



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, February 4, 2019

7:00 PM

Council Chambers

Roll Call

Present: 8 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Ron Fennel

Also Present: 7 - Scott Andrews, Scott Cochran, Terri Graham, Ken Suddreth, Joey Staubes, Ashley Youmans and Janet Liberman

Call to Order

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

1. Invocation and Pledge:

The invocation was given by Pastor Richard L. Bush of Mt. Zion Baptist Church, located at 1789 Hawthorne Ave.

Mayor Bacon informed all that Boy Scout Troop 61 was present and they led all in the Pledge of Allegiance.

Scout Master Randy Thomason came up to the podium and offered a little explanation about why the scouts were in attendance which was to meet the requirements to receive a citizen badge.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

A. [2019-31](#) Proclamation in Recognition of Black History Month

Sponsors: Blackburn

Councilmember Maryline Blackburn read the proclamation aloud and presented it to Pastor Leela Waller of King Chapel AMC Church.

B. [2019-30](#) Performance by The Spiritual Aires in honor of Black History Month

Mayor Bacon introduced The Spiritual Aires. As a tradition for many years they performed in honor of Black History Month.

C. [2019-10](#) 2019 Arbor Day Proclamation

Sponsors: Welch

Councilmember Welch read aloud the City of Smyrna Arbor Day Proclamation. He presented the proclamation to Keep Smyrna Beautiful Director Janet Liberman and then photos were taken.

Ms. Liberman talked about the Arbor Day Celebration which will take place at North Cooper Lake Park on Saturday, February 16, 2019 at 10:00am. She invited everyone to attend.

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

A. [V18-072](#) **Public Hearing** - Appeal the denial by the License and Variance Board for variance request - V18-072 - Allow second accessory structure for single family residence - Land Lot 335 - 0.44 acres - 4115 N Cooper Lake Road - Cynthia Thomas

Sponsors: Welch

Mayor Bacon explained that the public hearing for agenda items 4A and 4B will be combined since they are both related to the same property.

Assistant City Administrator Scott Andrews summarized the history pertaining to this agenda item. Ms. Cynthia Thomas was requesting a variance for a second accessory structure and to reduce the side setback for the accessory structure. The applicant was requesting an additional accessory structure within the rear yard to provide shelter for chickens. The License and Variance Board held a public hearing for Variance V18-072 on December 12, 2018 and the Board denied the request by a vote of 3 - 0. Ms. Thomas filed an appeal letter on December 14, 2018 to appeal the decision of the License and Variance Board. Notice of the appeal has been posted for a public hearing for Mayor and Council to hear the appeal February 4, 2019.

The Mayor opened the public hearing and asked those that wish to speak to come forward to be sworn in by the City Attorney. Six people were sworn in including the applicant.

Councilmember Charles "Corkey" Welch asked Mr. Ken Suddreth to come forward to present more information on the appeal.

Mr. Suddreth commented that the flag for being a Tree City for sixteen years came in earlier the day of the meeting.

He then moved on to speak about the property at 4115 North Cooper Lake Road. The applicant had requested a variance for a second accessory structure and to reduce the side setback for the accessory structure. The property is occupied by an existing single-family home and an accessory structure used for storage. The applicant had requested an additional accessory structure within the rear yard to provide shelter for chickens. Section 501 controls the maximum number of accessory Structures and Section 801 controls setbacks for residential property. The subject property is occupied by a single-family home and 16 ft. by 16 ft. free standing accessory structure. The applicant is proposing to construct an additional 16 ft. by 16 ft. accessory structure to provide shelter for chickens in the rear yard. The new accessory structure complies with the rear setback requirement of 5 feet; however, a reduction of

the Side setback from 10 feet to 3 feet is required on the northern side. The subject property has a chain link fence around the side and rear of the property. The northern side of the property is adjacent to the entrance to Park Place subdivision which contains recent planted trees and wooden privacy fence. The accessory structure therefore should be adequately screened from adjacent properties. This request is associated with V18-073. On December 12, 2018 the motion to deny carried by a vote of 3 - 0 to deny the request. Ms. Thomas filed an appeal letter on December 14, 2018 to appeal the decision of the License and Variance Board. Notice of the appeal has been posted for a public hearing for Mayor and Council to hear the appeal on February 4, 2019.

