



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, December 16, 2019

7:00 PM

Council Chambers

Roll Call

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

Also Present: 10 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Russell Martin, Janet Liberman, Joey Staubes, Caitlin Crowe, Tina Monaghan, Jennifer Bennett and Landon O'Neal

Call to Order

Mayor A. Max Bacon called the December 16, 2019 Mayor and Council meeting to order at 7:00 PM.

1. Invocation and Pledge:

Reverend Pam McCurdy, Bethany United Methodist Church (760 Hurt Road) delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

- A.** [2019-467](#) Suspend the Rules to add an agenda item to Formal Business item E for an Apartment Name Change to Cumberland Pointe

Councilmember Derek Norton made a motion to suspend the rules to add an agenda item; the motion was seconded by Councilmember Charles (Corkey) Welch.

The motion to approve carried by the following vote:

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

- B.** [2019-468](#) Add agenda item to Change an Apartment complex name located at 1202 Wexford Drive SE from Ashford Woods Apartments dba Ashford Woods to Cumberland Pointe Apartment Holdings LLC dba Cumberland Pointe under formal business item 6. E.

A motion was made by Councilmember Derek Norton to add an agenda item to Formal Business 6. E. to change an apartment complex name located at 1202 Wexford Drive SE from Ashford Woods Apartments dba Ashford Woods to Cumberland Pointe Apartment Holdings LLC dba Cumberland Pointe; the motion was seconded by Councilmember Lewis Wheaton.

The motion to approve carried by the following vote:

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

3. Mayoral Report:

A. [2019-455](#) Recognition of Lois Lewis, recipient of the Carolyn Crayton Woman of the Year Award from the Keep Georgia Beautiful Foundation

Sponsors: Welch

Councilmember Charles "Corkey" Welch presented Ms. Lois Lewis with the Carolyn Crayton Woman of the Year Award from the Keep Smyrna Beautiful Foundation.

Ms. Lewis has been with the Keep Smyrna Beautiful Board for 27 years and has witnessed a lot of change. She has enjoyed her time and continues to participate in any way that she can.

Mayor Bacon thanked Ms. Lewis for her many contributions to the City of Smyrna.

Mayor Bacon presented City Administrator Tammi Saddler Jones with her ten year service award.

4. Land Issues/Zonings/Annexations:

There were no Land Issues, Zonings or Annexations.

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

A. [2019-449](#) Approval to record the Official City Election Results for the Runoff Municipal Election for the City of Smyrna for Mayor and Ward 2 Council held December 3, 2019. There were 7,374 ballots cast 20.15% of 36,597 registered voters. For the office of Mayor of (36,597) registered voters 7,369 votes: Ryan Campbell - 3,605 votes - 48.89% and Derek Norton - 3,764 votes - 51.04%. Ward 2 Council, 5,100 registered voters 675 votes: Andrea Blustein - 284 votes - 41.64% and Austin Wagner - 391 votes - 57.33%. Derek Norton was elected to the office of the Mayor and Austin Wagner was elected to office of Ward 2 Council.

Sponsors: Welch

Mayor Bacon read aloud the results of the December 3, 2019 Municipal Runoff Election.

A motion was made by Charles (Corkey) Welch to approve and record the Official City Election Results for the Runoff Municipal Election for the City of Smyrna for Mayor and Ward 2 Council held December 3, 2019. There were 7,374 ballots cast 20.15% of 36,597 registered voters. For the office of Mayor of (36,597) registered voters 7,369 votes: Ryan Campbell - 3,605 votes - 48.89% and Derek Norton - 3,764 votes - 51.04%. Ward 2 Council, 5,100 registered voters 675 votes: Andrea Blustein - 284 votes - 41.64% and Austin Wagner - 391 votes - 57.33%. Derek Norton was elected to the office of the Mayor and Austin Wagner was elected to office of Ward 2 Council; the motion was seconded by Councilmember Tim Gould.

