



Meeting Minutes - Final
City Council

Monday, February 5, 2018

7:00 PM

Council Chambers

Roll Call

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

Also Present: 9 - Tammi Saddler Jones, Scott Cochran, Scott Andrews, Terri Graham, Ken Suddreth, Russell Martin, Scott Stokes, Lisa Moore and Ashley Youmans

Call to Order

Mayor A. Max Bacon called the Meeting of the Mayor and Council to order at 7:00 PM.

1. Invocation and Pledge:

Mayor A. Max Bacon called Pastor Richard Bush of Mt. Zion First Baptist Church, located at 1789 Hawthorne Avenue in Smyrna, Georgia who provided the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no changes to the agenda.

3. Mayoral Report:

A. Proclamation in Recognition of Black History Month

Sponsors: Blackburn

Councilmember Maryline Blackburn called members of the Marietta American Legion to come forward to be recognized. She then read the proclamation in recognition of Black History Month aloud. Mr. Amos Lewis, Mr. Reginald Kemp, and Mr. Cliff Flannigan were present.

B. Performance by The Spiritual Aires in honor of Black History Month

The Mayor called the Spiritual Aires to come forward to sing three songs in honor of Black History Month. They have been together for over 60 years. The Mayor thanked them for the performance.

C. Character Education Presentation from Smyrna Elementary School

Mayor Bacon requested educators and students from Smyrna Elementary School to come forward to give a presentation on "The Seven Habits of the Leader in Me" program. Teacher Beth Parker introduced the students. The students presenting were Mackenzie Brown (5th Grade), Jaylen Newsom (5th Grade), Mark Colin (4th Grade), and Beck Conner (3rd Grade). The Mayor thanked them for speaking.

D. Presentation of Keep Smyrna Beautiful Awards and Introduction of Keep Smyrna Beautiful Board Members

Sponsors: Welch

Ms. Janet Liberman, Executive Director of Keep Smyrna Beautiful introduced the board members: Liz Davis (Chairperson), Phyllis Owens (Secretary), Lisa Castleberry and Lisa Williams. The City of Smyrna won first place in the Keep America Beautiful Award, the first place Affiliate Award, and the first place award from the State of Georgia. Ms. Davis thanked the Council for their support. The Mayor stated the City is very fortunate to have their dedicated work.

4. Land Issues/Zonings/Annexations:

A. Public Hearing - Zoning Request Z17-019 - Special Land Use Permit for the installation of a cell tower - 2.8 Acres - Land Lot 634 - 1700 Roswell Street - Verizon Wireless.

Sponsors: Blackburn

The Mayor called City Administrator, Tammi Saddler Jones to give the background on the zoning request. Verizon Wireless proposed to install a new telecommunications monopole on the Public Storage site at 1700 Roswell Street. The proposed monopole would be 130' tall with a 10' lightning rod, with a total height of 140'. A special land use permit would be required in conjunction with the request. The permit request was heard by the Planning and Zoning Board at the November 13, 2017 meeting and was recommended for approval by a vote of 6-0. Community Development recommended approval with conditions.

Mayor A. Max Bacon called for a Public Hearing. Those who wished to speak on the issue came forward and were sworn in by City Attorney Scott Cochran.

Councilmember Maryline Blackburn called on Kenneth Suddreth, Community Development Director to give the details on the request. This type request must be approved with a special land use permit. The Zoning Map, the Future Development Map, Street views and the proposed Site Plan were shown. The location was chosen by Verizon's engineering study to enhance their coverage in the area as well as to provide capacity relief to other sites in the area. The variances required for the site are as follows.

1. A reduction of the rear setback from 30' to 29'; and
2. A reduction in the setback from adjoining offsite buildings from 130' to 100'.

Staff recommended approval with the following conditions:

1. The issuance of a Special Land Use Permit shall be conditioned upon the construction of the telecommunication monopole in substantial conformity to the Site Plan (Titled: Cottesford (Greenfield 130' Monopole) prepared for Verizon by Tower

Source and submitted August 11, 2017.

