



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, November 16, 2015

7:30 PM

Council Chambers

Roll Call

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

Also Present: 8 - Mike L Jones, Scott Cochran, Terri Graham, Russell Martin, Ken Suddreth, Heather Corn, Dan Campbell and Scott Stokes

Call to Order

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

1. Invocation and Pledge:

The Invocation and Pledge of Allegiance was led by Ludger Boecken, from International Gospel Outreach Church.

2. Agenda Changes:

Mayor Bacon noted agenda changes for Item 4A and 4B which will be tabled to December 7, 2015.

3. Mayoral Report:

There were no items for discussion for the Mayoral Report.

4. Land Issues/Zonings/Annexations:

- 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. Tabled from November 16, 2015.

Sponsors: Anulewicz

A motion was made by Councilmember Teri Anulewicz to table 2015-166 Public Hearing - Zoning Request Z15-008 to December 7, 2015 for 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 Councilmember Ron Fennel. The motion carried by the following vote:

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

- 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 withdraw this item.

Sponsors: Anulewicz

A motion was made by Councilmember Teri Anulewicz to table 2015-261 Public Hearing - Zoning Request Z15-016 to December 7, 2015 for 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 Ron Fennel. The motion carried by the following vote:

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

- C.** Public Hearing - Zoning Request Z15-020 - Rezoning from R-15 to RAD-Conditional for the construction of four (4) single-family homes - 1.099 Acre Tract - Land Lot 560 - 1463 & 1471 Spring Street - Wilson Built Homes, LLC

Sponsors: Anulewicz

Mayor Bacon called the public hearing for this item and two people along with the applicant came forward and were sworn in by City Attorney Scott Cochran. Councilmember Teri Anulewicz asked Senior Planner Rusty Martin to give the background for this item.

Mr. Martin Stated this was zoning request Z15-020 for the rezoning from R-15 to RAD-Conditional for the construction of four (4) single-family homes on the 1.099 Acre Tract, Land Lot 560 located at 1463 & 1471 Spring Street by Wilson Built Homes, LLC.

Wilson Built Homes, LLC would be requesting a rezoning for the construction of four homes at a density of 3.64 units per acre. The two (2) existing homes will be demolished and four (4) new homes will be constructed facing Spring Street, Walker Court & Mimosa Circle. The Planning and Zoning Board heard the rezoning request at the October 12, 2015 meeting and recommended approval by a vote of 7-0. Site plans shown as were elevations and adjacent properties. Community Development recommends approval of the request rezoning from R-15 to RAD-Conditional for the construction of four (4) new single-family residences at a density of 3.64 units per acre with the following conditions:

Standard Conditions

(Requirement #1, 2, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not applicable)

· There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.

· 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.

- All utilities within the development shall be underground.
- 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.
- No debris may be buried on any lot or common area.
- 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.
- All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
- All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
- 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

- The development shall maintain the following setbacks:
 - Front - 25' (from the existing ROW)
 - Street Side - 25' (from the existing ROW)
 - Interior Side - 5'
 - Exterior Side - 10'
 - Rear - 15'
- Driveway - 22' minimum length from building face to back of sidewalk.
- The driveways on Walker Court and Mimosa shall not be closer than 50' to the curb on the Spring Street.
- Each home shall have a two-car garage with decorative garage doors.
- The development shall be developed with a minimum lot size of 9,166 square feet.
- The right-of-ways along Spring Street, Walker Court and Mimosa Circle shall be increased to 50 feet. Therefore, a dedication of approximately 10' feet is required along the right-of-ways of Mimosa Circle and Walker Court. A dedication of 5' is required along the right-of-way of Spring Street.
- 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 more than 25% hardy plank siding for any elevation facing these roads.
- Lots #1 & #3 shall have the front of the home facing Spring Street as shown on the Zoning Plan.
- All homes shall have usable front porches.
- The developer shall provide a 5' sidewalk with a 2' grass buffer along Spring Street, Walker Court and Mimosa Circle for the length of the development.
- 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.
- The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.
- The developer shall pipe the existing stormwater ditch that runs along the northern and eastern boundaries of the property. The City Engineer shall review and

approve all plans.

