



Meeting Minutes - Final Committee of the Whole

Thursday, February 16, 2017

6:00 PM

City Hall

Roll Call

Council: Teri Anulewicz (Mayor Pro Tem), Andrea Blustein, Susan Wilkinson, Ron Fennel, Derek Norton, Doug Stoner

Staff: Mike Jones (City Administrator), Tammi Saddler Jones (Assistant City Administrator), Scott Cochran (City Attorney), Christiana Craddock (Executive Assistant to the City Administrator), Christy Ullman (Executive Assistant to Mayor and Council), Terri Graham (City Clerk), Ken Suddreth (Community Development Director), David Lee (Chief of Police), Kristin Robinson (Finance Director), Richard Garland (Parks and Rec Director) and Maxwell Ruppensburg (Government Management Fellow).

Guests: Don Hicks, Larry Terry, & Eddie Wade (Croy Engineering)

Absent: Mayor Bacon, Corkey Welch

Call to Order

Mayor Pro Tem Teri Anulewicz called the meeting to order at 6:01pm.

City Administrator Report

City Administrator Mike Jones informed Council that on Monday morning at 3:00am, the Fire Stations had several burglaries on the personal vehicles of the firefighters at the various stations. He said this was an orchestrated hit at several fire stations in Cobb County, Paulding County, and Smyrna. He reported that the Public Safety Foundation has created a "Go Fund Me" page for those firefighters, who lost a variety of valuables (guns, ipads, etc). Chief Lee said that City policy does not allow Public Safety employees to take their personal guns inside their stations, but he has explored the idea of having gun lockers for those who do not want to leave their guns in their cars.

Mr. Mike Jones discussed a Reed House funding change with Council and said that they had approved \$1.5M for the renovations of the Reed House, and part of that was \$270K from CDBG funds that were available because of the ADA modifications involved in the renovation of the home. He said that someone associated with the Smyrna historical society who happened to work in the State Historic Preservation Office, did not like the fact that the City was changing the doorknobs on the home in order to meet ADA compliance. He said this person got the project "red-flagged" and now the state has declared that the renovations would have an "adverse effect" on the historic features of the home, and they are now sending the review of the funding and plans to Washington DC. He said this process would take at least 6 months, and there was no guarantee that they would approve the project at the federal level. His recommendation is to take SPLOST funds targeted for Parks improvements and use

them for the Reed House, and then use the CDBG funds for the parks improvements, where eligible. He said CDBG Coordinator Christiana Craddock and Parks and Rec Director Richard Garland had been working together to identify projects at Chuck Camp Park and Ward Park that can use these CDBG funds. He said swapping these fund sources would take the historical review process out of the project entirely so the City can proceed with the work on the Reed House and have it open on time. He said Kristin Robinson would bring forward an agenda item to clean up the funding source for the Reed House project.

Ms. Tammi Saddler Jones told Council that Greater Grace Church, located on Bank Street across from Cobb Park, was selling their property and moving to Austell. They asked if the City was interested in purchasing the property, which they are asking \$825K for. There was discussion about doing a three-way swap with the Second Baptist Church on Atlanta Road and seeing if they would be interested in moving to that location and then the City could finally purchase that property on Atlanta Road and Powder Springs. Council instructed Ms. Jones to put an option on the property to start a conversation about the deal.

5 Minutes of Innovation: Bike Parking Ordinance - Maxwell Ruppensburg

Government Management Fellow Maxwell Ruppensburg introduced a bike parking ordinance for Council to consider that would require developers to have 1 bicycle parking spot for every 20 vehicle parking spots. He said the draft ordinance also allowed for waivers that would require a business to put an equivalent amount of value into a general fund so the City can use it for funding other bike spots. He said any new construction would have to be compliant. Council was interested and asked for this to be pursued further and a final version be submitted for their review.

Annexation Discussion - Ron Fennel

Councilmember Ron Fennel said he wanted to involve Council in a discussion about annexations – what are target areas and how does the City go about bringing them into the City? He gave an example of a neighborhood that is in city limits, but can only be accessed by going outside of city limits, and that area would be a great area to target for annexation. He said that state law provides for annexation in three ways: 100% approval from homeowners, 60% approval from homeowners, and a legislative option via a referendum requiring 50% plus 1 of impacted parties (voters, not homeowners). He also said state law provides for islands to be annexed into the City at any given time, and there was discussion about the islands in the various wards. It was noted that typically the City only annexes those islands into the City who want to be annexed in, and many times developers will annex their properties into the City because they would rather do business with the City than with Cobb County.

