



## Meeting Minutes - Final Committee of the Whole

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Thursday, January 11, 2018

6:00 PM

City Hall

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### 1. Roll Call

*Council: Derek Norton (Mayor Pro Tem), Susan Wilkinson, Maryline Blackburn, Doug Stoner, Ron Fennel, Charles Welch, Andrea Blustein*

*Staff: Tammi Saddler Jones (City Administrator), Scott Andrews (Assistant City Administrator), Terri Graham (City Clerk), Christy Ullman (Executive Assistant to Mayor and Council), Scott Cochran (City Attorney), Ashley Youmans (Management Fellow), Ken Suddreth (Community Development Director), Joey Staubes (Planner I), Scott Stokes (Public Works Director), Major Frank Durrance (Police Department)*

*Guests: Larry Terry (Cory Engineering)*

*Absent: Mayor Max Bacon*

### 2. Call to Order

*Mayor Pro Tem Derek Norton called the meeting to order at 6:00 pm.*

### 3. City Administrator Report

*City Administrator Tammi Saddler Jones announced that the open position in the Administration department will have the new title of Administrative Services Coordinator and said the new hire will still be responsible for Committee of the Whole agendas and meeting minutes.*

*Ms. Jones said that the city website domain will now be smyrnaga.gov and that the city already owned the domain. She said the new website URL will change on print media and business cards over time.*

*Assistant City Administrator Scott Andrews gave updates on the Parks and Recreation department, the Smyrna Library, and the Strategic Vision Plan projects. Mr. Andrews announced that the new lighting installation at Rose Garden Park has been completed. He asked about a date for the North Cooper Lake Park playground ribbon cutting ceremony. Councilmember Charles Welch suggested Friday afternoons would be a good time. Mr. Andrews also announced that there will be a Parks and Recreation Master Plan update in the March Committee of the Whole meeting. Mr. Andrews noted that the Library had over 300,000 items in circulation this past year. He also announced that 17 Smyrna residents have signed up to be a part of the Smyrna United Task Force on diversity and inclusion.*

*Management Fellow Ashley Youmans reminded Council of the upcoming January events related to the Smyrna Strategic Vision Plan. Ms. Youmans then passed around a proposed implementation plan for a Smyrna Citizens Academy. She explained that a*

*citizens academy would be similar to Smyrna's police and fire academies but focus on teaching residents about how the city operates across all departments. She announced that it is aiming to be implemented in March 2018 and asked for any suggestions or comments.*

#### **4. Review of the January 16, 2018 Mayor and Council Agenda**

*Item A under Land Issues/Zonings/Annexations was a rezoning for the development of four single-family residences at 1505 and 1515 Spring Street. Community Development Director Ken Suddreth explained that this item had been tabled. Mr. Suddreth said that this is a private street that meets public street requirements. He said that staff had recommended approval but the request was denied by the Planning and Zoning Commission and mentioned that the neighborhood was fearful of stacking lots by adding in a new street. Councilmember Charles Welch asked if the setback was the issue, and Mr. Suddreth answered yes. Councilmember Ron Fennel asked if this is similar to what is allowed at adjoining properties, and Mr. Suddreth answered yes. Mr. Suddreth explained he has received letters from attorneys on both sides. City Attorney Scott Cochran said that the attorney against this item is making the claim that it is legally forbidden to allow this rezoning, and Mr. Cochran disagreed with this position because the city allows for variances from zoning ordinances. Mr. Fennel mentioned that the city grants variances to most applications for developmental projects and asked what the current use of the property is. Mr. Suddreth said the current zoning is residential with two houses on the property. Councilmember Maryline Blackburn mentioned that the opposing attorney had an updated letter and will share with the councilmembers. Councilmember Susan Wilkinson asked if there were other examples in the city of the requested zoning and Mr. Suddreth answered yes, there is one next-door to this property. He further explained that this is the second time the Planning and Zoning commission has seen this request but this time it is a different owner, applicant, and design. Councilmember Doug Stoner said he believed the neighborhood's issue with the request is not about density but about stacking in the lots. Mr. Suddreth said the proposed development plans include entrances on the new road and houses oriented towards Spring Street. Mr. Stoner asked if the street met width standards and Public Works Director Scott Stokes said it does not meet street requirements but does meet Fire standards. Mr. Stokes said there would need to be easements on private streets to install utilities. Mr. Cochran reiterated that the issue is a policy decision, not whether there was a legal violation. Mr. Stoner said he read the letters from both attorneys and that the attorney representing the applicant backed his arguments with decisions made by appellate and supreme courts, and that he believed nothing was preventing the city to approve. Mr. Suddreth said that this zoning pattern occurs in other areas of Williams Park, and Mr. Cochran said to consider if there is a distinction in how the subdivision would operate as a public versus a private street.*

*Item B was a special land use permit request for the installation of a cell tower on Roswell Street. Councilmember Maryline Blackburn asked if there was a limit on the number of times an item can be tabled because there could be an alternate location for the cell tower. Councilmember Ron Fennel said that Commissioner Bob Ott asked about the ownership of the adjacent property and found that it was owned by the Army Core of Engineers on federal-leased land. Mr. Fennel believed that it could be an option if owners accept. City Attorney Scott Cochran said that the item can be tabled again and he will get in touch with the lawyer of the property owner. Ms. Blackburn stated that she wanted to examine all available options before making a decision.*

*Item C was a zoning request to modify approved site plans and building elevations for buildings part of the Belmont Redevelopment Project at the northwest corner of Atlanta*

Road and Belmont Boulevard. Mr. Suddreth explained that the new request shows the building 1000 square feet larger than the approved plans and includes a ten foot drop. He explained that there would need to be a wall built on the Atlanta Road side of the property to construct the buildings. He also explained that it is proposed to move the green space area to the sides of the property. He said this is a significant amount of change to the approved plan and needed council to make the final decision and also noted that staff had recommended approval. Mr. Fennel asked if there are any anticipated objections, and Mr. Suddreth answered no. Councilmember Susan Wilkinson asked if the buildings in the plan were retail, and Mr. Suddreth answered yes.

