



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, November 21, 2016

7:00 PM

Council Chambers

Roll Call

Present: 6 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Doug Stoner and Councilmember Ron Fennel

Absent: 2 - Councilmember Teri Anulewicz and Councilmember Susan Wilkinson

Also Present: 7 - Mike L Jones, Jeffrey Tucker, Terri Graham, Ken Suddreth, Russell Martin, Dan Campbell and Heather Corn

Call to Order

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

1. Invocation and Pledge:

Pastor Kerrick Butler of Faith Christian Center located at 3059 South Cobb Dr gave the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

Mayor Bacon noted two agenda changes to this meeting:
Item 4F would be tabled until the December 19th Mayor and Council Meeting
Item 6D would be added to the agenda

A. Approval to suspend the rules to add an agenda item to Formal Business as Item 6D.

A motion was made by Councilmember Charles (Corkey) Welch to approve item 2016-486 to suspend the rules to add an agenda item to Formal Business as Item 6D; seconded by Councilmember Ron Fennel.
The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

B. Approval to add an agenda item to Formal Business as item 6D.

A motion was made by Councilmember Charles (Corkey) Welch to approve item 2016-487 to add an agenda item to Formal Business as item 6D; seconded by Councilmember Doug Stoner.
The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

3. Mayoral Report:

Mayor Bacon had no Mayoral Report other than to wish the public a Happy Thanksgiving.

4. Land Issues/Zonings/Annexations:

A. Public Hearing - Zoning Request Z16-016 - Rezoning from R-20 to RAD-Conditional for two single-family homes - 0.39 Acres - Land Lot 632 - 2731 Mathews Street - Matthew Junger. Public hearing only No Vote.

Sponsors: Anulewicz

City Administrator Mike L. Jones read the following background for this item: Zoning Request Z16-016 - Rezoning from R-20 to RAD-Conditional for two single-family homes - 0.39 Acres - Land Lot 632 - 2731 Mathews Street - Matthew Junger. This item is a public hearing only and no vote will be taken on this item. Matthew Junger is seeking approval of an annexation and rezoning for 2731 Mathews Street from R-20 (Cobb County) to RAD-Conditional for the development of two single-family detached residences at a density of 5.13 units per acre. The applicant is proposing to subdivide the parcel into two lots and construct two detached single-family residences.

Rezoning Request heard by Planning and Zoning Board on October 10, 2016 and approved by a 6-0 vote with Emily Hein Warren absent.

The public hearing was called and no one came forward to speak in opposition to or to make comment regarding this item.

Community Development recommends approval of the rezoning from R-20 to RAD-Conditional for the development of two single-family units at a density of 5.13 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 5, 8, 9, 10, and 17 from Section 1201 of the Zoning Code is not applicable)

1. 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 hardy plank for any elevation facing these roads.

2. All utilities within the development shall be underground.

3. 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.

4. No debris may be buried on any lot or common area.

5. 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".

6. *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.*
7. *All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
8. *All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*
9. *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. 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
10. *The development shall maintain the following setbacks:*
Front - 25'
Side - 5' (with a minimum of 15' between buildings)
Rear - 25'
11. *Driveway - 22' minimum length from building face to private driveway.*
12. *The right-of-ways along Walker Street shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along Mathews Street.*
13. *The developer shall provide a 5' sidewalk with a 2' grass buffer along Mathews Street for the length of the development.*
14. *All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.*
15. *The maximum allowable lot coverage for the property shall be limited to 45%.*
16. *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.*
17. *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 10/4/2016 created by Crescent View Engineering, LLC.*
18. *The applicant shall be build the homes in substantial compliance with the building elevations submitted and dated 9/9/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.*
Senior Planner, Rusty Martin came forward and reviewed the proposed site plan, pointing out the setbacks as well as the shared driveway. He also reviewed the Future Development Map and show pictures of the proposed home elevations and pictures of the subject property and surrounding properties.
The Special Conditions were read aloud and the general conditions were reviewed.
Mayor Bacon asked about the two detention ponds as shown on the site plan and Mr. Martin confirmed the two ponds.
Mayor Bacon asked Assistant City Attorney Jeffrey Tucker about the applicant not being present for the vote and he responded the applicant does not have to be an advocate for the application before the Council.