Councilmember Fennel focused on the service delivery strategy as a rule for annexation and explained that if a car goes down a roadway, and one side of the road is in the City and the other side is not, then that is a conversation worth having about annexing that side of the road into the City. He shared a piece of data that on a \$300K home, annexing into the City would cost an additional \$724 in taxes annually. There was discussion on the amenities and services offered by the City.

Councilmember Fennel asked that everyone on Council start scoping out their own areas of opportunities for the annexation process and that they should have a discussion about the legislative referendum option of the annexation process, which could be a remedy in some cases where enough homeowners are not amenable to coming into the City. Councilmember Doug Stoner supported the conversation about the annexation referendum. Councilmember Fennel noted that those who are not in

city limits are benefitting from our public safety and zip code without paying any taxes. He also said it was important to find demarcation lines that made sense to round out the boundaries of the City (e.g., Atlanta Road, 285, other major thoroughfares). He also said the legislative remedy to annexation pushback would eliminate the problem with absentee owners who have renters in some potential neighborhoods who want to annex in.

Councilmember Fennel ended the discussion by asking all of Council to give their top three targets in a month from now so they can continue the conversation and come up with a strategy. He also mentioned the importance of City Attorney Scott Cochran being a part of the discussions, as he has historical knowledge about some of these areas and why they are not within city limits already. Mr. Scott Cochran commented that if the City did go the legislative route, they could look into amending the floating homestead exemption so there is a provision that says if someone annexes into the City, then their homestead exemption stays until they sell the property, to offset their taxes. There was also discussion about Nickajack Elementary not being in city limits and the benefits of bringing that property in.

Review of February 20, 2017 Mayor and Council Agenda

Item A was for a rezoning for a townhome development on Camp Highland, and Mr. Ken Suddreth said they had worked out the sewer issue and the only hang-up and concern now was from surrounding residents regarding the traffic. There was discussion about cost for a pedestrian bridge, estimated at \$500K. He said City Engineer Eric Randall was working with Cobb DOT regarding the timing of the light at the intersection at E/W.

The next item was for a development of 26 townhomes behind the old QT at King Springs and South Cobb Drive. Councilmember Doug Stoner said the orientation of the homes was creating a large green space in the center of the property, and it was a great opportunity for that property. Mr. Ken Suddreth said there were some variances, but they were much better than when they originally started, and Staff was supportive of them. He said the density was a little over 7.5 units/acre.

The next item for review was the relocation of Ray's 5 star package store, which was relocating as a result of the Windy Hill expansion and condemnations. Mr. Ken Suddreth said they have received no response from surrounding neighbors (note: there were two residents present for the COW meeting, and Mayor Pro Tem Teri Anulewicz requested they reach out to her directly after the meeting with any of their concerns). Mr. Suddreth further explained there were two tracts of land with two different zonings, and the applicant had to purchase both properties to acquire the one he wanted. He is going to use part of the car wash for the construction of his new building, but he will take everything else down and build a new structure for the multi-tenant portion. He emphasized that even with his plans for construction the buildings will not go further into the neighborhood behind it, and he said Staff and P&Z were supportive of the plan. He added that the applicant could put the liquor store on the property today, without having to get approval, but he wants to have a multi-tenant facility and expand parking, which is what is requiring Council approval. Mayor Pro Tem Teri Anulewicz said the owner indicated he does not anticipate going much further into the vegetation that provides a natural buffer between the commercial lots and the residential area behind it.

Mr. Ken Suddreth showed Council the site plan, and Councilmember Doug Stoner provided an interesting anecdote about the property, and shared with Council that it

used to be in his family and was a Dairy Queen. Councilmember Susan Wilkinson said she had concerns about the General Commercial uses on the property and concerns about the setbacks. Mr. Ken Suddreth noted that Staff did not put any restrictions on there about uses because it is already zoned GC, and there is GC across the street, therefore if you restrict one side of the road, it is giving one property favoritism and is not appropriate. He said the vote in P&Z was unanimous.

The next item discussed was under the Consent Agenda, to approve a one year contract with Barrow's Wrecker Service. Mr. Mike Jones said that at the last Council meeting, Council voted to terminate an MOU with Howard's Wrecker Service, and this contract with Barrow's was the second step in the process of changing vendors for the City's towing service. Mayor Pro Tem Teri Anulewicz said that it sounded as if this decision should not have come as a surprise to Howard's, and Chief David Lee said that was correct. Councilmember Susan Wilkinson said Howard's did call her and express his grievances about the termination and had refutes for most of the items that the SPD highlighted as issues with Howard's vendor performance. Councilmember Derek Norton clarified that this recommendation was coming from the Chief of Police, and that was correct. Councilmember Fennel said that Council does not typically get involved with contract issues, and their duty is to endorse the actions and recommendations of Department Heads. Councilmember Wilkinson asked if there was a recommendation from purchasing, and Finance Director Kristin Robinson replied that there was no recommendation from purchasing because that recommendation came with the MOU when the City awarded to use both the vendors in September 2016. Councilmember Wilkinson said that Howard's bought new equipment for the contract with the City, and Chief Lee responded that he also had a contract with Zone 5 of Cobb County, so he would have needed that same equipment for that anyway. He further stated that the SPD has had nothing but troubles from him, and they have spent countless staff hours because of his complaints. Councilmember Norton reminded Council that they voted unanimously to terminate the contract, and Councilmember Wilkinson replied that he did not know it was being terminated until he received the letter. Mayor Pro Tem Teri Anulewicz said that there was not much conversation left to have on the subject, as Council already voted to terminate the Howard's agreement.

