



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Tuesday, January 17, 2017

7:00 PM

Council Chambers

Roll Call

Present: 8 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Doug Stoner and Councilmember Ron Fennel

Also Present: 9 - Mike L Jones, Scott Cochran, Terri Graham, David Lee, Jennifer Bennett, Russell Martin, Ken Suddreth, Dan Campbell and Bob Summerville

Call to Order

Mayor Max Bacon called the meeting of the Mayor and Council to order for January 17, 2017 at 7:00pm.

1. Invocation and Pledge:

Pastor Brian Downing, Oakdale Church of God (1631 Cooper Lake Rd) came to the podium and gave the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

Items 7A and 7B will be tabled.

3. Mayoral Report:

There was no Mayoral report.

4. Land Issues/Zonings/Annexations:

A. [2016-40](#)

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.

Sponsors: Fennel

A motion was made by Councilmember Ron Fennel to table until the February 20, 2017 Mayor and Council meeting at the request of the applicant, item 2016-40; a zoning request (Z16-002) for the rezoning from GC to RTD-Conditional for the construction of 68 townhome units on 7.25 Acre Tract, Land Lot 606 located at 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road by the applicant Prime Interest, Inc.; seconded by Councilmember Doug Stoner.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

B. [2016-432](#)

Public Hearing - Zoning Request - Z16-018 - Rezoning from OI-Conditional to RTD-Conditional for the development twenty-six townhome units - 3.35 Acres - Land Lot 528 - King Springs Road & South Cobb Drive - Waters Edge Group.

Sponsors: Stoner

A motion was made by Councilmember Doug Stoner to table until the February 20, 2017 Mayor and Council meeting, at the request of the applicant, item 2016-432; a zoning request - (Z16-018) for the rezoning from OI-Conditional to RTD-Conditional for the development twenty-six townhome units on 3.35 Acres, Land Lot 528 located at King Springs Road & South Cobb Drive by the applicant Waters Edge Group; seconded by Councilmember Ron Fennel.
The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

C. [2016-508](#)

Public Hearing - Zoning Request Z16-022 - Rezoning from LC & CBD to GC - 0.86 Acres - Land Lots 486 & 523 - 1239 Concord Road and 1200 & 1204 Medlin Street - DDP Concord, LLC

Sponsors: Anulewicz

City Administrator Mike Jones read the following background for this item:

This item is a Zoning Request (Z16-022) for the rezoning from LC & CBD to GC on 0.86 Acres on Land Lots 486 & 523 located at 1239 Concord Road and 1200 & 1204 Medlin Street by the applicant DDP Concord, LLC.

DDP Yoga is requesting a rezoning of subject property from LC & CBD to GC for a more intensive use of the property beyond a video production studio. The rezoning would allow the property to be used for additional uses currently not covered under the LC zoning district. The additional uses would include: retail sales, instructional yoga and cooking classes and the rental of the facility for special events.

DDP Yoga redeveloped the site in 2014 for a new video production studio. The redevelopment included renovation of the existing office building and the construction of a 2,300 sq. ft. addition to the building for the production studio. As part of the redevelopment, the City granted a variance (Variance Case V14-024) for a front setback reduction from 50' to 25' for the new addition. While renovating the building, DDP Yoga acquired 1200 & 1204 Medlin Street to provide additional parking for staff and the public. The lots on Medlin Street had a CBD-Conditional zoning designation and were specifically zoned for a parking area back in 2008 (Zoning Case Z08-001) to support a mixed use building along Concord Road. The development associated with Zoning Case Z08-001 never came to fruition and DDP Yoga purchased the lots in 2014. The two homes that were on the lots were demolished and the parking area was constructed to serve the studio building.

The rezoning request was heard by the Planning and Zoning Board at the December 19, 2016 meeting and was recommended for approval by vote of 6-0.

Mayor Bacon called the public hearing and no one came forward to speak in favor of or in opposition to this request.

