



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final Committee of the Whole

Thursday, June 13, 2019

6:00 PM

City Hall

1. Roll Call

Council: Mayor Max Bacon, Charles "Corkey" Welch, Andrea Blustein, Tim Gould, Derek Norton, Susan Wilkinson, Maryline Blackburn, Ron Fennel

Staff: Tammi Saddler Jones (City Administrator), Scott Andrews (Assistant City Administrator), Jeffrey Tucker (City Attorney representative), Kevin Moore (City Engineer), Kristin Robinson (Finance Director), Frank Martin (Public Works Director), Russell Martin (Interim Community Development Director), Deputy Police Chief Robert Harvey, Terri Graham (City Clerk), Christy Ullman (E.A. to Mayor and Council), Landon O'Neal (

Susan Wilkinson joined the meeting at 6:09 pm

Guest: City of Smyrna resident's: Christy Morgan, Michael Lady

2. Call to Order

Mayor Max Bacon called the June 13, 2019 Committee of the Whole Meeting to order at 6:00 pm.

3. SPLOST 2022 for 2020 Referendum (Proposed ideas for Project List)

The 6:00 pm Committee of the Whole discussions began around the SPLOST 2022 for 2020 Referendum proposed ideas for projects. Assistant City Administrator Scott Andrews asked if anyone had any questions or feedback, and that he would schedule appointments with everyone. Mr. Andrews informed the Council of the timing when to look over large ticket items and that it occurs every 5 to 6-years. One of the big ticket items is the new 4-story building that will be used as a joint facility to house several departments such as 911 operators, fire, IT, police, and storage etc. Councilmember Charles "Corkey" Welch feels we should spend more money on people and less on administration. Mr. Welch suggested bringing in department heads before we vote. Mr. Andrews stated that June 28, 2019 is the deadline to meet with department staff. Mayor Bacon said SPLOST normally doesn't pass without a great number of improvements. There was mentioned of building a pedestrian bridge across Cobb Parkway (41) to Cobb County near the Braves Stadium, and that this will be a CID shared cost. Council decided to hold a Special Meeting/Work Session to discuss the SPLOST 2022 for 2020 Referendum proposed ideas further on Monday, June 17 at 4:00 pm.

4. Review of the June 17, 2019 Mayor and Council Agenda

On the Agenda, item one Public Hearing of a rezoning request for (3) single family homes on land located at 990 Pebblebrook Road – Palladian Land, LLC was tabled

because applicant decided to withdraw the rezoning request.

There were no updates on the Public Hearing rezoning request from Matt Junger Homes LLC. This item has been tabled a couple of times. Mr. Junger is planning to remove a wall and sidewalk in preparation of building (4) single family homes and he is requesting the Council's input in his decision. Many of the Williams Park neighbors would like to keep the wall and a sidewalk to the City. If Mr. Junger who is the owner of the property makes the decision to keep the wall, he will have to change his site plan, and the City will have to maintain the wall and sidewalk. Councilmember Maryline Blackburn met with City Engineer Kevin Moore and City of Smyrna Attorney Scott Cochran, and Ms. Blackburn feels they should keep the wall. Ms. Blackburn said she's meeting with Mr. Junger on Monday, June 17, 2019 and a decision should be made and discussed further in the Monday, June 17, 2019 6:00 pm City Council meeting.

Zoning request near Dixie avenue. The property was purchased by a couple to use as a residence and antique restoration business. Mr. Gordon and Deanie Brans request rezoning for the purposes of renovating an abandoned house into an Antique Restoration business. Rezoning classification would change the property from a light industrial to mixed used zoning. Community Development Interim Director Rusty Martin is recommending approval. Mayor Max Bacon said we need to also look at improving the road leading to the abandoned home which was built in 1890.

Public Hearing request to change apartment name on 2085 Lake Park Drive SE from Village at Lake Park dba Village at Lake Park to Village at Lake dba Cortland at the Village with Carman Garrison as agent.

A 2019 CIP Fiscal Budget Amendment request was given by Finance Director Kristin Robinson on behalf of the IT Department. The IT Department would like to allot remaining funds from a storage project completed under budget totaling \$9,771.86 and transfer the amount into their annual computer refurbish project.