The next item reviewed was the increase of the City's portion of the Title Ad Valorem tax, which is decided at the state level.

The next item was for a change order for the Reed House, to move the elevator and framing portion of the work from one contractor to another. He said the interior contractor cannot move forward until the framing and lift are installed, therefore they are moving that portion of the work under his contract and taking it away from the Phase II contractor. There was discussion about whether some of the roof could be salvaged.

The next item for review was a cell tower lease amendment for the tower at Chuck Camp Park. Ms. Christiana Craddock explained that Council voted to extend and renew this lease in October 2016, but there was a provision in the lease that stated the City would receive 100% of all revenue from any additional companies who locate on the tower. This presented a problem for SBA, the tower owner, because it does not give them incentive to bring anyone else on their tower, therefore the City would not be collecting additional revenue. They already have a company ready to co-locate on the tower (T-Mobile). Mr. Mike Jones said that essentially this would amend the agreement so that the City could receive 50% of something, rather than 100% of nothing. City Attorney Scott Cochran noted that the GMA consultant who reviews and helps with these agreements, Mr. Greg Fender, was a great help.

Other Business

City Administrator Mike Jones told Council he would be out Monday-Friday of next week, and Ms. Tammi Saddler Jones would be handling things while he is away.

Councilmember Derek Norton mentioned to Council that there was a potential buyer of Cumberland Community Church that wants to put luxury apartments there. He said with all the concerns regarding traffics, he is not sure that is something he would support, and he wanted to gauge Council's interest on the matter. He said he feels it is a missed opportunity for that site, and he has reservations about putting extra cars on the road there right now. Mr. Ken Suddreth weighed in and said that in the preliminary study elements they have received from the GA Tech and LCI studies, having that property be only apartments has never been something that has been contemplated, and that is has always been retail or mixed-use or a hotel, or some combination of those. Councilmember Norton said the Cumberland Church was moving to Faith Christian Church on South Cobb Drive and Church Street, and he sees great value in them staying in the City, but he did not want to sacrifice what that piece of property could potentially bring to the City and he did not think just apartments was a good use of it. Mr. Ken Suddreth suggested that when Councilmember Norton meets with the potential developer that he asks them to think bigger and see if they are receptive to something more than just apartments.

Councilmember Norton next shared that Senator Hunter Hill said he has been hearing the City's concerns about the fireworks issue and wants to do something, but is unsure of what to do exactly. He asked for Council to put together some bullet points of solutions, such as possibly changing the law to say fireworks cannot be set off after 7:00pm unless the City extends those hours. Or the focus could be on the density of a property/neighborhood.

Councilmember Ron Fennel reminded Council that the next CMA meeting was Tuesday, February 21st, and Jim Wilgus was going to be the speaker.

Mayor Pro Tem Teri Anulewicz noted that there was a "For Sale" sign in front of the Sky King fireworks property on Spring Road, which she found to be an interesting development. She also said that the bike distribution at the Zagster sites has been off balance, and the Spring Road station has been empty frequently. Mr. Richard Garland said they had mentioned that to Zagster and would revisit that topic, and he added that the bikes would be upgraded soon to have Bluetooth capability so everything can be done via cellphone. He said the upgrade would also include a better heat map and GPS indicator of where each bike is in real time. Mayor Pro Tem Teri Anulewicz also pointed out that on Spring Road, in the east bound left turn lane, there is a storm drain with a lot of water collecting, and she wanted to point that out.

Councilmember Ron Fennel brought up the project down by the river that was discussed at the retreat, and Mr. Richard Garland said he and Mr. Ken Suddreth drove down to look at it. Mr. Ken Suddreth said the agreement about the donation was still holding firm, and he will continue to update Council on that development, and staff would continue to discuss the maintenance issues. There was further discussion about what is the developer's responsibility, versus the City, and eventually the HOA and residents.

Adjournment

Mayor Pro Tem Teri Anulewicz declared the meeting adjourned at 7:35pm.