The public hearing was called; the applicant was not in attendance. Mayor Bacon inquired if the applicant had to be present for a rezoning. Assistant City Attorney Jeffrey Tucker explained that the applicant did not have to be present for his own application. The public hearing was opened no one came forward for or against the item so the hearing was closed. This item was a public hearing only and no vote was taken.

B.

Annexation request (100% of owners requesting annexation) -
(Ordinance 2016-19) of all tract or parcel of land lying and being in
land lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total
of 0.4 acre tract located at 2731 Mathews Street

Sponsors: Anulewicz

The following background was read aloud for this item:

The applicant Matthew Junger is requesting to annex .04 acres into the City of Smyrna. Cobb County has the property zoned R-20, Mr. Junger is requesting to rezone the property to RAD conditional to subdivide the property into 2-single family lots. The application was submitted on September 22, 2016. Letters were mailed certified to the Cobb County Clerk's Office on September 22, 2016 and to the Cobb County Community Development Department Planning Division. The City of Smyrna received a non-objection letter from Cobb County on October 12, 2016. Planning and Zoning heard the rezoning request on October 10, 2016 and approved by a vote of 6-0 with Emily Hein Warren absent.

A motion was made by Councilmember Charles (Corkey) Welch to approve item 2016-444 for a annexation request (100% of owners requesting annexation) - (Ordinance 2016-19) of all tract or parcel of land lying and being in land lot 632, 17th District, 2nd Section, Cobb County, Georgia, a total of 0.4 acre tract located at 2731 Mathews Street to be in Ward 3. The annexation will be effective December 1, 2016, seconded by Councilmember Ron Fennel.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

C.

Final Vote - Zoning Request Z16-016 - Rezoning from R-20 to RAD-Conditional for two single-family homes - 0.39 Acres - Land Lot 632 - 2731 Mathews Street - Matthew Junger.

Sponsors: Anulewicz

The following item and background was read aloud as follows:

Matthew Junger is seeking approval of an annexation and rezoning for 2731 Mathews Street from R-20 (Cobb County) to RAD-Conditional for the development of two single-family detached residences at a density of 5.13 units per acre. The applicant is proposing to subdivide the parcel into two lots and construct two detached single-family residences.

Rezoning Request heard by Planning and Zoning Board on October 10, 2016 and approved by a 6-0 vote with Emily Hein Warren absent.

Community Development recommends approval of the rezoning from R-20 to RAD-Conditional for the development of two single-family units at a density of 5.13 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 5, 8, 9, 10, and 17 from Section 1201 of the Zoning Code is not applicable)

Standard Conditions

1. 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 hardy plank for any elevation facing these roads.

2. All utilities within the development shall be underground.

3. 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.

4. No debris may be buried on any lot or common area.

5. 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".

6. 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.

7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

9. 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. 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

10. The development shall maintain the following setbacks:

Front - 25'

Side - 5' (with a minimum of 15' between buildings)

Rear - 25'

11. Driveway - 22' minimum length from building face to private driveway.

12. The right-of-ways along Walker Street shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along Mathews Street.

13. The developer shall provide a 5' sidewalk with a 2' grass buffer along Mathews Street for the length of the development.

14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

15. The maximum allowable lot coverage for the property shall be limited to 45%.

16. 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.

17. 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 10/4/2016 created by Crescent View Engineering, LLC.

18. The applicant shall be build the homes in substantial compliance with the building elevations submitted and dated 9/9/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.