Mayor Bacon asked the applicant, Ms. Cynthia Thomas to come forward and speak.

Ms. Thomas stated that she didn't know about the setbacks that did not allow the green house or chicken coop. She intended to build a structure that would house her four chickens as well as a green house to enable her to garden year round.

Mr. Welch asked about the current height of the structure and Ms. Thomas brought forth drawings for the Council to review. She said she was willing to reduce the seven foot height.

Ms. Blackburn inquired who was constructing the structure. Ms. Thomas said that someone was building it for her and they were not from the City of Smyrna.

Mr. Welch wanted to know about the flooring of the structure as well as the outside materials that would be used. The applicant stated that it would have a wood floor with unpainted pressure treated wood on the outside but was willing to change it to glass.

In order to have more clarity, Councilmember Welch described the roof as he saw it on the drawings and that it seemed that glass was being used on one side. The person present with the applicant explained that the portion with the glass roof would be for the green house and the other part is to house the four chickens. The clear material being used on the structure will be a translucent fiberglass that can be purchased at Home Depot.

Mayor Bacon asked the gentleman to introduce himself. He said his name was Frank and he currently resides in Mableton but helps Ms. Thomas out around her house and property.

Councilmember Fennel asked Ms. Thomas if the size or height of the structure could be adjusted and if she was willing to move the building. She was willing to move it and adjust the height.

Mr. Welch asked if the structure could be moved. Ms. Thomas said that while it has a wood floor it is concreted down.

Councilmember Wilkinson asked to see the drawing that the applicant provided.

Councilmember Gould thanked Ms. Thomas for coming and asked if she would consider attaching the structure to the original accessory structure on the property. She said she would have to take it completely down and the contractor said he can't move the entire structure without a great deal of cost.

Mayor Bacon asked anyone wanting to speak to please come forward.

Andres Sandate of 400 Downfield Way located directly behind Ms. Thomas's residence came forward to speak. He cited a section from the Zoning Ordinance which stated surrounding property owners can receive notification. He then went on to cite the hardship clause which he said was created by the property owner herself.

Mr. Welch asked Mr. Sandate what his concerns were regarding the structure. He said it is the visibility as well as it's proximity to the fence.

Mayor Bacon asked Mr. Sandate if the existing accessory structure could be seen from his house to which he responded that it was visible from every floor of his home.

Ms. Thomas was asked how much shorter she could make the structure so that it would still be functional by Mr. Welch. She stated that she can remove it from the foundation. Mr. Frank said the structure is currently about twelve inches from the ground.

Mr. Jim Atria of 417 Downfield Way came forward to speak. He asked that the item be tabled so that all the neighbors can see the new documentation and have an idea of what is being proposed. He stated that they have no problems with the chickens. The problem that the neighbors have is with the size of the building that Ms. Thomas wanted to build.

Mr. Fennel thanked Mr. Atria for his input and asked for his thoughts on whether the size of the building would be a problem if it was moved to a compliant setback. Mr. Atria felt that more than one accessory structure of that height is too much and that if she would like to build a chicken coup that is six feet or less that wouldn't be a problem. He again respectfully asked that the item be tabled, and the paperwork resubmitted for review.

Councilmember Welch asked City Attorney Scott Cochran how long Ms. Thomas would have to wait to reapply for the variance if Council upheld the denial. Mr. Cochran stated that it would be one year from the date of the application.

Mr. Gould wanted to know if she could add onto the existing structure without a variance. Mr. Cochran said it would depend on the size and final design of the addition. If the variance were to be changed and resubmitted it would still require the year before anything further could be done.

Mayor Bacon asked if anyone else wanted to come forward to speak.

Ms. Thomas asked to speak one more time. She stated that she really wanted a green house where she can garden year-round.

Mr. Frank said that he felt that looking into someone else's yard was not right and pled with the Mayor and Council for a 10x10 foot building 8 feet from the existing fence that would be placed on concrete platforms.

Mayor Bacon clarified that it is not the view as much as it was the second accessory building which is not allowed as well as the close proximity to the property line. Ms. Thomas stated that the first building was already there when she purchased the property and should not count.

Ms. Blackburn reiterated that she asked if the contractor didn't have knowledge of

what the setback rules are. Ms. Thomas stated that the contractor did not know about the rules for Smyrna since he was not from Smyrna.