2. All wiring and infrastructure access shall be from Roswell Street. The Public Works Department shall review all utility permits.

3. The applicant shall provide street trees and landscaping along Hawthorne Avenue for the length of the property. The landscape plan shall be designed in accordance with the City's Tree Ordinance (Chapter 106 of the Code of Ordinances) and Section 501.16(5). The landscape plan shall be designed by a Georgia Registered Landscape Architect.

The Mayor called the applicant forward. Ms. Jenna Lee of Troutman Sanders, who represented Verizon Wireless came forward to speak. Ms. Wendy Doyle from Verizon was in attendance to answer questions as well. A handout was given to Council for informational purposes. Ms. Lee described the need for wireless service as an increasing need. Verizon is trying to meet this increasing need of residents and businesses. Ms. Lee gave the project overview on the site. The setback is from a commercial structure. Verizon had been working with Councilmember Blackburn, the previous Councilmember and the neighborhood to come up with a site. A map was shown of Verizon's facilities in the area. The existing ATC Tower is too far away to help the coverage area. The engineering study shows that a new tower at the requested height is needed to improve wireless quality in the area. An evaluation of an alternative site at the Windy Hill Community was shown. This site would not be feasible because it sits lower than the proposed site and would need a higher tower. This would be difficult due to the proximity of Dobbins Air Force Base and its height restrictions. Verizon requested the Council approval on the permit.

The Mayor asked what led to them to look at the Windy Hill Community Center. Ms. Lee said they looked at the site as at as a part of the site acquisition process. The County run center was not interested in putting a tower on the property at the time. The elevations were a challenge there and were too far away to meet the needs. The Mayor asked about the tower that is located in the nearby cemetery. It would have to have an increase of tower height, and the FAA would not approve the height. It would have to be 10 – 20 feet higher than the existing tower so the FAA would not have approved the additional height.

Mayor Bacon asked if there are other towers. Ms. Lee replied that there are four, but they cannot handle the volume and are at capacity. He also asked if this site was approved, how long it would be until an additional tower will be needed after this one built. Ms. Lane stated that it is hard to tell how much the demand will increase.

Councilmember Ron Fennel asked if this is a challenge in other jurisdictions. Ms. Lane said it is a greater challenge every year. Finding the most appropriate land use is becoming more difficult.

The Mayor called those who wished to speak, who were sworn in to come to the podium to speak. Mr. Bruce Lowe of 2618 Davenport Street came forward to express his concerns about the proposed tower. Mr. Lowe stated he had a Power Point presentation to show. The Mayor expressed his concern about the use of such presentations because the Council did not know what was on the flash drive and whether the content was appropriate. The Mayor stated that the Council should set requirements on the use of USBs and computer presentations. Mr. Lowe assured the Mayor that there was no inappropriate content and the Mayor allowed him to proceed. He has five children, three of which have special needs. He is a scientist by training

and health concerns are important to him. He noted that the proposal cannot refuse the tower because of health concerns because of laws that were put in place in 1996. He believed that electromagnetic radiation alters DNA and causes cancer. The rate of brain cancer has increased since 1973. He believed the neighborhoods are established and the usage should not be increasing. He asked if the tower is necessary. Mr. Lowe's son Jonathan also spoke about the health concerns about the cell tower and asked the Council to decline the permit.

Christy Barker, a resident on North Avenue in the Williams Park neighborhood spoke about the proposed tower. The neighborhood is historic and the homes are an asset to the community. There are 264 signatures on a petition against the tower. Her concern was that the tower would deter positive growth in the area and negatively impact the property values in the neighborhood. The neighborhood is beautiful and she believed this would become an eye sore and is not needed. The community is strongly against the tower.

Keith Bentley of Williams Park discussed the economic conditions in the area of the proposed tower. He believed the tower would be a step backwards in community and would hinder the development of the area. Mr. Bentley showed current pictures of the area which is very run down. There is some commercial activity in the area. There will be a round-about in the five points area and the neighborhood believed it will be a catalyst for improvement of the area. The proposed tower is very close to Mt. Zion Church. Mr. Bentley questioned the need for a new tower when there are already three towers in the area. He wondered if the complaints were from mobile traffic.