A motion was made by Councilmember Charles (Corkey) Welch to approve item 2016-473 for the zoning request Z16-016, a rezoning from R-20 to RAD-Conditional for two single-family homes on 0.39 Acres, Land Lot 632 located at 2731 Mathews Street by the applicant Matthew Junger; seconded by Councilmember Doug Stoner. The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

- D.** Annexation request (100% of owners requesting annexation) - (Ordinance 2016-20) of all tract or parcel of land lying and being in land lot 177, 18th District 2nd Section, Cobb County, Georgia for a total of 3.9 acre tract located at 1375 Veterans Memorial Highway, Mableton GA

Sponsors: Fennel

City Administrator Mike Jones read aloud the following background for this item: Annexation request (100% of owners requesting annexation) - (Ordinance 2016-20) of all tract or parcel of land lying and being in land lot 177, 18th District 2nd Section, Cobb County, Georgia for a total of 3.9 acre tract located at 1375 Veterans Memorial Highway, Mableton GA.

The property located at 1375 Veterans Memorial Highway, Mableton GA is requesting to annexed into the City of Smyrna by applicant Don Salmon, he has a representative Tom Wilder. Cobb County has this property zoned Light Industrial (LI) with a future land use of Community Activity Center; it is being brought in with the same zoning classification. The application for annexation was submitted on October 21, 2016, letters were sent to the Cobb County Clerk by certified mail on October 24, 2016 and also to Cobb County Community Development Planning Division. The city received by certified mail a non-objection letter dated November 8, 2016 from the County on November 10, 2016.

A motion was made by Councilmember Ron Fennel to approve item 2016-471 for an annexation request (100% of owners requesting annexation) - (Ordinance 2016-20) of all tract or parcel of land lying and being in land lot 177, 18th District 2nd Section, Cobb County, Georgia for a total of 3.9 acre tract located at 1375 Veterans Memorial Highway, Mableton GA, to be in Ward 7. The annexation will be effective December 1, 2016, seconded by Councilmember Doug Stoner.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

E.

Public Hearing - Zoning Request Z16-017 - Rezoning from NS to GC-Conditional for the construction of a 5,000 sq. ft. commercial building - 0.4 Acres - Land Lot 446 - Belmont Circle - Yorkshire Real Estate Corporation

Sponsors: Wilkinson

Public Hearing - Zoning Request Z16-017 - Rezoning from NS to GC-Conditional for the construction of a 5,000 sq. ft. commercial building - 0.4 Acres - Land Lot 446 - Belmont Circle - Yorkshire Real Estate Corporation - This zoning request is to be tabled to the December 5, 2016 meeting at the request of the applicant.

Yorkshire Real Estate Corporation is requesting a rezoning of subject property from NS to GC-Conditional for the development of a new commercial building on Belmont Circle. The subject property is 0.4 acres in size and is zoned NS. The applicant is proposing to relocate some of the existing businesses (the pharmacy and dentist office) from 969 Windy Hill Road into the proposed commercial building after the acquisition of 969 Windy Hill Road by the City for the Windy Hill Road Improvement Project. The dentist office use is not identified as a permitted use under Section 711 of the Zoning Ordinance. Therefore, a rezoning from NS to GC is required to allow the dentist office as a permitted use.

Approved September 12, 2016 by the Planning and Zoning Board by a vote of 5-0. The zoning request was tabled by the Mayor and Council from the October 17, 2016 meeting to the November 21, 2016 meeting by a vote of 7-0 to allow the applicant the opportunity to complete modifications to the building architecture.

A motion was made by Andrea Blustein to table item 2016-375 for a Public Hearing and zoning request Z16-017 to the December 5, 2016 Mayor and Council Meeting for a rezoning from NS to GC-Conditional for the construction of a 5,000 sq. ft. commercial building - 0.4 Acres - Land Lot 446 - Belmont Circle - Yorkshire Real

Estate Corporation, seconded by Councilmember Charles (Corkey) Welch
The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch,
Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

F.

