the Old Concord entrance is probably the most used by residents.

Mr. Welch asked about the possibility of gating two of the entrances and adding a guard to the third entrance on Benson Poole. City Attorney Cochran said that as long as one of the entrances were left open, there shouldn't be a problem because the public could still access the road.

Ms. Wilkinson wanted to know if the roads would go from public to private if the community was gated. The answer was that due to the bonds that were taken out, the roads must remain public.

The Mayor asked if the status of the roads could be changed once the bonds were paid off. Mr. Cochran answered yes but that it would be some time before the bonds were paid off.

Ms. Wilkinson inquired about the crime in the neighborhood that was mentioned. Police Chief Lee explained that he has not seen a whole lot of calls out of Smyrna Grove but sometimes all it takes is one or two small complaints to spark concern.

Mayor Bacon said that he did not see a problem with allowing them to come forward with an application regarding the addition of gates.

Review of the Agenda for the February 18, 2019 Council Meeting

Mayor Bacon opened discussion of the evening's agenda with the variance application from the Woodbery Group. He hoped that everyone had driven by the site, so they had an idea of the area.

Councilmember Andrea Blustein mentioned how someone was trying to get the whole area from the Christmas tree lot to the church. There was an inquiry about putting a gas station there. Mr. Suddreth said that there had been multiple inquiries into those properties.

The Mayor said he would welcome redevelopment in that area on either side of the road. He then asked if everyone had a copy of the petition that was submitted.

Mr. Cochran reminded everyone that they needed to keep in mind the standard for variances that the City has in place.

Councilmember Norton expressed his concern that the church was appealing the Woodbery Group for building close to the property line even though they are just two feet off the line.

The Mayor asked City Clerk Terri Graham if an interpreter would be present. She said that one would be present at the meeting.

Councilmember Blackburn asked how long the church had been there. Mr. Suddreth stated that the church has been there at least six years and that the building was in existence when the property was annexed into the City back in the 90's.

Ms. Wilkinson noted that they bought the property that way. Mr. Suddreth said that the City allowed the building as non-conforming use when it was annexed.

Councilmember Gould stated that building the homes there would allow for an increase in property value.

Mr. Suddreth clarified that the property lines are diagonal so to get square at the road there is ten foot in the back but up to thirty feet in the front. The License and Variance Board imposed the condition that the end unit be soundproofed to further aid with the noise. The developer also said that once the hydrology report came back, he would see if the homes could be shifted further away from the church.

Mayor Bacon made mention of the nice look of the proposed units and how it would alter the entire look of the area toward the positive.

Ms. Blustein felt that the developer would be better off to go with four homes rather than five which would allow space between the church and the homes themselves.

Mr. Norton asked the City Attorney to clarify how the agenda item was to be handled. It was to be treated as a new hearing rather than an appeal. Council was to vote to approve or deny the variance.

The Mayor noted that 4B, C, and D were all the same property with a public hearing, annexation, and variance request.

Code Amendments 4E through 4I would be done all in one presentation and then voted upon separately per the Mayor. He also noted that the fencing item was removed from the agenda.

Several of the elected officials noted that they were contacted by the Marietta Daily Journal regarding the raise in sewer rates which made the front page of the paper.

Finance Director Kristin Robinson offered explanation for the rate changes. Marietta was also increasing their rates although their scale differs in that they bill per two thousand gallons rather than every 1000 gallons. Marietta will be charging \$8.04 and we were proposing \$8.10 to cover the rate increase as well as maintenance of infrastructure.

Ms. Blackburn felt that the increase was too drastic and unfair to residents.

Mayor Bacon pointed out that there had not been an increase in over seven years. He would rather have had the increase staggered but was happy to announce that the county would be willing to waive the first month. The increase was advertised in the paper and Marietta knew because they contact the county annually to see if there is an increase. It was suggested that the Smyrna contact the county on an annual basis as well. He went on to say that if the increase is approved, it needs to go out in the March bill. Ms. Robinson explained that the March bill covered February so if the increase goes on that bill, the city will be square.

Ms. Wilkinson did not feel comfortable putting the notice and increase on the same bill. She wanted to know more about how Marietta has handled the increase. Ms. Robinson answered her questions and explained that Smyrna charges per thousand gallons while Marietta charges for two thousand gallons whether it is used or not which punishes those that fall in the low usage category.

The Mayor asked Ms. Robinson about the sewer projects that are in line to be completed. She explained that there are many projects in line which makes the increase to support infrastructure necessary.

The discussion of sewer rates was left off with the request to get the rate information for Cobb County in case questions were asked about this at the meeting.

Since Mr. Fennel was absent Mr. Welch was asked by the Mayor to present the agenda items in his absence.

Mayor Bacon then read through the rest of the agenda and asked if anyone had any questions or concerns along the way.

The conversation then shifted back to the sewer rate increase. An estimate of a \$50,000 per month increase was noted. Cobb County charges \$6.04 outside the City limits and \$5.82 inside the City limits. The difference between the two rates comes from how stormwater is billed.

The Mayor expressed his disdain with the condition of the bus stop shelters throughout the City. They are not maintained and while he is in support of the public transit system, he feels that there needs to be accountability.

Ms. Wilkinson asked for clarification on the zoning amendment item which deals with repealing. She wanted to know if it meant completely getting rid of the information or just changing it. Mr.

Rusty Martin said that they intend to completely remove the notated items as they conflict with other areas of the zoning ordinance.

Mayor Bacon asked about the HAWK signal on South Cobb Drive and when it was going to be repaired. Ms. Tammi Saddler Jones stated that Frank Martin and Kevin Moore are working on getting the signal repaired. There was conversation about who would be responsible for the cost of the repairs. This was to be investigated further.

Assistant City Administrator Scott Andrews announced the Citizen's Academy meeting on March 12th at 6:00pm.

Ms. Blackburn spoke of the Sustainable group and how they were able to be a part of the NFL environmental material recovery program which allowed them to gather unused resources from the Superbowl and then donate them to other places that will be able to use them. This means that these items are going to good use rather than to the landfill. She wanted to recognize the group for the good that they did for the City.

Mayor Bacon adjourned the Pre-Council Meeting at 6:53 PM.