Amy Shay, who lives on Mimosa Circle, has lived there for almost 30 years. On her morning walk, she passes three towers. She cited the hands free ordinance and believed the need for cell phone service will decline.

Ron Davis of Roswell Street in Williams Park stated that no one from Williams Park was at the Planning and Zoning meeting. He suggested that there may need to find another method to notify residents of meeting. He argued that this is the best site for Verizon, but not for the neighborhood. He believed Verizon have only looked at alternative sites that the neighborhood recommended. There has been a lot of good development in the area, from the railroad to five points. Good families have moved into the neighborhood. They are hoping for a halo effect from Williams Park. The three neighborhoods oppose the tower. He had not heard of anyone in the neighborhood who had cell phone issues. A developer had bought homes in the area, which will help get a lot of eye sores gone. He was concerned that developers will be reluctant to work in the area. Only Verizon and Public Storage will benefit from the tower, not the neighborhood.

At 8:38 PM, Councilmember Ron Fennel left dais and returned at 8:42 PM

Steven Burman who lived on Davenport Street, believed the need is from people cutting through the neighborhood. The tower will cause property values to decline. He opined the cell tower will destroy the feel of the homes in the community and did not believe it is necessary.

Lisa Castleberry, who lived in the in Rose Garden Community, stated she has had no cell phone coverage problems. She asked the Council to vote against the tower.

Steven McQuade of 1555 Roswell Street discussed the history and the positive development of the Williams Park neighborhood. He expressed concerned that future

developers might be deterred by the tower. He believed there are other sites that would not be as much of an eye sore in the community.

Liz Davis of 1351 Roswell Street asked the Council to protect the neighborhoods and deny the request.

The applicants requested to clarify some of the complaints. Ms. Lane believed that adequate cell coverage is very important to development. The map that was shown is a qualitative map, not a quantitative map. Verizon had taken every step to consider all options in the area to improve service. Ms. Doyle stated a lot of the properties were too small to fit the cities setbacks. This was the best property from an engineering standpoint. Verizon worked hard to find an alternative site, and this was the best one that would meet the company's need for better service.

Mayor A. Max Bacon closed the Public Hearing at 8:56 PM.

A motion was made by Councilmember Maryline Blackburn to deny Zoning Request Z17-019 for a special land use permit for the installation of a cell tower on 2.8 Acres in Land Lot 634 located at 1700 Roswell Street by Verizon Wireless; seconded by Councilmember Derek Norton.

The motion to deny the permit carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch and Councilmember Wilkinson

Nay: 2 - Councilmember Stoner and Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

A.

Approval of the contract with Ashley Shares to conduct preservation work at the Smyrna Memorial Cemetery in the amount of \$18,100 to begin by June 2, 2018, and authorize the Mayor to sign and execute any associated documents.

Sponsors: Welch

Mayor Bacon called the City Administrator to provide the background on the contract. The Smyrna Memorial Cemetery is located in downtown Smyrna next to the Market Village. It was established in the 1940s. At the request of staff, the cemetery was evaluated by Ms. Ashley Shares, a professional preservationist who works for the Oakland Cemetery Foundation, and was found to be in desperate need of preservation efforts. Ms. Shares services will include the placing of monuments in their original positions, stabilizing monuments, preventative repairs where possible and cleaning of many markers. She expects this work will be completed in about six months. Ms. Shares will purchase all materials needed. City Staff recommended approval of the agreement.

Councilmember Charles "Corkey" Welch stated the first part of this will be a major

cleanup of the brush and debris in the cemetery.

A motion was made by Councilmember Charles "Corkey" Welch to approve the contract with Ashley Shares to conduct preservation work at the Smyrna Memorial Cemetery in the amount of \$18,100 to begin by June 2, 2018, and to authorize the Mayor to sign and execute any associated documents; seconded by Councilmember Derek Norton.