Public Hearing - Zoning Request Z16-002 - Rezoning from GC to
RTD-Conditional for the construction of 68 townhome units - 7.25 Acre
Tract - Land Lot 606 - 4710, 4730, 4750, 4760, 4770 & 4780 Camp
Highland Road - Prime Interest, Inc. - This zoning item is to be tabled
to the Tuesday, January 17, 2017 City Council Meeting at the request
of the applicant.

Sponsors: Fennel

*The following background was read aloud and it was noted that this item was going to
be tabled until the December 19, 2016 Mayor and Council meeting.*

*This item is a public hearing and zoning request for the rezoning from GC to
RTD-Conditional for the construction of 68 townhome units - 7.25 Acre Tract - Land
Lot 606 - 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road - Prime
Interest, Inc.*

*Prime Interest, Inc. is requesting the rezoning of the subject property from GC to
RTD-Conditional for the development of a 68-unit townhome subdivision at a density
of 9.37 units per acre.*

A request for tabling because of final details that still needed to be finalized.

*This zoning request was recommended for approval by the Planning and Zoning
Board at the October 10, 2016 meeting by a vote of 6-0.*

*Councilmember Fennel spoke about the town hall meetings he had held with
residents and the concerns they had voiced regarding this development.*

*Community Development recommends approval of the request rezoning from GC to
RTD-Conditional with the following conditions:*

Standard Conditions

(Requirement #16 from Section 1201 of the Zoning Code is not applicable)

*1. 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 hardy plank for any
elevation facing these roads.*

*2. The developer shall provide an undisturbed buffer with a minimum width of 20 feet
parallel to any right-of-way external to the development (except along Camp Highland
Road and where the discharge from the detention facility cross the buffer along
East/West Connector as shown on the submitted site plan).*

*3. There shall be protective covenants on all lots. These protective covenants shall
be supplied to the city prior to the issuance of a building permit.*

*4. The developer shall provide at least 200 square feet of common space per lot. This
common space shall be developed with improvements for the residential subdivision
such as: gazebos, fountains, recreational/playground equipment or walking trails. The
common space shall be controlled and maintained by the Homeowners Association.*

*5. 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.*

6. All utilities within the development shall be underground.

*7. The developer shall be responsible for any traffic improvements (including
additional right-of-way dedications) deemed necessary by the City 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.

8. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.

9. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.

10. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.

11. No debris may be buried on any lot or common area.

12. 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".

13. 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.

14. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

15. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

16. A Level I Archeological Study shall be provided for the development. The developer shall verify to the city that any historical or archeological features (including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any land disturbance activities.

Special Conditions

17. The development shall maintain the following setbacks:

Exterior Setbacks

Front - 15'

Side - 25'

Rear - 40'

Interior Setbacks

Front - 10'

Street Side - 0'

Rear - 10'

18. The buildings within the development shall maintain the following building separations:

Front to Front- 50'

Rear to Rear - 40'

Side to Front/Rear - 30'

Side to Side - 30'

19. Each townhome building shall be limited to no more than six units per building.

20. Driveway - 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.

21. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

22. The right-of-way along Camp Highland Road shall be increased to 50 feet. Therefore, a small dedication is required along the right-of-way.

23. The developer shall provide a 5' sidewalk with a 2' grass buffer along Camp Highland Road for the length of the development and a 5' sidewalk within the subdivision.

24. The developer shall provide a four-way stop at the entrance of the subdivision and the intersection with Camp Highland Road and Claybrooke Drive. The City Engineer must review and approve all plans.

25. The developer shall provide a crosswalk (with associated signage and notification

devices) across Camp Highland Road at the bridge. High intensity LED's shall be incorporated in the crosswalk signage. The City Engineer must review and approve all plans.

26. The developer shall provide a minimum 10' landscape buffer per Section 503 of the Zoning Ordinance along the western property line.

27. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.

28. 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.

29. Approval of the subject property for the RTD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 9/30/2016 created by Planners and Engineers Collaborative and all zoning stipulations above.