- The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

- 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 9/11/2015 created by Paul Lee Engineering Associates, Inc..

- The applicant shall be bound to the elevations submitted and dated 9/11/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.

Councilmember Charles "Corkey" Welch asked if there would be an onsite detention pond and Mr. Martin responded there would be an underground retention area that would be piped to the City's storm system.

Mr. Martin continued and stated there was a "ditch" at the rear of the property that the builder would be required to pipe to keep the water flowing that comes from Morris Circle.

There are currently some issues with water and the neighboring subdivision from this particular ditch.

Councilmember Wilkinson asked if there was a stormwater detention pond and Mr. Martin stated no.

Councilmember Anulewicz asked which pipes would be changed out and improved. Public Works Director Scott Stokes came to the mic and replied that they had put a camera in the pipes and did a video recording. There is a catch basin on Spring St. that wraps the corner to a junction box and the developer will have to replace that section as well as out to Mimosa. The water impact on existing homes will be mitigated with the addition of the storm sewer piping in the existing ditch. Part of the covenants for the new HOA will be the homeowners will be responsible to keep the ditch screen cleaned out and maintained.

Mr. Terry Wilson, the applicant for Wilson Built Homes, LLC. stated he was building 4 homes, two that would face Spring St., one facing Walker Court and one facing Mimosa.

He also said he spoke about the piping at the Planning and Zoning meeting as well and the system they used would reduce clogging dramatically.

Councilmember Anulewicz asked what kind of maintenance would be required or this system and Mark Lee, Engineer explained the system to the Mayor and Council. The screen for this system would be 6" x 6" squares to capture large debris. This is a stick prevention system not a large stick / log prevention.

Councilmember Wilkinson asked if there would be landscaping to camouflange the screen from the adjacent properties

Miss Jean, property owner from an adjacent property spoke and read a prepared statement regarding the water and the piping being discussed for the existing ditch. Mayor Bacon asked her if she was concerned the piping would cause more water to flow to her yard and home and she responded yes.

Ms. Judy Brison, adjacent property owner, remarked that the water comes from Roswell Street and Walker Street. Their current retention pond has some issues and the community has had to beg to have someone come and review it. The last homes Mr. Wilson built in the neighborhood were built up high to keep the water out.

Mayor Pro Tem Pritchett asked if it was a requirement to pipe the ditch. The response was yes it was a mutual agreement with the City. Mr. Stokes stated this was not really a ditch of any kind and there are multiple trees that need to be removed so the ditch could be reconstructed allowing the water to flow properly. He went on to state that what the builder is proposing will help tremendously.

Councilmember Anulewicz asked that if these homes were not being built would Mr. Stokes recommend piping this ditch and he responded yes.

Ms. Amy Shay of Mimosa Circle commented that the HOA needs to fix the existing

retention pond in the adjacent subdivision for the four existing homes on Mimosa. The engineer came out and decided the retention pond needed to be repaired to work properly. She asked if it was realistic to assume the new homeowners would routinely clean out the ditch and prevent the water from backing up. She thinks not because the water would not be flooding onto their properties or homes.

Mr. Martin was asked By Councilmember Pritchett if the HOA would maintain the ditch and he said they would be required to submit a retention facility maintenance agreement. He also said that to set the record straight, Hank Dudack did the infrastructure of the adjacent homes being discussed, Ryan Lock built the first two lots and Terry Wilson built the last two homes after purchasing those lots during the downturn.

Councilmember Anulewicz steered the conversation back to the current item and noted the HOA would be correcting the detention pond issues in the adjacent neighborhood and the new HOA would be required to clean the new ditch. These two things would help tremendously with the water runoff concerns.