Councilmember Blackburn asked City Attorney Cochran if it could be approved with conditions to which he responded yes.

Mr. Fennel wanted to clarify things with the applicant and her friend. He said that he is a huge defender of personal property rights, but the problem is that the structure was already started and it was not compliant with current codes which was why it was denied at the License and Variance Hearing. The goal is to find a solution that makes everyone happy and that complies with the rules and regulations.

Mr. Sandate asked for clarity on what the considerations before the Council were. He stated that he doesn't care about the chickens but that he feels that he should have received documentation as an abutting neighbor. He wants the letter of the law to be followed.

Mayor Bacon closed the public hearing.

Mr. Welch apologized to Ms. Thomas that things had gone the way that they had but stated that it all could have been avoided if the contractor would have done their job in the beginning and applied for the proper permits and variances.

Councilmember Charles "Corkey" Welch made a motion to deny the appeal made by Cynthia Thomas and uphold the denial by the License and Variance Board for variance request - V18-072 to allow a second accessory structure for single family residence - Land Lot 335 - 0.44 acres - 4115 N Cooper Lake Road. Councilmember Derek Norton made a second to the motion.

The motion to deny the appeal and uphold the decision of the License and Variance Board carried by the following vote:

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

Nay: 1 - Councilmember Blackburn

B. [V18-073](#)

Public Hearing - Appeal the denial by the License and Variance Board for Variance Request - V18-073 - Allow side setback reduction from 10 feet to 3 feet for additional accessory structure - Land Lot 335 - 0.44 acres - 4115 N Cooper Lake Road - Cynthia Thomas

Sponsors: Welch

Mayor Bacon combined the public hearings for agenda items 4A and 4B since they were related to the same property. Please see the action notes attached to 4A for further information.

Councilmember Charles "Corkey" Welch made a motion to deny the appeal by Cynthia Thomas by upholding the denial of the License and Variance Board for Variance Request - V18-073 to allow side setback reduction from 10 feet to 3 feet for additional accessory structure - Land Lot 335 - 0.44 acres located at 4115 N Cooper Lake Road. There was a second to the motion made by Councilmember Derek Norton.

The motion to deny the appeal and uphold the denial of the License and Variance Board carried as follows:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

A. [2019-34](#)

Approval to award RFP 19-014 to the fourth lowest and only bidder to meet all specifications of the RFP to Lockstep Technology Group, 4550 River Green Pkwy, Suite 120, Duluth, GA 30096, for the replacement of the City's Storage Area Network for the amount of \$202,044, which is within the approved CIP budgeted amount, and to authorize the Mayor to sign any required documents.

Sponsors: Fennel

Mr. Andrews provided the background information for this agenda item. Currently the City utilizes a Storage Area Network (SAN) to provide data storage and disk space for our two Microsoft Hyper-V virtual server clusters. The SAN is composed of 6 individual units, that were purchase in pairs over time as needs grew. The two oldest units are no longer supported by the manufacturer and the data is a risk if third party support is discontinued. The equipment in this RFP would replace all six units with two new more capable units. Only one response met all the requirements of the RFP, the fourth lowest bidder Lockstep Technology Group.

Mr. Fennel stated that there were seven total bidders for the RFP but the only one to meet all the specifications was Lockstep Technology Group of Duluth, Georgia.

A motion was made by Councilmember Ron Fennel to approve 2019-34 to award RFP 19-014 to the fourth lowest and only bidder to meet all specifications of the RFP to Lockstep Technology Group, 4550 River Green Pkwy, Suite 120, Duluth, GA 30096, for the replacement of the City's Storage Area Network for the amount of \$202,044, which is within the approved CIP budgeted amount, and to authorize the Mayor to sign any required documents. There was a second by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

B. [2019-35](#)

Approve the IT Policy Manual and Adopt it as an official City policy.

Sponsors: Fennel

A summary of the background information was presented to Council by Assistant City Administrator Andrews. The IT Director with the help of the IT Team has developed a comprehensive IT Policy Manual. The IT department has been following these policies without formal adoption by the City Council. Council is being asked to formalize a forty page document that does complement the HR policies already in place.

