



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

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Monday, August 21, 2017

7:00 PM

Council Chambers

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### Roll Call

**Present:** 7 - Mayor Max Bacon, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Doug Stoner and Councilmember Ron Fennel

**Absent:** 1 - Councilmember Derek Norton

**Also Present:** 8 - Scott Cochran, Tammi Saddler Jones, Terri Graham, Ken Suddreth, Ashley Youmans, Dat Luu, Heather Corn and Davi Santos

### Call to Order

Mayor Max Bacon called the meeting of the Mayor and Council for August 21, 2017 to order at 7:00PM.

#### 1. Invocation and Pledge:

Associate Pastor Ken Wagner of Life Church Smyrna Assembly of God (4100 King Springs Rd) gave the invocation and led all in the Pledge of Allegiance.

#### 2. Agenda Changes:

*Mayor Bacon noted that Councilmember Derek Norton was on vacation.*

#### 3. Mayoral Report:

There was no Mayoral Report.

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

- A. Public Hearing** - Zoning Request Z17-017 - Zoning Amendment to modify the currently approved site plan - 1.69 Acres - Land Lot 810 - 2528 & 2550 Spring Road - City of Smyrna, Georgia

**Sponsors:** Blustein

*City Administrator Tammi Saddler Jones read the following background for this item: This item is a zoning request (Z17-017) for the zoning amendment to modify the currently approved site plan on 1.69 Acres, Land Lot 810 located at 2528 & 2550 Spring Road.*

*The zoning of the property binds the property to a specific site plan, which was approved by the Mayor and Council on July 18, 2011. Since the original rezoning in 2011, the city has completed a road improvement project along Spring Road, which required the acquisition of right-of-way to complete roadway improvements along the*

frontage of RaceTrac's property. The purpose of the zoning amendment is to update the approved zoning plan with a new zoning plan that shows all road improvements and removes any non-conforming issues created by the road project.

The subject property was rezoned by the Mayor and Council from GC to GC-Conditional for the redevelopment of the site for a RaceTrac convenience store on July 18, 2011 by a vote of 7-0 (Zoning Case Z11-003).

Community Development Director Ken Suddreth was invited to the podium and spoke further about this item, showing a short power point that detailed the following:

The Zoning Map

The Currently Approved Site Plan

The Setbacks

The Proposed Site Plan

Community Development recommends approval of proposed zoning amendment with conditions carried over from Z11-003 with changes noted in red for the presentation and in italics for the official City Minutes.

(1) The composition of the commercial buildings in the development shall include a mixture of elements including; but not limited to: brick and stone. No elevation shall be comprised of 100 percent hardy plank siding.

(2) The retention/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 ten percent (10%) reduction in a 2-year to 100-year storm event. The city engineer shall approve all plans.

(3) All utilities within the development shall be underground.

(4) 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 development and outside the development adjacent to any public right-of-way consistent with city's requirements for the extent of the development.

(5) No debris may be buried on any lot or common area.

(6) 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 through the use of "full-cutoff lighting".

(7) The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.

(8) All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect.

(9) All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

(10) The parking lot shall provide both landscape islands at the terminus of each row and one (1) landscape island every 10th parking space (except as identified on the zoning plan submitted (deleted 7/1/2011) 8/15/2017 created by RaceTrac). Each landscape island shall provide a tree with a minimum caliper of 4".

(11) Outside temporary sales and displays will only be located on the sidewalk in front of the store that is adjacent to the building.

(12) Dumpsters shall be enclosed with a minimum of six (6) foot high enclosure consistent with architectural style and composition of the main commercial building on three (3) sides with an opaque wooden door. The access side shall remain in a closed position except when the dumpster is being emptied. All dumpsters shall have rubber lids to minimize noise. Where dumpster enclosures are visible from the right-of-way, evergreen landscaping shall be used to mask the presence of the structure. Said evergreen landscaping shall be deemed adequate by the Community Development Director or his/her designee.

(13) (deleted all) All existing nonconforming freestanding signs shall be removed within

90 days of final approval of the rezoning by the Mayor and Council.

(14) There shall be no exterior pay phones provided on site. If the applicant decides to provide pay phones; these phones must be provided within the convenience store.

(15) The applicant shall comply with the City's current sign ordinance.

(16) The property shall be regraded and brought down to the same elevation of the Spring Road. All grading plans are subject to the approval of the City Engineer.

(17) The approval of the rezoning to the subject property shall be in substantial conformity to the site plan submitted on (deleted- July 1, 2011) 8/15/2017 dated (deleted- June 29, 2011) 6/20/2017 and created by RaceTrac.