The motion to approve carried by the following vote:

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

B. [ORD2019-19](#)

Approval to amend the City of Smyrna's Code of Ordinances Chapter 106, Vegetation, by amending Article II Tree Conservation and Replacement

Sponsors: Gould

City Administrator Tammi Saddler Jones presented the background information for this agenda item. Over the past several years, the Smyrna Tree Board, the development community and the city's professional staff have expressed concerns over the effectiveness of the City's current Tree Ordinance. City staff reviewed the current ordinance and determined that the document was due for revision as the last update was in 2008. Mayor and Council charged city staff with the task of revising the ordinance to address the issues and concerns raised by the Smyrna Tree Board and the development community. The development of the revised tree ordinance occurred with a three-step process, which included the following: (1) The collection of concerns and comments from stakeholders; (2) The establishment of the Tree Ordinance Revision Committee; and (3) The revision of the Tree Ordinance. These three steps were vital in the development of the revision to the ordinance.

Councilmember Tim Gould is the Community Development Chairperson and therefore the sponsor of this item. He asked Community Development Director Russel Martin to present further details on the Tree Ordinance.

Mr. Martin provided additional background information on this item including a power point presentation. Over the past several years, the Smyrna Tree Board, the development community and the city's professional staff have expressed concerns over the effectiveness of the City's current Tree Ordinance. City staff reviewed the current ordinance and determined that the document was due for revision as the last update was in 2008. Mayor and Council charged city staff with the task of revising the ordinance to address the issues and concerns raised by the Smyrna Tree Board and the development community.

The Smyrna Tree Board identified six main issues and concerns that they wanted to be addressed by the Committee. These issues and concerns included the following:

- (1) The preservation of trees on single family and duplex lots;*
- (2) Boundary tree definitions;*
- (3) Specimen tree requirements;*
- (4) Minimum tree density requirements;*
- (5) Maximum specimen tree recompense requirements; and*

(6) Fees related to tree removal.

In addition to the issues and concerns of the Tree Board, city staff identified six issues and concerns that they wanted to be addressed by the Committee. These issue and concerns included the following:

- (1) Maximum specimen tree requirements;*
- (2) Require single-family building permits to meet requirements of the Tree Ordinance;*
- (3) Reduction of the critical root zone (CRZ) requirement to preserve specimen trees;*
- (4) Improve tree care and maintenance prescriptions for trees with CRZ encroachments;*
- (5) Improve tree planting requirements for residential lots and buffers; and*
- (6) Update Technical Standards for the Tree Ordinance.*

The changes to the ordinance include the following major categories:

- (1) Permit for residential tree removal for trees larger than 24";*
- (2) Changes to definitions;*
- (3) Changes to specimen tree requirements;*
- (4) Changes to specimen tree recompense;*
- (5) Penalties for tree removal;*
- (6) Tree planting requirements; and*
- (7) Improved Technical Standards.*

The Committee revised the ordinance by addressing these issues and concerns where applicable in the ordinance or the Technical Standards. After countless meetings and hours of work, the Committee developed a revised Tree Ordinance that all supported. The proposed revised Tree Ordinance is a well-rounded document that accomplishes all the goals established by Committee. The ordinance will promote a healthy viable community forest that will be shared by the citizens of Smyrna. Staff recommended approval of the proposed revisions to the City's Tree Ordinance.

Mayor Bacon pushed for these revisions because he wanted to see it done and in place before he left office. He mentioned that Forrest Hills was a neighborhood that fought hard for the updates. The Mayor asked Mr. Martin if the City currently had enough staff to handle these new regulations and the answer was yes.

Councilmember Welch asked Mr. Martin to pull back up the slide showing costs. He spoke from a developer perspective as well as from a private homeowner perspective. Mr. Welch provided various scenarios to gather more information on the possibilities regarding the costs associated with the Tree Ordinance revisions.

Councilmember Blackburn inquired about the tree bank and what the money goes toward that is in that bank. The money has to be used in a public space and has to be used for trees.