30. The applicant shall build the townhomes in substantial compliance to the building elevations submitted and dated 9/30/2016. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

31. The additional stipulations agreed upon by the applicant in the letter submitted and dated on September 30, 2016 by Kevin Moore. If there should be a discrepancy between the stipulations in the September 30, 2016 letter and the stipulations stated above, the stipulations stated above shall apply.

32. Infrastructure decision on whether to be public or private will be made by the city after the submittal of civil site design.

A motion was made by Councilmember Ron Fennel to Table item 2016-40 for a Public Hearing and zoning request to the December 19, 2016 Mayor and Council Meeting for Z16-002 - Rezoning from GC to RTD-Conditional for the construction of 68 townhome units - 7.25 Acre Tract - Land Lot 606 - 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road - Prime Interest, Inc., seconded by Councilmember Doug Stoner.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

G.

Public Hearing - Zoning Request Z16-019 - Modification of zoning stipulation requiring a clubhouse and pool as an amenity feature - 17.77 Acres - Land Lots 168 & 178 - Veterans Memorial Parkway & Brookside Village Parkway - J&A Construction & Homebuilders

Sponsors: Fennel

City Administrator Mike L Jones read the following background for this item: This is a zoning request for the modification of zoning stipulation requiring a clubhouse and pool as an amenity feature by the applicants J&A Construction & Homebuilders.

J&A Construction and Home Builders would like to amend zoning stipulation #10 from Z-149 (Cobb County) to remove the requirement for a 2,400 sq. ft. clubhouse and replace it with a cabana. The cabana will serve the pool and will provide a covered gathering area, with bathrooms and storage rooms for the pool equipment. The applicant believes this proposed amendment meets the original intent of the zoning condition to provide an active amenity area, as well as reduces the scale of the amenity down to a more manageable amenity for the subdivision HOA. The Brookside Lake Manor subdivision will be a private development with private

infrastructure. In addition to the amenity feature, the HOA will be responsible for the maintenance of the roads, water system, sewer system and stormwater management facilities.

The subject property was originally rezoned in Cobb County from RM-12 & PSC to RM-12-Conditional (Z-149) for the demolition of an existing apartment complex and the development 156 townhome units. In 2007, the developer received a land disturbance permit from Cobb County and demolished the existing apartment complex. The developer did not proceed with any other work due to the downturn in the economy. The subject property remained idle and vacant from 2007 to 2015. The applicant approached the city at the end of 2015 to annex the subject property into the city with the same zoning conditions approved by Cobb County. In December of 2015, the city annexed the subject property with the same zoning conditions approved by Cobb County. The developer has been issued a land disturbance permit in Smyrna and has started work installing the infrastructure for the townhome subdivision.

Community Development recommends approval of proposed zoning amendment with the following modification to zoning condition #10 from Cobb County Zoning Case Z-149 (2006) (in parenthesis):

1. The proposed residential development shall contain an active amenity area containing both a swimming pool (REMOVED: and a community clubhouse with cabana). The (REMOVED: clubhouse) cabana, (REMOVED: which includes a kitchen, a workout facility and meeting areas) shall be built according to the architectural style and composition as aforementioned and shall be (REMOVED: a minimum of 2,400 sq. ft. in size.) built in accordance with the site plan and building elevations submitted with Smyrna Zoning Case Z16-019 on 10/14/2016 created by Holland Architects.

Senior Planner Rusty Martin came to the podium and reviewed the background and showed the architectural renderings of the cabana as well as the Future Development Map. The site plan was also shown.

Mayor Bacon asked Mr. Martin if anything had been built yet and Mr. Martin replied that no the infrastructure was just being built.

The Public Hearing was called and no one came forward to speak in opposition to or to make comment regarding this item.