(18) The architectural style, composition and treatment of the building and canopies shall be in substantial conformity to the rendering/elevation submitted on July 1, 2011. However, should minor modifications be required during the Plan Review process, said modifications shall be subject to the review and approval of the Director of Community Development.

(19) The applicant shall work with the City Arborist/Landscape Architect during plan review to provide additional trees along the eastern and western (within the proposed landscape island) property lines, as well as provided additional shrubbery and trees in the plaza area along the proposed retaining walls. All additional planting and modifications shall be subject to the review and approval of the Director of Community Development.

(20) The additional eleven (11) stipulations agreed upon by the applicant in the letter submitted and dated on July 1, 2011 by the applicant with the omission of stipulations #3 (signage) and #7 (tree replacement plan) as described in the letter. Stipulations #3 and #7 do not meet the requirements and intent of the sign and tree ordinances. If there should be a discrepancy between the stipulations in the July 1, 2011 letter and the stipulations stated above, the stipulations stated above shall apply.

There were no questions from the Council for Mr. Suddreth.

Mayor Bacon called the Public Hearing and no one came forward to speak in opposition to or to make comments regarding this item.

A motion was made by Councilmember Andrea Blustein to approve item 2017-324 for a zoning request (Z17-017) for the zoning amendment to modify the currently approved site plan on 1.69 Acres, Land Lot 810 located at 2528 & 2550 Spring Road, seconded by Mayor Pro Tem / Councilmember Teri Anulewicz.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Norton

## 5. Privilege Licenses:

- A. Public Hearing - Privilege License Request 2017-277 - Beer, Wine, Liquor Pouring- 2524 Cobb Parkway - Chen Group dba The Juicy Crab with Shuying Chen as agent.

**Sponsors:** Blustein

City Administrator Tammi Saddler Jones read the following background for this item: This item is a privilege license request (2017-277) for Beer, Wine, Liquor Pouring located at 2524 Cobb Parkway by the Chen Group dba The Juicy Crab with Shuying Chen as agent.

*This is a new application for privilege licenses for Chen Group Inc. dba The Juicy Crab for the sale of beer, wine, and liquor (retail pouring).*

*Shuying Chen will be the registered agent, responsible for the sale of alcohol at the referenced location. Ms. Chen 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. Shuying Chen has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Approval of privilege licenses for the sale of beer, wine, and liquor (retail pouring) for Chen Group Inc. dba The Juicy Crab with Shuying Chen as the registered agent.*

*Mayor Bacon called the Public Hearing and no one came forward to speak in opposition to or to make comment about this item.*

*City Attorney Scott Cochran swore in the applicant.*

*Councilmember Andrea Blustein asked if the applicant had any questions. Ms. Chen replied through her son who interpreted for her that she had no questions.*

*Councilmember Fennel asked the applicant if she understood about the Smyrna Police Department performing random compliance checks.*

*A motion was made by Councilmember Andrea Blustein to approve item 2017-277 for a privilege license request (2017-277) for Beer, Wine, Liquor Pouring located at 2524 Cobb Parkway by the Chen Group dba The Juicy Crab with Shuying Chen as agent; seconded by Councilmember Ron Fennel.*

*The motion carried by the following vote:*

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Norton

**B. Public Hearing - Privilege License Request LIC 2017-298 - Beer, Wine Pouring - 1405 Spring Road - Williams Food Group LLC dba Newk's Eatery with Donald Scott Harris, Jr. as agent.**

**Sponsors:** Anulewicz

*City Administrator Tammi Saddler Jones read the following background for this item: This item is for a privilege license request LIC 2017-298 for Beer, Wine Pouring located at 1405 Spring Road by the applicant Williams Food Group LLC dba Newk's Eatery with Donald Scott Harris, Jr. as agent.*

*This is a new application for privilege licenses for Williams Food Group LLC dba Newk's Eatery for the sale of beer and wine (retail pouring).*

*Donald Scott Harris, Jr. will be the registered agent, responsible for the sale of alcohol at the referenced location. Donald Scott Harris, Jr. 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. Donald Scott Harris, Jr. has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Approval of privilege licenses for the sale of beer and Stache wine (retail pouring) for Williams Food Group LLC dba Newk's Eatery with Donald Scott Harris, Jr. as the registered agent.*

*Mayor Bacon called the public hearing and no one came forward to speak in opposition*

*to or to make comment regarding this item.*

*Attorney Scott Cochran swore the applicant in for comment.*

*Mayor Pro tem / Councilmember Teri Anulewicz noted that this is one of the new restaurants in Jonquil Plaza and this is the store that will face Zaxby's on Spring Road. The applicant gave some background regarding the franchise and stated they expected to be open sometime in November barring any construction delays.*