Mayor Bacon expressed concern over whether the Tree Ordinance revisions could cause problems with possible future annexations.

Councilmember Wilkinson asked if the tree bank funds were used to plant trees in medians and such. Mr. Martin answered that the tree bank funds cover trees that are planted on any public land including medians.

Councilmember Blustein wanted to know how trees that fall due to storm damage are handled.

Councilmember Norton expressed interest as to how citizens will be educated about the changes. Mr. Martin shared that the information will be on the website and shared on the various social media platforms. For the first year, Mr. Martin is not interested in punishing people but rather spreading the word and educating citizens.

Mayor Bacon allowed those interested in making public comment regarding the Tree Ordinance only to come forward and speak.

Mr. Mike McNabb, 750 Austin Drive, spoke about the ordinance. He wants to be sure that the new ordinance doesn't punish those who have heavily wooded lots. He feels like it penalizes those that have already been actively maintaining the tree canopy in the City. Mr. McNabb urged Council to understand that the City should offer incentives and not penalties. Encouraging people to save the trees rather than punishing them into keeping the trees. Making trees a liability will encourage people to cut trees down when selling their properties in order to get more money from potential buyers who fear the rules in place regarding trees. He asked that this be tabled until the idea of incentives is looked into further.

Ms. Christina Dorr-Kapczynski, 1663 Harrington Road, is from Ward 7 and is 16 year old student from Campbell High School. She used to have a bunch of trees in their back yard and recently they were removed by a developer. She stands for some action to preserve trees in Smyrna. Ms. Dorr-Kapczynski wants to live in a City that promotes and prioritizes sustainability.

Ms. Natasha Dorr-Kapczynski, 1663 Harrington Road, is an 18 year old student at Campbell High School and also lives in Ward 7. She remembers as a child that she used to play in the trees throughout the City. Many of her friends also had fond memories of playing in trees when growing up. She feels like the trees silently support the children and therefore should be preserved.

The Mayor commended the young ladies for coming forward to speak. He asked for those in attendance for the tree ordinance to please raise their hand. The majority of those in the audience raised their hand in support of the tree ordinance.

A motion was made by Councilmember Tim Gould to approve ORD2019-19 an ordinance to amend the City of Smyrna's Code of Ordinances Chapter 106, Vegetation, by amending Article II Tree Conservation and Replacement; the motion was seconded by Councilmember Maryline Blackburn.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Blustein

C. [ORD2019-26](#)

Approval to amend the City of Smyrna's Code of Ordinances Chapter 66, by adding Section 66-17.1 Prohibiting Smoking Within the Downtown Design District Area.

Sponsors: Gould

The information on this item was presented by Ms. Saddler Jones. Numerous studies, including those published by the Surgeon General of the United States and recent reports of the Environmental Protection Agency, have shown that secondhand smoke is a cause of disease, including lung cancer, in healthy nonsmokers; a major contributor to indoor air pollution; and particularly harmful to children, elderly people, and allergic individuals. The purpose of the ordinance is to prohibit smoking or using an electronic smoking device in all public places within the area designated as the Downtown Design District.

Mr. Gould provided some additional information on the agenda item including that recently some restaurants in the downtown design district decided to go smoke free and the ordinance supports their decision to do so.

City Attorney Scott Cochran explained that the smoke free area encompasses the businesses on both sides of the road from Windy Hill Road to Concord Road.

Mayor Bacon explained the history behind this change. State Law leaves the decision up to the individual establishments. The establishments were looking to the City for assistance in prohibiting smoking. This ordinance prohibits future restaurants from opening up a smoking area and therefore protects the restaurant owners who have taken the initiative to ban smoking.

Ms. Blackburn noted that State Law gives the City the ability to dictate whether or not it is a smoke free city like so many other cities around the county including Atlanta, Savannah, and New Orleans. She feels that creating areas of non-smoking rather than making the whole City smoke free creates more problems than it solves.