Senior Planner Russell Martin came forward and gave additional background and showed the parking lot site plan.

Community Development recommends approval of the proposed rezoning from LC &

CBD to GC with the following condition:

(1) The following uses shall be prohibited:

Automotive sales/repair

- ☐ *Automobile wash service*
- ☐ *Boarding and breeding kennels*
- ☐ *Dry cleaning plants*
- ☐ *Adult Novelty Stores & Adult Entertainment*
- ☐ *Pawnshops*
- ☐ *Check Cashing Stores*
- ☐ *Pool Hall or Arcade*
- ☐ *Service stations*
- ☐ *Coin Operated Laundry*
- ☐ *Composting Facility*
- ☐ *Funeral Homes*
- ☐ *Group Homes*
- ☐ *Shelter for the Homeless*
- ☐ *Package Store*
- ☐ *Tattoo Parlor*
- ☐ *Truck Rental, Sales, Service or Repairs*
- ☐ *Motorcycle Sales, Service or Repairs*
- ☐ *Tire Sales or Services*
- ☐ *Taxi Stands (including storage and repair of vehicles)*
- ☐ *Self-Storage Facilities*
- ☐ *Massage Parlor*

Rob Barfield, Construction agent for DDP Studios. He stated that this request was to complete the overall DDP brand and allow for other offerings by the studio such as the mentioned cooking classes and instructional classes.

A motion was made by Mayor Pro Tem / Councilmember Teri Anulewicz to approve item 2016-508 a zoning request (Z16-022) for the rezoning from LC & CBD to GC on 0.86 Acres, Land Lots 486 & 523 located at 1239 Concord Road and 1200 & 1204 Medlin Street by the applicant DDP Concord, LLC.; seconded by Councilmember Charles Welch.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

D. [ORD2017-02](#)

Public Hearing - Approval of Amendments to the City of Smyrna's Code of Ordinances, Appendix A, Zoning for proposed accessory special event parking amendments for additional text to Article IV and Article IX of the Zoning Ordinance

Sponsors: Stoner

City Administrator Mike Jones read the following background for this item:

This is for the approval of Amendments to the City of Smyrna's Code of Ordinances, Appendix A, Zoning for proposed accessory special event parking amendments for additional text to Article IV and Article IX of the Zoning Ordinance

Community Development has identified several areas of concerns related to the impacts from the Braves Stadium. Community Development staff and the City Attorney have drafted text amendments related to accessory special event parking and vehicle immobilization services.

Mayor Bacon called the public hearing and no one came forward to speak in favor of or in opposition to this item.

Community Development Director Ken Suddreth came forward and gave the following additional background:

Community Development pursued the following process in providing recommendations:

- Review amendments adopted by Cobb County to identify issues similar to Smyrna;*
 - Anticipate issues unique to Smyrna;*
 - Review Smyrna code to identify existing policies that address anticipated issues;*
 - Propose amendments or new policies necessary to address anticipated issues*
- Between February and November 2016, Cobb County adopted several code amendments to address potential impact from Braves Stadium:*
- Alcohol – Restaurants and consumption within the Battery and stadium;*
 - Accessory Parking – Requires plan submittal and permit;*
 - Ticket Brokers – Reiterates State requirements, also requires operation within brick & mortar location and County issued ID;*
 - Vendors – Addresses vendors operating within Battery and stadium; and*
 - Solicitation and Distribution in Right-of-Way – prohibits pedestrian interference with vehicles in right-of-way*

Accessory Special Event Parking:

- Provides Definitions & Terms for Special Events*
- Requires Registration with City for the Operation of a Special Event Parking Lot*
- Establishes Requirements for the Operation of a Special Event Parking Lot*
- Parking Standards*
- Traffic & Emergency Service Standards*
- Staffing & Signage Standards*
- Sanitation Service Standards*

Vehicle Immobilization Services:

- Provides Definitions & Terms for Vehicle Immobilization Services.*
- Requires Registration & Licensing with City for the Operation of Vehicle Immobilization Service*
- Establishes Requirements for the Operation of Services*
- Signage & Adequate Posting the Parking Lot*
- Sets Maximum Allowable Fees & Fee Collection Standards*
- Establishes Unlawful Acts*
- Sanitation Service Standards*
- Establishes Licensing Application Requirements*
- Establishes Penalties*

The code amendments were heard by the Planning and Zoning Board at the December 19, 2016 meeting and were recommended for approval by vote of 6-0 for approval of the proposed text amendment related to special event parking and vehicle immobilization.

Mayor Bacon asked who would be enforcing the ordinance and Mr. Suddreth noted the City Marshal's would be enforcing along with the police department.

Councilmember Susan Wilkinson asked if this ordinance required them have a business license? Mr. Suddreth responded that yes, they would already have one as an established business.

Councilmember Ron Fennel spoke about the traffic flow as well as the policing of parking lots in a multi business complex.

A motion was made by Councilmember Doug Stoner to approve item ORD2017-02 for the approval of Amendments to the City of Smyrna's Code of Ordinances, Appendix A, Zoning for proposed accessory special event parking amendments for additional text to Article IV and Article IX of the Zoning Ordinance; seconded by Councilmember Derek Norton.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

- A. [ORD2017-01](#)** Approve the Amendment to the City of Smyrna's Code of Ordinances, Appendix D, Section 5 - Water System design, maintenance and hazard reduction procedures; Design Specifications for Storm Drainage, Roads, Construction by adding subsection (q) Distribution System Flushing and amend subsection (k) Disinfection (1) Main Repairs: by adding sample collection testing.

Sponsors: Welch

*City Administrator Mike Jones gave the following background for this item:
Approve the Amendment to the City of Smyrna's Code of Ordinances, Appendix D, Section 5 - Water System design, maintenance and hazard reduction procedures; Design Specifications for Storm Drainage, Roads, Construction by adding subsection (q) Distribution System Flushing and amend subsection (k) Disinfection (1) Main Repairs: by adding sample collection testing.*

Amend Appendix D, Design Specifications for Storm Drainage, Roads, Construction Section 5 by adding subsection (q) Distribution System Flushing and amend subsection (k) Disinfection (1) Main Repairs: by adding sample collection testing.

This is an annual review of system policy requires these revisions to be in writing as unwritten operational procedures are not acceptable.

*Mr. Scott Stokes came forward and noted the following information as well:
Public Works has reviewed these ordinance amendments and recommends amending Appendix D, Design Specifications for Storm Drainage, Roads, Construction Section 5 by adding subsection 9 (q) Distribution System Flushing and amend Subsection (k) Disinfection (1) Main Repairs: by adding sample collection testing.*

A motion was made by Councilmember Charles Welch to approve item ORD2017-01 for the approval of the Amendment to the City of Smyrna's Code of Ordinances, Appendix D, Section 5 - Water System design, maintenance and hazard reduction procedures; Design Specifications for Storm Drainage, Roads, Construction by adding subsection (q) Distribution System Flushing and amend subsection (k) Disinfection (1) Main Repairs: by adding sample collection testing; seconded by Councilmember Derek Norton.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

- B. [ORD2017-03](#)** Approval of Ordinance adoption to the City of Smyrna's Code of Ordinances, Chapter 22 - Businesses, Article IX, Division 3 Vehicle Immobilization; Sec. 22-331 through Sec. 22-333

Sponsors: Norton

A motion was made by Councilmember Derek Norton to approve item ORD2017-03 for the approval of Ordinance adoption to the City of Smyrna's Code of Ordinances, Chapter 22 - Businesses, Article IX, Division 3 Vehicle Immobilization; Sec. 22-331 through Sec. 22-333; seconded by Mayor Pro Tem / Councilmember Teri Anulewicz.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

C. 2017-38

Award RFP 17-016 Spring Road Streetscape & Median Landscape Improvements to the lowest bidder Ed Castro Landscape Inc. for \$395,286.22 and authorize the Mayor to execute any related documents.