Requested approval for extended work hours from Balfour Beatty for grading work for King Springs Elementary School near Reed Road. Balfour Beatty proposes Council to extend an additional hour to the work day to complete work before the school year starts. Balfour would like the work hours changed as follows: Monday – Friday 7:00 am to 7:00 pm, and Saturday's 7:00 am to 7:00 pm. Staff recommends hour change as follows: Monday – Friday from (7:00 am to 6:00 pm) to change to 7:00 am to 7:00 pm, and Saturday from (9:00 pm to 6:00 pm) to change to 9:00 am to 7:00 pm beginning June 18 to August 3, 2019. The contract amendment per the staff's recommendation and approval, is to change the hours to the following: Monday – Friday, 7:00 am to 7:00 pm, and Saturday's 9:00 am to 7:00 pm.

Authorization of a contract amendment with Boutte Tree, Inc., 2144 Bolton Rd. NW, Atlanta, GA 30318 to increase the hourly rate from \$75.00 to \$100.00 per hour for arborist and landscape consulting services. The city is pleased with the work provided by Boutte Tree, Inc., and the new business techniques they will continue to provide in doing government work.

The following request from Tindale-Oliver, 1000 N. Ashley Dr., Suite 400, Tampa, FL., is authorization of a consulting contract approval to conduct the Smyrna Transit Analysis and Feasibility Study allocated from Atlanta Regional Commission (ARC) Grant in the amount of \$300,000.00 for a total of \$365,000.00 which includes city matching funds of \$65,050.00 FY2019 CIP and authorization from the Mayor to

execute all related documents. Five (5) proposals were received for this project and narrowed down to three (3). Economic Development Manager Tom Boland informed the Council the proposals were narrowed down to three (3) consultants, and Tindale-Oliver was the most qualified to undertake the transit study. Tindale-Oliver is a transportation consulting company who's bid came in at \$365,050.00. The City's total budget allocation including the City's match and the grant was \$375,000.00, putting the City \$10,000.00 under budget. The City's match is 20% of the \$300,000.00 grant. The Staff recommendation is to approve this contract request. It will take 10 -12 months to complete this analysis and study; the notice to proceed will be given the first of part August 2019.

The Staff request more time before approving to amend the City's Code of Ordinances, Chapter 98 by adding section 98-41 to regulate storage and use of Shareable Mobility Devices on Public right-of-way. The request will place this amendment on the agenda of the first meeting in July. Extensive discussions followed that Scooters get up to 25 miles an hour and that they are dangerous on sidewalks, and helmets are not required. Council stated that 95% of Smyrna residents do not want Scooter's interfering with baby strollers and the public safety, or left all over the sidewalks, and the legal battles that may follow. Council told Staff to proceed as drafted.

Request the Mayor and Council to approve updates to Article V Water System to include new sections in the City's Code of Ordinances. Sections to include are Cross-connection control and backflow prevention; installation of mutual fire-line meter on unmetered fire service systems and Commercial car wash requirements. The updates are to satisfy mandatory requirements set forth by the Metropolitan North Georgia Water Planning District and Georgia Environmental Protection Agency. An audit was conducted last-year and the City was lacking these ordinances.

Request to award a water line installation state Route 280 to the lowest bidder K. M. Davis Contracting Company, Inc., 3259 Austell Road, Marietta, GA for \$377,545.00. Request is for Mayor Bacon to execute all related documents. The 2000 feet of water line runs from church street to bank street; this is a continuation of a program we've been working in that area every other year. We've been adding water system upgrades to pressure in that area; this is a CIP Water fund; we're trying to get the water line.

On Durley Lane, the request is to add a Storm Drainage Rehabilitation by the lowest bidder TyBe Company, LLC, Newbern, TN in the amount of \$199,390.15. Due to erosion to install a 100 foot storm drain line along with erosion control.

Further agenda discussions were around the June 3, 2019 meeting approvals. Mayor Max Bacon inquired if anyone had any comments from the June 3, 2019 minutes to add to the agenda.