A motion was made by Mayor Pro Tem / Councilmember Teri Anulewicz to approve item 2017-298 for a privilege license request (LIC 2017-298) for Beer, Wine Pouring located at 1405 Spring Road by the applicant Williams Food Group LLC dba Newk's Eatery with Donald Scott Harris, Jr. as agent; seconded by Councilmember Doug Stoner.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Norton

## **6. Formal Business:**

- A.** Approval to enter into an Inter-Governmental Agreement to perform functions related to emergency call answering for the City of Powder Springs, GA and authorize the Mayor to sign and execute all related documents

**Sponsors:** Blustein

*City Administrator Tammi Saddler-Jones read the following background for this item: This item is for the approval to enter into an Inter-Governmental Agreement to perform functions related to emergency call answering for the City of Powder Springs, GA and authorize the Mayor to sign and execute all related documents*

*The City of Powder Springs, GA has requested that the City of Smyrna, GA begin answering emergency calls for their City in consideration of Smyrna hosting records management software for Powder Springs. An agreement has been vetted by both agencies and legal departments of each jurisdiction and a final agreement attached herein.*

*The City of Smyrna has under its control a multi-jurisdictional records management system. The City of Powder Springs wishes to join this system and, in consideration of this venture, has offered for Smyrna to collect the E-911 remittance fees of Powder Springs and to form the Smyrna/Powder Springs 9-1-1 Advisory Board to ensure the interest of both jurisdictions are protected. By agreement, Smyrna has agreed to provide Powder Springs with Emergency Call Answering Services for the purpose of receiving and dispatching emergency calls.*

*The Chief of Police and staff recommend approval.*

A motion was made by Councilmember Andrea Blustein to approve item 2017-312 for the approval to enter into an Inter-Governmental Agreement to perform functions related to emergency call answering for the City of Powder Springs, GA and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Ron Fennel.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Norton

**B.**

Approval of Resolution 2017-15 in Support of the City's participation in the Great Promise Partnership program, with a Memorandum of Understanding (MOU) and authorize the Mayor to sign all related documents.

**Sponsors:** Fennel

*City Administrator Tammi Saddler-Jones read the following background for this item: This is for the approval of Resolution 2017-15 in Support of the City's participation in the Great Promise Partnership program, with a Memorandum of Understanding (MOU) and authorize the Mayor to sign all related documents.*

*This resolution would declare the Mayor and Council's formal support for the City's participation in the Great Promise Partnership program. This resolution will affirm the City's collaboration with Campbell High School and the Smyrna Business Association to strengthen the City's participation in the program. The MOU outlines what the City's responsibilities will be and the responsibilities of Great Promise Partnership (GPP). The city will allow students in high school to receive opportunities to gain workplace experience and mentoring through paid employment with local government and local businesses.*

*The Great Promise Partnership program became a completely independent non-profit in July 2017. The Great Promise Partnership allows students in high school to receive opportunities to gain workplace experience and mentoring through paid employment with local government and local businesses. Engaging with the Great Promise Partnership also offers employers an opportunity to address the critical needs of recruiting and developing the next generation of workforce talent.*

*Staff and Administration recommend approval.*

*Councilmember Ron Fennel noted Special Projects Coordinator Maxwell Ruppensburg had spearheaded this item.*

A motion was made by Councilmember Fennel to approve item RES2017-15 for the approval of Resolution 2017-15 in Support of the City's participation in the Great Promise Partnership program, with a Memorandum of Understanding (MOU) and authorize the Mayor to sign all related documents, seconded by Councilmember Doug Stoner.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Norton

**7. Commercial Building Permits:**

There were no Commercial Building Permits.

**8. Consent Agenda:**

*City Administrator Tammi Saddler-Jones read the consent agenda aloud for Council approval.*

A motion was made by Mayor pro tem / Councilmember Teri Anulewicz to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones, seconded by Charles (Corkey) Welch.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**Absent:** 1 - Councilmember Norton