Community Development recommends approval of proposed zoning amendment with the following modification to zoning condition #10 from Cobb County Zoning Case Z-149 (2006) (in parenthesis):

1. The proposed residential development shall contain an active amenity area containing both a swimming pool (REMOVED: and a community clubhouse with cabana). The (REMOVED: clubhouse) cabana, (REMOVED: which includes a kitchen, a workout facility and meeting areas) shall be built according to the architectural style and composition as aforementioned and shall be (REMOVED: a minimum of 2,400 sq. ft. in size.) built in accordance with the site plan and building elevations submitted with Smyrna Zoning Case Z16-019 on 10/14/2016 created by Holland Architects.

Senior Planner Rusty Martin came to the podium and reviewed the background and showed the architectural renderings of the cabana as well as the Future Development Map. The site plan was also shown.

Mayor Bacon asked Mr. Martin if anything had been built yet and Mr. Martin replied that no the infrastructure was just being built.

The Public Hearing was called and no one came forward to speak in opposition to or to make comment regarding this item.

A motion was made by Councilmember Ron Fennel to approve item 2016-480 for zoning request Z16-019 - Modification of zoning stipulation requiring a clubhouse and pool as an amenity feature - 17.77 Acres - Land Lots 168 & 178 - Veterans Memorial

Parkway & Brookside Village Parkway - J&A Construction & Homebuilders, seconded by Councilmember Doug Stoner.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

5. Privilege Licenses:

- A. Public Hearing - Privilege License Request 2016-442 - Beer, Wine, and Liquor Pouring - 4479 South Cobb Drive - Chris' Caribbean Bistro Inc. dba Chris' Caribbean Bistro with Christopher Orlando Guy Campbell as agent.

Sponsors: Stoner

City Administrator Mike L. Jones gave the background for this item:

This item is a public hearing for a privilege license request for Beer, Wine, and Liquor Pouring located at 4479 South Cobb Drive, Chris' Caribbean Bistro Inc. dba Chris' Caribbean Bistro with Christopher Orlando Guy Campbell as agent.

This is a new application for privilege license for Chris' Caribbean Bistro Inc. dba Chris' Caribbean Bistro for the sale of beer, wine, and liquor (retail pouring). Christopher Orlando Guy Campbell will be the registered agent responsible for the sale of alcohol at the referenced location. Christopher Orlando Guy Campbell has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. (Certificate attached)

Mayor Bacon called the public hearing and no one came forward to speak in opposition or to make comment regarding this item.

A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Christopher Orlando Guy Campbell has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Approval of a privilege license for the sale of beer, wine, and liquor (retail pouring) for Chris' Caribbean Bistro Inc. dba Chris' Caribbean Bistro with Christopher Orlando Guy Campbell as the registered agent. Councilmember Doug Stoner welcomed Mr. Campbell and asked him if he had completed the mandatory training regarding alcohol. He also reiterated that the Smyrna Police Department would do unannounced compliance checks and asked if he understood that alcohol serving is a privilege and a not a right.

Mr. Campbell acknowledged and stated he expected to be open the first week of January.

A motion was made by Councilmember Doug Stoner to approve item. 2016-442 for a privilege license request 2016-442 - Beer, Wine, and Liquor Pouring - 4479 South Cobb Drive - Chris' Caribbean Bistro Inc. dba Chris' Caribbean Bistro with Christopher Orlando Guy Campbell as agent, seconded by Councilmember Derek Norton.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

6. Formal Business:

- A.** Approval to amend the concession and franchise agreement between the City of Smyrna and Gonna Fly Now, LLC for the Fox Creek Golf Club property and authorize the Mayor to sign and execute all related documents.

Sponsors: Wilkinson

City Administrator Mike L. Jones read the following background:

This item is for the approval to amend the concession and franchise agreement between the City of Smyrna and Gonna Fly Now, LLC for the Fox Creek Golf Club property and authorize the Mayor to sign and execute all related documents.

The amendment will extend the concession and franchise agreement for 35 years (until May 2051). The franchisee will pay the City an annual base concession fee of \$20,000 per year (to be paid in two equal installments of \$10,000 on or before July 1 and January 1 of each year). Additionally, the Franchisee will pay to the City a fee based on the number of rounds played on the Premises during each 12 month period of the extended term in amount of \$0.25 per number of rounds played in excess of 30,000 rounds.