The motion to approve the contract carried by the following vote:

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

B. Approval to enter into a Master Right of Way License Agreement with Mobilitie, LLC and for the Mayor to execute all related documents

Sponsors: Fennel

City Administrator Tammi Saddler Jones gave the background of the agreement. Mobilitie is a telecommunications infrastructure company. They have submitted an application to place a small cell antenna at Sanford Place and Powder Springs Street. The staff worked with the Georgia Municipal Association who worked with Mobilitie to write the agreement to facilitate the deployment of wireless infrastructure in Georgia cities recognizing the City's right to manage access in its right of way. Staff recommended approval.

A motion was made by Councilmember Ron Fennel to approve the City to enter into a Master Right of Way License Agreement with Mobilitie, LLC and for the Mayor to execute all related documents; seconded by Councilmember Doug Stoner.

The motion to approve the agreement carried by the following vote:

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

C. Approval of the City of Smyrna Neighborhood Traffic Calming Program

Sponsors: Welch

Mayor Bacon called on City Administrator Tammi Saddler Jones to provide the background. Smyrna residents have expressed concern about speeding and cut-through traffic in residential neighborhoods. In response to public interest, the City of Smyrna has developed a Neighborhood Traffic Calming Program Policy. The program addresses the procedures for which neighborhoods can be considered for reducing, filtering or slowing external traffic through the use of physical traffic calming measures as well as educational programs and enhanced enforcement. There is a section within the policy which addresses funding; what the city shall pay and what the neighborhood or effected resident owner shall pay. This will be decided on a case by case basis. The staff recommended approval of the policy.

Councilmember Welch stated that he would support this policy with a little hesitation. This is not the perfect ordinance; it will be a work in progress for some time. It will be modified every six months if needed until it is right.

Councilmember Wilkinson acknowledged that there were citizens in her Ward who

were present who had concerns about the ordinance. She expressed concerns about the policy, the petition process and felt that this would be difficult in poorer neighborhoods. She believed traffic calming is a city function; making citizens pay separately for a city function on city streets penalizes many of the older, poorer neighborhoods. The petition process for getting speed humps is already a challenge. She discussed individual neighborhoods that would benefit from calming, but the process and funding would be difficult.

The Mayor stated this policy is not a "fix all" policy. It is a beginning to work on traffic calming in the city. The Mayor believed that if there is an issue, the city would work on the problem without a petition. He stated that not every single traffic calming device has to be approved using a petition. There are neighborhoods that would participate in funding of devices, but others cannot. The Mayor stated he lives on a cut through street and he believed this ordinance will help.

Councilmember Fennel stated that he supported the policy with some trepidation. The policy will allow flexibility. The policy can grow and change as it needs to do so. In some cases, the policy will eliminate the need for a petition. He believed this is a step in the right direction.

Councilmember Norton believed this policy will help to calm traffic in the neighborhoods and will make the process easier in most cases.

A motion was made by Councilmember Charles "Corkey" Welch to approve the City of Smyrna Neighborhood Traffic Calming Program; seconded by Councilmember Maryline Blackburn.

The motion to approve the program carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

Nay: 1 - Councilmember Wilkinson

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

A motion was made by Councilmember Charles "Corkey" Welch to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones; seconded by Councilmember Doug Stoner.

The motion to approve the Consent Agenda carried by the following vote:

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

A. Approval of the January 16, 2018 Mayor and Council Meeting Minutes

Sponsors: City Council

- B.** Approval of the January 16, 2018 Pre-Council Meeting Minutes
Sponsors: City Council
- C.** Approval of the January 11, 2018 Committee of the Whole Meeting Minutes
Sponsors: City Council
- D.** Approval of January 12, 2018 Special Called Work Session Meeting Minutes of the Mayor and Council
Sponsors: City Council
- E.** Approval of Atkins Park Annual Crawfish Boil Saturday, April 28, 2018, from 11:00 am - 10:45 pm and Sun., April 29, 2018, from 11:00 am-10:00 pm. Atkins Park Tavern requests street closing to include Market Village from Atlanta Road to City Hall - Traffic circle will be reopened Saturday night as soon as possible after the last band has finished.
Sponsors: Blackburn
- F.** Approval of 2018 16th Annual St. Patrick's Day Celebration Weekend in the Market Village Saturday, March 17, 2018 11:00 am - 11:00 PM and Sunday, March 18, 2018 11:00 AM - 9:00 PM . Atkins Park Tavern requests street closing for the 2018 St. Patrick's Day Celebration to include West Spring Street from Atlanta Road and terminating at the end of the fountain area at the corners of Atkins Park Tavern and Corner Taqueria.
Sponsors: Blackburn
- G.** Approval to use Council Chambers for Creatwood at Vinings Annual HOA Meeting, Sunday, February 18, 2018 from 6:00pm - 8:00pm
Sponsors: Stoner

9. Committee Reports:

Councilmember Derek Norton discussed the professionalism of paramedics and first responders. They are the finest. He has had two incidents in his family where the first responders were quick and were very helpful. He encouraged all to thank first responders when they encounter them.

Councilmember Andrea Blustein reminded all that there will be a Smyrna Strategic Vision Plan meeting on February 6, 2018 at Brawner Hall. She encouraged all who are interested to come.

Councilmember Maryline Blackburn had no report.

Councilmember Charles "Corkey" Welch announced that February 17th, an Arbor Day Celebration would be held at North Cooper Lake Park. This will include a ribbon

cutting ceremony for the playground.

Councilmember Susan Wilkinson announced the Smyrna Citizens' Academy which will be a nine week course about the city and how it functions. Citizens may sign up and get more information on the website. The application deadline is March 13th. Sessions will begin on March 20 on Tuesday nights and will conclude on May 15th.

Councilmember Doug Stoner announced that on March 6th, he will be officially resigning his position on the Council to run for Public Service Commission from District 5. The City intends to hold a Special Election to fill the Ward 6 seat on the Council on May 22nd to coincide with the Primary Election. Mr. Stoner thanked those he served with on the Council; he has enjoyed working with them and serving his hometown. He thanked the Mayor, the new City Administrator, and the City's great staff.

Councilmember Ron Fennel stated the Finance committee met today and will put some items forward for vote soon. The committee discussed details of the recent clean audit. They also started preparing on the next budget.

The Mayor wished Mr. Stoner well and mentioned his professionalism on the Council.

City Administrator Tammi Saddler Jones reemphasized the first Citizens Academy and encouraged citizens to apply to participate.

10. Show Cause Hearings:

There were no Show Cause Hearings

11. Citizen Input:

Pat Burns, who is a 30 year resident of Smyrna came forward to speak on DACA (Deferred Action for Childhood Arrivals). She believed Hispanics have been red zoned from the area. She believes the new vision statement is very forward thinking. She requested the Council publish a statement to help DACA recipients. She asked that the City use the vision plan to create a message that provides a strong statement that Smyrna stands with them.

Alex Backry of 3459 Shawnee Trail discussed that Smyrna's population has increased, but voter turnout is low. Ward three residents have increased and not many voters voted in the last city election. He stated there is a need to get people interested in city politics; people don't know what is going on in the city. He asked for more public referendums and term limits. Mr. Backry particularly stressed the need for a city town hall meeting or referendum on the proposed Windy Hill Road project. He believed there is a disconnect between the city government and constituents.

Mike Lady of 1587 Sophia Lane in Smyrna discussed North Cooper Lake Park. Mr. Lady is the President of HOA of the Cooper Lake Place neighborhood. The residents wanted to thank Councilmember Welch and the Council for the approval of the kid's playground at the park. The park has had a major impact on the community and residents love it.

Julie Sims of 923 Turner Drive, Smyrna spoke about the traffic calming ordinance.

She is mostly in favor of the ordinance, but concerned about the funding. She mostly believed this is a government function and not what citizens should pay for. The ordinance is very vague. The Mayor said that this would not make things harder on citizens.

12. Adjournment:

Mayor A. Max Bacon adjourned the Meeting of the Mayor and Council at 9:41 PM.