Councilmember Maryline Blackburn commented that Mr. Adam Taylor is no longer able to fulfill his obligation as a Board Member for Keep Smyrna Beautiful, and she would like to appoint Mr. Leonard Robinson in his place. Mayor Bacon asked for a letter from Mr. Adam Taylor stating his decision to deny this position. Ms. Blackburn told Mayor Bacon she will provide a letter on June 14, 2019 to announce Mr. Adam Taylor's decision to rescind the position. Ms. Blackburn said she is nominating Mr. Robinson for the KSB Board position to replace Mr. Adam Taylor.

Economic Development Manager Tom Boland spoke on the Downtown Master Plan. Mr. Boland said, we're proposing a Master plan for the downtown area that runs from Hill Street down to Concord to Atlanta Road including the Downtown area but not

getting into the residential area to the West. There are several elements for example a land use element, transportation element, land use element, public facility element, public space element, finance element, and more are part of this study. Allocated towards this study project is \$30,000.00 and we will not go through an RFP process. Council stated that we will solicit a statement of qualifications, set a budget, and request drawings and images from the five consultants. The Study results will be shared with Smyrna residents.

Finance Director Kristin Robinson spoke on Johnson Controls solicitation to present to Council in the month of May 2019 to cover what they've done for us over the last 13 years. Ms. Robinson said, we have a maintenance agreement with Johnson Controls dating back to 2004 that expired last Fall. Since the agreement expired we have been renting on a month-to-month basis for them to do maintenance on our HDAC. Different vendor quotes were researched and reviewed by the City's Supervisor of Buildings & Grounds John Corn & Purchasing Manager Kelly Brown and comparisons were made against Johnson Controls work. We have 5 PSAs with Johnson Controls expiring on June 30, 2019. The comparisons were between Johnson Controls and MaxAir Mechanical. The findings were that MaxAir has lower hourly labor rates and equipment replacement rates. Cobb County has used MaxAir for several years and they are a top notch company and a better option for the City. This will be a three (3) year contract with MaxAir, with an option to renew every year. Ms. Robinson will send an email to cover the two comparisons to Council and request this item be added to the agenda. Since we are renting month-to-month with Johnson Controls, notification will be given of our decision on next week, with termination on June 30, 2019.

Assistant City Administrator Scott Andrews spoke on the Museum update and that the grand opening date will occur the first Saturday of October; the date will be sent out shortly and pictures will be shown to Councilmembers on Monday, June 17, 2019.

Schneider Electric, a French multinational corporation headquartered in Rueil-Malmaison, France wishes to present to COW in the future. City Administrator Scott Andrews addressed the Council to provide a date for Schneider Electric's presentation. Schneider Electric also does a lot of work in the City of Smyrna.

5. City Administrator Report

City Administrator Tammi Saddler Jones reported good news for the City of Smyrna on a 2012 Condemnation of property case at Cobb Superior Court. The Defendant KK&T Incorporated, the Old Fat Boys location on Concord Road who was represented by Mr. Dennis Tryonus who was asking the Plaintiff-City of Smyrna for 1.8 million dollars because we only took about 2200 square feet of road from his property on the Concord Road construction project. The City offered him based on our appraisal \$32,000.00. The Jury awarded him \$39,979.00. Attorney Jeffrey Tucker commented that the Defendant wanted 1.8 million dollars, but not for us condemning the building because the building is still standing; Defendant wanted the money based on what amounts to a temporary construction easement.

6. Other Business

Councilmember Charles "Corkey" Welch introduced Mr. Lady from Cooper Lake Place. The HOA is requesting instead of putting up parking signs, to paint "no parking" on the curbs in areas where it's a violation to park. Cooper Lake Place is asking the Council to help enforce this signage. Mr. Welch said he wants to speak with the City Attorney Scott Cochran to find out his position on this request. Mr. Lady also request Council's

help to enforce the Police Department's support of this request. Councilmember Tim Gould spoke on a similar situation and said, he would be supportive of this request. Mr. Welch said they don't want to paint the whole curb, just paint no parking on the curb. Mr. Welch will bring Attorney Cochran's decision back to the Council.