The existing agreement officially expired on May 31, 2016. As a result of the private financial investment being made in the improvements to the Fox Creek Golf Course, the City of Smyrna was approached, and following negotiations, is presenting a proposed franchise agreement which extends the agreement until May 31, 2051 (35 years). Compensation to the City of Smyrna is outlined above.

A motion was made by Councilmember Ron Fennel to approve 2016-477 to amend the concession and franchise agreement between the City of Smyrna and Gonna Fly Now, LLC for the Fox Creek Golf Club property and authorize the Mayor to sign and execute all related documents, seconded by Councilmember Andrea Blustein.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

- B.** Adopt an Authorizing Resolution approving intergovernmental economic development agreements with the Downtown Smyrna Development Authority as well as a Bond Placement Agreement with the Placement Agent and the Downtown Smyrna Development Authority, all of which are related to refunding of bonds issued in 2014 related to the Smyrna Grove project.

Sponsors: Fennel

City Administrator Mike L. Jones read aloud the following background:

This item is to adopt an Authorizing Resolution approving intergovernmental economic development agreements with the Downtown Smyrna Development Authority as well as a Bond Placement Agreement with the Placement Agent and the Downtown Smyrna Development Authority, all of which are related to refunding of bonds issued in 2014 related to the Smyrna Grove project.

Due to changes in the bond market, the Downtown Smyrna Development Authority is able to refinance bonds that were issued in 2014 incident to the Smyrna Grove project. This will result in a savings of \$357,000 or \$316,000 on a present value basis.

Councilmember Ron Fennel remarked that this refinance of the bonds would save the City approximately \$36,000 a year for 10 years.

A motion was made by Councilmember Ron Fennel to approve item 2016-483 to Adopt an Authorizing Resolution approving intergovernmental economic development agreements with the Downtown Smyrna Development Authority as well as a Bond Placement Agreement with the Placement Agent and the Downtown Smyrna Development Authority, all of which are related to refunding of bonds issued in 2014 related to the Smyrna Grove project, seconded by Councilmember Doug Stoner. The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

C.

Approval of a Fee Waiver request of all applicable building permit fees and other associated fees in the amount of \$15,950.00 for Cobb & Douglas Public Health Department for the renovation of the building at 3001 South Cobb Drive.

Sponsors: Wilkinson

City Administrator Mike L. Jones gave the following background for this item: This is for the approval of a Fee Waiver request of all applicable building permit fees and other associated fees in the amount of \$15,950.00 for Cobb & Douglas Public Health Department for the renovation of the building at 3001 South Cobb Drive. A request from Cobb & Douglas Public Health Department for the waiver of all applicable building permit fees and other associated fees in the amount of \$15,950.00 for the renovation of the new Smyrna Public Health Center at 3001 South Cobb Drive. The renovation will provide an elevator and additional stairs to the building for increased ADA accessibility. The new Smyrna Public Health Center will offer the Women, Infants and Children (WIC) food supplement program. The WIC program offers nutrition education and food supplement vouchers. In addition, the location will provide a wellness clinic for adult and child health services, such as, immunization, family planning, school screenings and pediatric care. The purchase of the building and the associated renovation are funded through the 2016 Cobb County SPLOST program. The renovation is scheduled to begin in early 2017. Cobb County Government has purchased the property 3001 South Cobb Drive as the future home of Smyrna Public Health Center. The current location near Wade Ford had limited visibility and no bus stop on the facility side of the road. The new building has increased visibility for their customers, as well as a bus stop located on the facility side of the road. The new location will increase the safety of the customers who arrive via Cobb Linc or walk to the facility. Community Development recommends approval of the requested fee waiver in the amount of \$15,950.00 for Cobb & Douglas Public Health Department for all building permit fees and other associated fees for the renovation of the building at 3001 South Cobb Drive for the new Smyrna Public Health Center.