- A.** Approval of the August 7, 2017 Mayor and Council Meeting Minutes
- B.** Approval of the August 7, 2017 Pre Council Meeting Minutes
- C.** Approval of the Committee of the Whole Meeting Minutes for August 3, 2017.  
Sponsors: City Council
- D.** Authorization for Smyrna Fire Department Data Management software - ImageTrend, Inc. in the amount of \$45,050.00. This was approved within the FY18 CIP fund.  
Sponsors: Blustein
- E.** Authorize Atkins Park (Tavern) Restaurant & Bar to operate a beer trailer or station at the Taste of Smyrna event September 16, 2017, operating during the hours of 11:00 a.m. to 8:00 p.m. - at the assigned location, on sidewalk, on King Street (closed street, within the event space), at the intersection of King St. and West Spring St. This is a City of Smyrna approved event.  
Sponsors: Anulewicz
- F.** Authorize Atkins Park Tavern to operate a beer/wine/specialty one-item cocktail station, beyond the boundaries of the premises (of Atkins Park Tavern) covered by the license, at the Star 94 "Woofstock" event in the downtown area Saturday, September 30, 2017 (11:00 a.m. until 6:00 p.m.) and Sunday, October 1, 2017 (11:00 a.m. until 7:00 p.m.) - at an assigned vendor space within the approved event. The exact location is within the food service area for the event/festival, on Village Green Circle, near the intersection of Atlanta Road and Village Green Circle. Village Green Circle will be closed for the duration of the two-day festival.  
Sponsors: Anulewicz
- G.** Authorize permit for Atkins Park (Tavern) Restaurant & Bar to operate a beer trailer or station at the Fall Jonquil Festival October 28, 2017 (10:00

a.m. - 6:00 p.m.) & October 29, 2017 (12:00 p.m. - 5:00 p.m.) - at the assigned location on pavers (sidewalk), along the closed street (King Street), at the intersection of King Street and West Spring Street, this is a City of Smyrna annual event.

**Sponsors:** Anulewicz

- H. Approval to allow road closures for the Smyrna Village 5K and 10K road race on November 18, 2017 from 7:45 - 10:00 AM. The 5K run will begin and end at Village Green Cir, turning right on Atlanta Rd, continuing on Atlanta Rd to turnaround point on Rondak Cir, and return on Atlanta Road to Village Green Cir. The 10K run will begin and end at Village Green Cir, continuing on Atlanta Rd to turnaround point at Monhegan Way, and return on Atlanta Rd to Village Green Cir. Road closures include the barricaded areas on each of the following roads: Powder Springs St, Village Green Cir, W Spring St, King St and Memorial Pl. **Officers will direct traffic at Atlanta Rd intersections** with Church St, Spring Rd, Concord Rd, Collier Dr, Brawner Hall, Brawner Park, Millwood Trl, Creatwood Trl, New Haven Ct, Villa Ct, Vintage Cir, Rondak Cir, Belridge Dr and Ridge Rd.

**Sponsors:** Blustein

- I. Approval to allow road closures for the Smyrna Public Safety Foundation to hold a 5K road race September 4, 2017 from 8:00- 9:30 AM to benefit the programs of Smyrna Pubic Safety Foundation and Smyrna Optimist Club. Road closures include the barricaded areas on each of the following roads: Powder Springs St, Village Green Cir, W Spring St, King St and Memorial Pl. **Officers will direct traffic at Atlanta Rd intersections** with Church St, Spring Rd, Concord Rd, Collier Dr, Brawner Hall, Brawner Park, Millwood Trl, Creatwood Trl, New Haven Ct, Villa Ct, Vintage Cir, and Rondak Cir. Assembling location will be at Smyrna City Hall area at 6:30 AM.

**Sponsors:** Blustein

## 9. Committee Reports:

*Mayor Max Bacon called upon Council members to give their latest Committee Reports:*

*Councilmember Ron Fennel - Ward 7: Noted that as of last week all schools were back in session. He asked the public to be vigilant in terms of safety of the local students and to support our local schools. He remarked that the Finance Committee had met the previous week and they were performing a lot of anticipatory work. They would be meeting again in September.*

*Councilmember Doug Stoner - Ward 6: Announced that his oldest daughter got engaged over the weekend to a doctor.*

*Councilmember Susan Wilkinson - Ward 5: Announced the Library's latest community*



*wide reading project. The library would be promoting regional cookbooks at food events that take place in November.*

*Councilmember Corkey Welch - Ward 4: Had no committee report.*

*Mayor Pro Tem/ Councilmember Teri Anulewicz - Ward 3: She spoke about seeing the Eclipse in North Georgia. She also remarked that the cookbook selection at the library is spectacular and wide in variety. As noted by the Consent agenda, it will be a very busy fall event season. She congratulated Chef Rusty Hamlin on his success on the Food Network, even though he did not make the final cut. He is an exceptional representation for the City of Smyrna.*

*Councilmember Andrea Blustein - Ward 2: Next time she will drive to see the eclipse in person in the zone of totality.*

*There were no reports from present staff.*

#### **10. Show Cause Hearings:**

There were no Show Cause Hearings.

#### **11. Citizen Input:**

There was no Citizen Input.

#### **12. Adjournment:**

7:35PM

Mayor Max Bacon adjourned the August 21, 2017 meeting of the Mayor and Council at 7:35PM.