Councilmember Susan Wilkinson brought up the form for having a block party. City Administrator Tammi Saddler Jones stated that Special Projects Coordinator Maxwell Ruppensburg is in the process of creating a draft of the form. Ms. Wilkinson was contacted by a citizen about noise from a business located at 2500 South Cobb Drive named El Sazon Del Kora. The residents calling live in the Smyrna Grove subdivision that backs up to this business. Ms. Wilkinson introduced a resident named Christy Morgan who lives on Steel Pine Way in Smyrna Grove. Mrs. Morgan stated the business closes at 10:00 pm and reopens again at 11:00 am – 4:30 am, and the noise begins on Thursday and continues through Sunday. Mrs. Morgan has called Ms. Jamila Dewitt, who's over the Code Enforcement for the City, but she can only address noise during the day. Mrs. Morgan has also called the Smyrna Police Department who have had several officers witness the noise. The Smyrna Grove HOA have also held discussions on the matter. Officer Robert Harvey, present at the June 13, 2019 Pre-Council meeting informed Ms. Morgan to have her husband call him on Monday, June 17, 2019. A special after hour license is required for any business to remain open during the mentioned hours. Community Development Interim Director Rusty Martin said they may be operating under a different name, and that he has informed Chief Joe Bennet who plans to check on the two issues; alcohol and noise. Mrs. Morgan said the alcohol and noise issue has been going on since March of this 2019 year.

Councilmember Ron Fennel spoke about the annexation budgeted item study, and the East West Connector traffic issue being one of the three (3) pieces of the annexation study. Mr. Fennel is wanting North of Fontaine up to Hicks Road annexed to slow down speeding traffic which currently is not adequately covered by law enforcement. Mr. Fennel asked to annex that area to get law enforcement components to slow down speeding traffic. Mr. Fennel requested the Council to keep this issue on their radar.

Councilmember Andrea Bluestein inquired if the BLUE LIME Saturday, June 8, 2019 Concert will be rescheduled; the concert was cancelled due to rain. Community Development Interim Director Russell Martin replied not at this time.

Councilmember Maryline Blackburn spoke on the name change of Keep Smyrna Beautiful to the Department of Environmental Sustainability and when would this name change become effective. Ms. Blackburn was concerned about the support that would be given to the City's group called Sustainable Smyrna. Economic Development Manager Tom Boland said the name change will include the involvement of both Sustainable Smyrna, and the Department of Environmental Sustainability/aka Keep Smyrna Beautiful and both groups look forward to working together towards a common goal. The KSB name change will not go into effect until July 1, 2019.

Councilmember Susan Wilkinson asked for an update on the Smyrna Outdoor Market vendors. Vendor and public attendance are low. City Administrator Tammi Saddler Jones said follow up will be with Keep Smyrna Beautiful Director Janet Liberman and the findings will be reported to Councilmembers.

Councilmember Tim Gould received an email from a 35 year old resident with a degenerative bone disease who requested aquatic therapy from the Wolfe Center. The Wolfe Center is for adults 55 years of age and older. Mr. Gould requested the resident

to get a letter from her Doctor and submit it to the center. Assistant City Administrator Scott Andrews said he will follow up on this matter.

Agreed viewpoints from the Council is to discover what can be done about heavy "Vaping" use among teens. Nicotine is the primary agent in both regular cigarettes and e-cigarettes and is highly addictive. In a survey completed by the City's Management Fellow Landon O'Neal, e-cigarette use has increased 28 percent amongst teenagers 17 & 18 years of age, and smoking tobacco use since 2014 has increased 900 percent for under age groups. Both are big issues in high schools, and research proves 4 out of 5 teen smokers will become adult smokers.

Councilmember Derek Norton mentioned a meeting with residents where a road backs up to Woodland Terrace and ends where Galleria Manor is, and that people are dumping items back there. Council will look for resolution.

City Clerk Terri Graham informed the Council that Campaign Contribution Disclosures are due if you have not turned in an Affidavit, on June 30, and no later than July 4th. Personal Financial Disclosures are also due by June 30, for 2018.

7. Adjournment

Mayor Bacon adjourned the June 13, 2019 Committee of the Whole Meeting at 8:09 pm.