Sponsors: Norton

City Administrator Mike Jones gave the following background for this item:

This item is to award RFP 17-016 Spring Road Streetscape & Median Landscape Improvements to the lowest bidder Ed Castro Landscape Inc. for \$395,286.22 and authorize the Mayor to execute any related documents.

Public Works requested bids for landscaping and streetscape Improvements for the Spring Road Widening Project. Three bids were received at follows:

Ed Castro Landscape Inc.	\$395,286.22
--------------------------	--------------

Ashford Gardeners Inc.	\$493,745.20
------------------------	--------------

Tri Sapes Inc.	\$515,475.55
----------------	--------------

Public Works, Purchasing and Croy Engineering have reviewed the bids and recommend Award of RFP 17-016 Spring Road Streetscape & Median Landscape Improvements to the lowest bidder Ed Castro Landscape Inc. for \$395,286.22 and authorize the Mayor to execute any related documents.

Councilmember Derek Norton noted his pleasure at the plans for this project and with Mr. Ken Suddreth's work on this project as well.

A motion was made by Councilmember Derek Norton to approve item 2017-38 to award RFP 17-016 Spring Road Streetscape & Median Landscape Improvements to the lowest bidder Ed Castro Landscape Inc. for \$395,286.22 and authorize the Mayor to execute any related documents; seconded by Mayor Pro Tem / Councilmember Teri Anulewicz.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

D. 2017-39

Award RFP 17-017 Concord Road Linear Park Landscape Improvements to the lowest bidder Ashford Gardeners Inc. for \$158,540.50 and authorize the Mayor to execute any related documents.

Sponsors: Anulewicz

City Administrator Mike Jones read the following background for this item:

This item is to award RFP 17-017 Concord Road Linear Park Landscape Improvements to the lowest bidder Ashford Gardeners Inc. for \$158,540.50 and authorize the Mayor to execute any related documents.

Public Works Requested bids for Landscape Improvements to the Concord Road Linear Park. This landscaping work will be phase one and stretch from Hollis Street to Evelyn Street. Three vendors submitted bids as follows:

Ashford Gardeners Inc.	\$158,540.50
------------------------	--------------

<i>Ed Castro Landscaping Inc.</i>	\$161,019.91
-----------------------------------	--------------

<i>Tri Scares Inc.</i>	\$191,591.42
------------------------	--------------

Public Works, Purchasing and Croy Engineering have reviewed the bids and recommend Award of RFP 17-017 Concord Road Linear Park Landscape

Improvements to the lowest bidder Ashford Gardeners Inc. for \$158,540.50 and authorize the Mayor to execute any related documents.

Mr. Scott Stokes, Public Works Director noted that this item is by the same designer as the Spring Road project and that it is a very nice plan for this linear park.

A motion was made by Mayor Pro Tem / Councilmember Teri Anulewicz to approve item 2017-39 to award RFP 17-017 Concord Road Linear Park Landscape Improvements to the lowest bidder Ashford Gardeners Inc. for \$158,540.50 and authorize the Mayor to execute any related documents; seconded by Councilmember Charles Welch.

The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

E. [2017-45](#)

Approval to amend the FY2017 Budget Fee Schedule to reduce a Liquor Package License from \$5,000.00 to \$2,000.00.

Sponsors: Fennel

City Administrator Mike Jones read the following background for this item:

This item is for the approval to amend the FY2017 Budget Fee Schedule to reduce a Liquor Package License from \$5,000.00 to \$2,000.00.