A motion was made by Councilmember Ron Fennel to approve 2019-35 for the IT Policy Manual and Adopt it as an official City policy. A second was made by

Councilmember Charles "Corkey" Welch.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

C. [2019-38](#)

Approval of Ward 6 Appointment to the Planning and Zoning Board, Michael Seagraves, to fulfill term to expire December 2019

Sponsors: Gould

Councilmember Tim Gould explained that the vacancy was a result of the recent passing of long time Ward 6 Planning and Zoning Boardmember Denny Campo. The nominee, Mr. Michael Seagraves had served on the Planning and Zoning Commission in the past and will serve the remainder of Mr. Campos term which expires December 2019.

A motion was made by Councilmember Tim Gould to approve Michael Seagraves as the Ward 6 appointment to the Planning and Zoning Board, to fulfill the term to expire December 2019. Councilmember Maryline Blackburn made a second to the motion. The motion to approve carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

7. **Commercial Building Permits:**

There were no commercial building permits.

8. **Consent Agenda:**

Assistant City Administrator Scott Andrews read aloud the consent agenda.

A motion was made by Councilmember Tim Gould to approve the consent agenda as read aloud by Assistant City Administrator Scott Andrews; a second was made by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

A. [2019-29](#)

Approval of the January 22, 2019 Mayor and Council Meeting Minutes

B. [2019-32](#)

Approval of the January 22, 2019 Pre-Council Meeting Minutes

C. [2019-27](#)

Approval of the January 17, 2019 Committee of the Whole Meeting Minutes

9. **Committee Reports:**

Ms. Maryline Blackburn sent her condolences out to the family of Ms. Mary Lou Jones Tuck who recently passed away. She also acknowledged some of those in attendance

including Pastor Waller, Pastor Morrison, and Representative Eric Allen. Ms. Blackburn welcomed new employees of the City.

Mr. Charles "Corkey" Welch invited everyone to come out to North Cooper Lake Park on February 16, 2019 at 10:00am for an Arbor Day Celebration. There will also be an opportunity to sign up for a plot in the Community Garden at the event.

Ms. Susan Wilkinson announced a lecture that will be hosted by the library on Sunday, February 10, 2019 at 3:00pm in the meeting room. The topic of the upcoming lecture will be Mr. Tunis Campbell who was the highest ranking African American politician in 18th Century Georgia.

Mr. Tim Gould announced that Campbell High School IB Booster Club recently raised over \$100,000 for the school. He thanked everyone that worked so hard to raise the money which benefits the entire school.

Mr. Ron Fennel summarized the recent Finance Committee Meeting that took place on Thursday, January 31st. He invited everyone to visit the website for more details on the budget and finances of the City. A public hearing for input on the Fiscal Year 2020 Budget will take place on Monday, February 11, 2019, 6:30pm at the Community Center. Mr. Fennel also mentioned that there was recently a number of promotions and awards given to the Police Department. He concluded his report by speaking of the recently retired GBI (Georgia Bureau of Investigation) Director, Mr. Vernon Keenan and announced that Mr. Vic Reynolds from Cobb County will become the new director.

Mr. Scott Andrews offered his thoughts and prayers to several staff members who recently lost loved ones. Condolences to City Administrator Tammi Saddler Jones, Library Director Mary Moore, and Public Works Director Frank Martin.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Pastor Leela Waller of King Chapel AME Church, 2600 Davenport Street, signed up to speak about Black History. She attended the Meet and Greet for Peace event that the City sponsored some months back and was very impressed. Ms. Waller appreciates all that the City has planned for Black History Month but wanted to come to stand in support of the upcoming Black Heritage Celebration that will take place on February 23, 2019. She looks forward to highlighting the diversity of the City and would like to see the Council find further ways to support unity. She wanted to put on record that she was in support of the upcoming Black Heritage Celebration and that she serves as the Committee Chair for the Religious Affairs for the Cobb County NAACP.

Ms. Jackie Chan thanked Mayor and Council for allowing her the opportunity to speak. She feels it is important to embrace and celebrate the diversity of the community. Ms. Chan invited everyone to attend the Black Heritage Celebration that will take place on February 23rd beginning at noon.

12. Adjournment:

The meeting of the Mayor and Council was adjourned by Mayor A. Max Bacon at 8:16 PM.