A motion was made by Councilmember Teri Anulewicz to approve item 2015-356 for zoning request Z15-020 - Rezoning from R-15 to RAD-Conditional for the construction of four (4) single-family homes - 1.099 Acre Tract - Land Lot 560 - 1463 & 1471 Spring Street - Wilson Built Homes, LLC, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

5. Privilege Licenses:

There were no privilege licenses

6. Formal Business:

A. Approval of the recording of Official City Election Results for General Election of November 3, 2015

Sponsors: Anulewicz

City Clerk Terri Graham was called on by Interim City Administrator Mike Jones to provide the election results. Ms. Graham noted that the election was held November 3, 2015 and the results were: Mayor - Max Bacon, Ward 1 - Derek Norton, Ward 2 - Andrea Blustein, Ward 3 - Teri Anulewicz, Ward 4 - Charles (Corkey) Welch, Ward 5 - Susan Wilkinson, Ward 6 - Doug Stoner, Ward 7 - Ron Fennel.

A motion was made by Councilmember Teri Anulewicz to approve the recording of Official City Election Results for General Election of November 3, 2015, seconded by Councilmember Andrea Blustein. The motion carried by the following vote:

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

7. Commercial Building Permits:

8. Consent Agenda:

Councilmember Teri Anulewicz explained that the \$4.5 million dollar paving bid was

already approved when SPLOST was previously approved on the consent agenda. Includes some 2011 SPLOST and will additionally include 2016 SPLOST.

A motion was made by Councilmember Ron Fennel to approve the Consent Agenda as read aloud, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

A. Approval of the November 2, 2015 Mayor and Council meeting minutes

Sponsors: City Council

B. Award RFP 16-012 Fire Systems Inspections/Maintenance to the lowest bidder All-Star Fire for \$62,743.00 and authorize the Mayor to execute any related documents.

Sponsors: Welch

C. Award RFP 16-017 Spring Road Widening to the lowest bidder Baldwin Paving Company for the Base Bid amount of \$4,557,598.79 and authorize the Mayor to execute any related documents.

Sponsors: Pritchett

D. Approval and adoption of amendments to the Defined Benefit Plan and authorize Mayor to execute related documents

Sponsors: Lnenicka

9. Committee Reports:

WARD 1 Mayor Pro Tem, Melleny Pritchett spoke about the work to be done from Bell Drive to Cobb Parkway and noted that just the road no lights or synchronization would be worked on or replaced.

WARD 2 Councilmember Andrea Blustein wished everyone a lovely Thanksgiving holiday.

WARD 3 Councilmember Teri Anulewicz remarked about the holiday lights going up around Market Village.

WARD 4 Councilmember Corkey Welch said Santa was coming to town and he thanked voters for their votes and the overall turnout on Election Day. He is proud to continue to serve.

WARD 5 Councilmember Susan Wilkinson gave the information for the December 1 Home for the Holidays event in Market Village. It would be held from 5:00pm – 8:00pm. There was also a new event this year, performed by the international school of ballet. They would be doing Nutcracker highlights at Campbell High School Theatre. She too thanked those that voted.

WARD 6 Councilmember Wade Lnenicka enjoyed being part of the Veterans Day

ceremony on Nov. 11. He remarked that this was the most successful event with approximately 500 people in attendance. The school bands and choral group that participated were great as well. He also attended the military appreciation luncheon at Cobb Galleria Center. He noted that as of last week, Emory has begun operating the hospital at the Adventist Site. He reiterated that they had preserved the certificate of need. He mentioned that they do not have walk in capabilities. And finally he extended prayers out to the people in Paris France. He said this is a difficult world we live in.

WARD 7 Councilmember Ron Fennel extended his appreciation for being reelected. He is grateful to work with such great leadership team and superb staff. He is however, disappointed in the voter turnout. Relative to Public Safety, as seen in the news recently in regards to the terrorist attacks how important Public Safety is and we are blessed with a first class staff across the board.

10. Show Cause Hearings:

There were no Show Cause Hearings

11. Citizen Input:

There was no Citizen Input.

12. Adjournment:

8:39 PM

Mayor Max Bacon adjourned the meetin of the Mayor and Council at 8:39 PM