A proposed fee schedule change to a Liquor Package License in the FY2017 Budget Fee Schedule created a \$3,530.00 increase from \$1,470.00 to \$5,000.00. This item is for the approval to amend the FY2017 Budget Fee Schedule for a Liquor Package License to \$2000.00, thus creating a \$530.00 increase in the FY2017 Fee Schedule. During the adoption of the FY2017 Budget, Community Development presented proposed fee increases for alcohol beverage licenses. The recommended fees were to remain consistent with the Cobb County Fee schedule. All of the City of Smyrna alcohol beverage fees were within reasonable proximity to the current Cobb County rates, however, the Liquor Package Fee for the City was set at \$1,470.00 and Cobb County was set at \$5,000.00 for this license. The City made the increase to the \$5,000.00 Cobb County rate and after further review the City has proposed to amend and reduce the fee increase to \$2,000 for Budget year FY2017.

This will create a increase for a Liquor Package License of \$530.00 for each of the eight establishments over 2016 amounts. The decrease from \$5,000 to \$2,000 will result in a \$24,000 reduction in budgeted fee revenue for the FY2017 Budget. Councilmember Susan Wilkinson made a statement that the item was on the published agenda.

A motion was made by Councilmember Ron Fennel to approve item 2017-45 for the approval to amend the FY2017 Budget Fee Schedule to reduce a Liquor Package License from \$5,000.00 to \$2,000.00; seconded by Councilmember Derek Norton. The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

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.

The consent agenda was read aloud for Council approval. Councilmember Ron Fennel made a motion to approve the consent agenda as read aloud; seconded by Councilmember Derek Norton. The motion carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

- A. [2017-33](#) Approval of the January 3, 2017 Mayor and Council Meeting Minutes
Sponsors: City Council
- B. [2017-35](#) Approval of January 3, 2017 Pre-Council Meeting Minutes
Sponsors: City Council
- C. [2017-03](#) Award Bid RFP 17-008 for Self-Checkout Units at Smyrna Public Library to EnvisionWare, Inc. in the amount of \$25,813.81 and have the Mayor sign and execute all related documents.
Sponsors: Wilkinson
- D. [2017-21](#) Approval for Atkins Park Tavern to extend premises for Smyrna OysterFest January 28-29, 2017
Sponsors: Anulewicz
- E. [2017-36](#) Approval of 2017 St. Patrick's Day Celebration Weekend in the Market Village - March 17 & 18, 2017
Sponsors: Anulewicz
- F. [2017-24](#) Approval to use Council Chambers for Creatwood at Vinings Annual HOA Meeting, Sunday, February 19, 2017 from 6:00pm - 8:00pm
Sponsors: Stoner

9. Committee Reports:

Ward 1 - Councilmember Derek Norton had no report from his committees, but announced the last meeting for the Spring Road Corridor Study from 6:00pm - 7:30pm at Cumberland Community Church on January 24th. He also reported that he and his wife welcomed a new son, Jack David Norton.

Ward 2 - Councilmember Andrea Blustein had no report.

Ward 3 - Mayor Pro Tem / Councilmember Teri Anulewicz reported regarding the Vision process and stated all committees were holding meetings regularly and continue to make great progress.

Ward 4 - Councilmember Corkey Welch had no report.

Ward 5 - Councilmember Susan Wilkinson gave information regarding the public meeting for the South Cobb Drive Corridor Concepts Study. It would be held at the Wolfe Center from 5:00pm - 8:00pm on February 7, 2017.

Ward 6 - Councilmember Doug Stoner had no report.

Ward 7 - Councilmember Ron Fennel spoke about the committee meeting held with Community Relations and stated the minutes would be available from that meeting at their next committee meeting. He also participated in the Braves Stadium phone conference held earlier in the day. He gave his congratulations to the Atlanta Falcons.

*City Administrator Mike Jones had no report
City Attorney Scott Cochran had no report
City Clerk Terri Graham had no report*

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

There was no Citizen Input.

12. Adjournment:

7:58PM

The meeting of the Mayor and Council for January 17, 2017 was adjourned at 7:58pm.