A motion was made by Councilmember Tim Gould to approve ORD2019-26 an ordinance to amend the City of Smyrna's Code of Ordinances Chapter 66, by adding Section 66-17.1 Prohibiting Smoking Within the Downtown Design District Area; the motion was seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

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

Nay: 1 - Councilmember Blackburn

D. [RES2019-07](#)

Adopt a Resolution acknowledging the Smyrna Grove Subdivision as a gated community, designating the roadways within the subdivision as private streets to be maintained by the Smyrna Grove Home Owners Association, conveying any interest in the right of way to the homeowners association subject to certain utility easements and authorizing the mayor to execute all necessary documents related thereto.

Sponsors: Wilkinson

City Administrator Saddler Jones reviewed the pertinent information for this agenda item. The neighborhood of Smyrna Grove has expressed an interest to become a private, gated community. This is an approval of a Resolution conveying the rights-of-ways of Crimson Maple Way, Still Pine Bend, White Cypress Court, Windy Elm Drive, Smyrna Grove Drive and Smyrna Grove Place, consisting of 8.87 acres, to the Smyrna Grove Home Owners Association (HOA) because the said right-of-ways are no longer needed. The resolution authorizes the City to convey whatever interest it

has in the property to the Smyrna Grove HOA with all necessary utility easements for city access and maintenance of the water and sanitary sewer system.

Councilmember Wilkinson asked Mr. Martin to offer any comments on the item. He did not have anything further to add. She then read the resolution aloud.

Mr. Mitch Powell, Mr. Russell Wheeler, and Ms. Candice Fields, representatives from Smyrna Gove came forward to speak. Initially, 98% of residents surveyed were interested in becoming private. Since the survey, it became 100% of residents that wanted to become a private, gated community.

Ms. Wilkinson thanked the residents for their hard work and is looking forward to working with them in the future.

A motion was made by Councilmember Susan Wilkinson to Adopt a Resolution acknowledging the Smyrna Grove Subdivision as a gated community, as read aloud; the motion was seconded by Councilmember Maryline Blackburn.

The motion to approve carried by the following vote:

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

E. [2019-466](#)

Public Hearing - Apartment Name Change Request 2019-466 - 1202 Wexford Drive SE - Name change from Ashford Woods Apartments dba Ashford Woods to Cumberland Pointe Apartment Holdings LLC dba Cumberland Pointe with Richelle Atkins as agent.

Sponsors: Gould

A motion was made by Councilmember Tim Gould to approve an Apartment Name Change Request 2019-466 - 1202 Wexford Drive SE - Name change from Ashford Woods Apartments dba Ashford Woods to Cumberland Pointe Apartment Holdings LLC dba Cumberland Pointe with Richelle Atkins as agent; the motion was seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Blackburn, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

City Administrator Tammi Saddler Jones read the consent agenda aloud.

Councilmember Tim Gould made a motion to approve the consent agenda as read aloud by the City Administrator Tammi Saddler Jones; the motion was seconded by Councilmember Charles (Corkey) Welch.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blustein, Councilmember Blackburn, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

- A. [2019-459](#) Approval of the December 2, 2019 Mayor and Council Meeting minutes.
- B. [2019-460](#) Approval of the December 2, 2019 Pre-Council Meeting minutes.
- C. [2019-458](#) Approval of renewal with Georgia Municipal Association for 2020 Worker's Compensation Insurance Coverage and Administration and authorize Mayor to sign any related documents
Sponsors: Blackburn
- D. [2019-456](#) Approval to use Council Chambers for Creatwood at Vinings Annual HOA Meeting, Sunday, February 9, 2019 from 6:00pm - 8:00pm
Sponsors: Gould
- E. [2019-457](#) Approval to use Council Chambers for the Heritage at Vinings Annual HOA Meeting on Thursday, January 23, 2019 from 7:30pm - 9:30pm.
Sponsors: Gould

9. Committee Reports:

Councilmember Lewis Wheaton wished everyone Happy Holidays. He thanked Smyrna Police for their help over at the Cumberland Mall this past weekend.