A motion was made by Councilmember Ron Fennel to approve item PET2016-02 for a Fee Waiver request of all applicable building permit fees and other associated fees in the amount of \$15,950.00 for Cobb & Douglas Public Health Department for the renovation of the building at 3001 South Cobb Drive, seconded by Councilmember Charles (Corkey) Welch.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

- D.** Designate public parking along Belmont Boulevard as limited to (3) three consecutive hours and authorize signs to be installed to this effect.

No background given on this item

A motion was made by Councilmember Charles (Corkey) Welch to approve item 2016-488 to designate public parking along Belmont Boulevard as limited to (3) three consecutive hours and authorize signs to be installed to this effect, seconded by Councilmember Derek Norton.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

7. Commercial Building Permits:

There were no commercial building permits

8. Consent Agenda:

City Administrator Mike Jones read aloud the consent agenda for Council approval.

A motion was made by Councilmember Doug Stoner to approve the consent agenda as read aloud, seconded by Councilmember Derek Norton.

The motion carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Absent: 2 - Councilmember Anulewicz and Councilmember Wilkinson

- A.** Approval of Mayor and Council Meeting Minutes for November 7, 2016

Sponsors: City Council

- B.** Approval of the Pre-Council Meeting Minutes for November 7, 2016

Sponsors: City Council

- C.** Approval of the Mayor and Council Committee of the Whole Meeting Minutes for November 3, 2016

Sponsors: City Council

- D.** Approval to allow Porch Light Latin Kitchen to serve alcohol outside of their establishment for their first year anniversary celebration on November 27th or December 4, 2016 from 2:00 PM - 6:00 PM

Sponsors: Anulewicz

9. Committee Reports:

Ward 7 - Councilmember Ron Fennel had no report

Ward 6 - Councilmember Doug Stoner had no report

Ward 5 - Councilmember Susan Wilkinson was absent

Ward 4 - Councilmember Corkey Welch had no report

Ward 3 - Mayor Pro Tem / Councilmember Teri Anulewicz was absent

Ward 2 - Councilmember Andrea Blustein gave a Ward 5 report on behalf of Susan Wilkinson. She spoke about the upcoming Veteran's Day Memorial event.

There would be a Ward 5 South Cobb Corridor Study meeting on December 8th from 6:30pm - 8:30pm at City Hall.

Ward 2 had no report

Ward 1 - Councilmember Derek Norton remarked that the majority of paving had been completed on Spring Road. He also bragged on the Fire Department for going above and beyond in response to the wildfires in Georgia. They assisted in Townes County and sent three firefighters and an engine with a rotation between a total of 15 firefighters. Chief Acree also traveled up there as well.

City Administrator Mike Jones had no report

Assistant City Attorney Jeffrey Tucker had no report

City Clerk Terri Graham wished her father a Happy 80th Birthday

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Two residents who frequently use Berger Dog Park spoke about broken latches and a need for an automatic light at dusk. A few weeks ago there was between 29 and 35 cars after work. With the time change it is now dark after work and lights would be nice as well as a few more benches. A petition with these requests was submitted to the City Clerk with 117 signatures.

Steve had comments concerning item Z16-002. He noted that the item had been postponed quite a few times last few years. He wants to get an earlier posting of the item on the next meeting or its tabling again sooner for the nearby developments HOA board members so they could attend and comment.

As voiced in Town Hall meeting, the board does not object or have opposition but they do urge Council to consider funds to improve Camp Highland in response to this development. The road is currently unsafe and needs attention.

Sheldon Schnyder, Woodland Brook: The input from nearby residents is mainly surrounding traffic concerns. One particular concern is if traffic backs up sufficiently folks would use Woodland Brook as an alternative through the neighborhood. He inquired as to whether a study has been done regarding the addition of 68 units.

12. Adjournment:

The meeting of the Mayor and Council for November 21, 2016 was adjourned at 7:53PM by Mayor Max Bacon.