Item D was an appeal of the denial by the License and Variance Board for the installation of an accessory structure in the front yard of a commercial property on South Cobb Drive. Mr. Suddreth explained that SunTrust bank wanted to install an ATM kiosk in the parking lot of the property, which is not allowed according to our ordinance unless there is a relation to the business on the property. Mr. Suddreth explained that staff was not supportive because there was no SunTrust bank on the property, so the proposed ATM would not be related to principal use on site. He said the applicant was appealing the License and Variance Board decision to the Mayor and Council. Ms. Wilkinson said that she has heard some resident opinions that did not believe it would be appropriate to install an ATM in that location and worried about danger risks. She mentioned she had concerns about setting a precedent to allow unrelated accessory structures. Mr. Stoner said he would recuse himself from this decision because he owns property adjoining the property line in the application.

Item E was an appeal of the denial by the License and Variance Board to allow the parking of an 11,000 pound commercial vehicle on residential property. Mr. Suddreth explained that the city ordinance only allows the parking of these vehicles up to 10,000 pounds and has received complaints from neighbors. He said the applicant uses the vehicle for his plumbing business and claimed to have approval from the city around eleven years ago, but the applicant could not generate documentation of the approval. Mr. Suddreth explained that the ordinance has been enforced in the past. Mr. Stoner mentioned that the ordinance has increased from a 6,000 pound limit in recent years. Mr. Welch said he spoke with the applicant who said the neighbors did not object to the vehicle being parked his property. Ms. Wilkinson said there was precedence to following ordinance regulations and believed that if the Council allowed the applicant to continue parking there, it will be an issue for future cases.

Ms. Blustein returned to the cell tower issue in Item B and mentioned that the property was not located in unincorporated Cobb County and believed that neighborhood residents from Ward 2 would be against relocating the cell tower. Mr. Norton said it may not be an option to relocate the cell tower but wanted to find out first.

Discussion moved to the Consent Agenda. Mr. Stokes explained that Item D was to award the Walker Court Drainage Project to the lowest bidder and said there needed to be an installation of catch basins on the street to alleviate the water problem. Mr. Stokes explained the award for Item E was to get rid of the pipe on Pat Mell Road to install curbs and storm drains for water issues. Mr. Stokes also mentioned that Item F was to award the lowest bidder for the demolition of 1041 Windy Hill Road. Ms. Wilkinson asked if this item could be moved out of the consent agenda to formal business because she did not want to vote in favor of the project but also did not want to vote down the entire consent agenda. Mr. Norton mentioned that the project had already been approved. Mr. Cochran said the item did not need to be on the agenda because the price came under \$50,000 and asked City Clerk Terri Graham to remove

from the agenda. Ms. Graham explained that Item G, the approval for Atkins Park Tavern to extend its premises for the Smyrna OysterFest, was not for a beer trailer but for an extension of the premises to place tents.

## 5. Other Business

City Clerk Terri Graham reminded Council that campaign contribution disclosure reports are due by February 7, 2018 and personal financial disclosure reports are due by June 30, 2018. Ms. Graham said she has completed first-round interviews for the Deputy City Clerk position and would have second interviews on January 17, 2018. Ms. Graham then reminded everyone about the special called meeting at 3:00pm on January 12, 2018, and Councilmember Doug Stoner said he would not be able to attend.

Councilmember Maryline Blackburn said there would be a Martin Luther King, Jr. Day service at Turner Chapel AME Church and invited anyone interested to attend.

Councilmember Ron Fennel said to send calendar selections for Finance and Administration Committee meetings to City Administrator Tammi Saddler Jones. Mr. Fennel announced that his next newsletter would be sent during the week of January 15, 2018. Mr. Fennel concluded by describing a crime wave of vehicle theft in the city. He said residents in his neighborhood have been victims of theft recently and reminded everyone that attacks are happening all across the region.

Councilmember Doug Stoner mentioned that he had a conversation with Planning Division Manager Eric Meyer with the Cobb County Department of Transportation about their transit study. Mr. Stoner stated that Mr. Meyer wanted to engage the City of Smyrna to help provide information and ensure the city and county are not duplicating efforts. Mr. Stoner also mentioned that there would be a committee to discuss the 100-day action plan items from the Comprehensive Plan and to send dates to Councilmembers Susan Wilkinson and Derek Norton.

Mayor Pro Tem Derek Norton said there will be a discussion of Council goals at the next Committee of the Whole meeting on February 1, 2018 and that he will send a summary of the goals to councilmembers.

Public Works Director Scott Stokes said that new carpet would be installed on January 20-21, 2018 to replace all the carpet in the Administration wing in City Hall.

Mr. Norton announced that distracted driver legislation was proposed in the State House of Representatives. He said the bill had 25 cosponsors and is similar to the ordinance recently passed by the city, but with higher penalties. Mr. Fennel asked if there was a companion bill in the State Senate, and Mr. Norton answered no.

Mr. Fennel announced that there will be a Communications Committee meeting within the next month to focus on opportunities mentioned in the 2017 Council and Staff Retreat.

## 6. Adjournment

Mayor Pro Tem Derek Norton declared the meeting adjourned at 7:26 pm.