Councilmember Tim Gould invited members of the Tree Board to come up so that they could present a gift to the Mayor. Mayor Bacon received a framed piece of one of the tree scarves that was on display earlier in the year. Councilmember Gould took photos.

Councilmember Charles "Corkey" Welch everyone a Merry Christmas and Happy New Year. He reminded everyone that Santa would be available for pictures at Aunt Fanny's Cabin for anyone interested.

Councilmember Blackburn wished everyone Happy Holidays. She recommended that everyone walk through and see the beautiful lights in the City. She thanked Fortis College for inviting her to be their Winter Commencement Speaker this past Friday. Ms. Blackburn offered her congratulations to the recipients at the Mayor Education Awards.

Councilmember Blustein wished everyone a very Merry Christmas and Happy New Year.

Councilmember Norton spoke about how wonderful the Mayor's Education Awards were. He thanked the Mayor for starting the tradition and expressed that he intends to

continue the tradition.

City Administrator Saddler Jones wished everyone Happy Holidays. She thanked the Mayor for her ten year service award and stated that it has been a great pleasure serving the citizens of Smyrna.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Mr. Chima Ugwuegby, 3550 Sherwood Road, signed up to speak about speeding and reckless driving near his home. On August 12, 2019 at 4:19pm a car plowed into his home with his four year old son and babysitter present. He would like to see speed bumps and other traffic calming measures on the roads in the area surrounding his home. The speed limit is 25 MPH but people drive over 60 MPH. While he appreciates the effort, he was not happy with the results of the speed study that was done recently. Mr. Ugwuegby would like to see something done before someone is seriously injured.

Mr. Steven Jones, 2823 Spring Drive, thanked the Mayor for his service. He took the opportunity to thank Councilmember Andrea Blustein and stated that her Ward 2 meetings were so helpful to him even though he lives in Ward 1.

Mr. Leonard Robinson, 1809 Teasley Drive SE, a co-founder of Sustainable Smyrna mentioned that the two girls that spoke earlier during the tree ordinance are a part of the organization. There are now 200 members of Sustainable Smyrna. Councilmember Blackburn, also co-founder, was their sustainability champion and he thanked her for her work. Mr. Robinson looks forward to working with both the new and returning elected officials. He thanked the Mayor for his service and wished everyone Happy Holidays.

Ms. Lady G Dancy, 2731 Woodland Terrace, complimented Councilmember Blackburn on her work for the City.

Mr. Dave Vranicar, 3241 Collier Gate Court SE, recognized Councilmember Blackburn for her contributions to the City. He expressed a desire to have a relationship with the City of Smyrna (member of Sustainable Smyrna). Climate change is a huge issue that needs to be addressed.

Mr. Michael Murphy, 5718 Glenda Drive, commended Councilmember Blackburn for her work. He has worked with her on county projects. Mr. Murphy feels that too often citizens don't realize the value of community and of public service.

Ms. Andrea Blustein, 2403 Country Park Drive, spoke about her time with the City of Smyrna including being the Mayor's appointment to the Downtown Development committee, serving ten years on the Planning & Zoning Commission, and eight years as a Councilmember. She is sad to go but wanted to thank everyone and wished everyone a Happy Holiday.

Ms. Maryline Blackburn, 1034 Huntington Trace, asked for five minutes on the clock and it was granted by Mayor Bacon. She thanked Councilmembers for their service, and to the Mayor, she offered congratulations and well wishes. To the residents of Smyrna, Ms. Blackburn thanked them for entrusting her to serve on the Council for the

past two years. She promised to be a true voice for the everyday residents of Smyrna and believes that she has done so. Communication, transparency, and respect will be crucial in bringing everyone to the table to have "One" Smyrna.

12. Adjournment:

Mayor Bacon adjourned the December 16, 2019 Mayor and Council meeting at 9:15 PM.