

City of Smyrna

*2800 King Street
Smyrna, Georgia 30080*



Meeting Minutes

Thursday, January 17, 2019

6:00 PM

City Hall

Committee of the Whole

1. Roll Call

Council: Mayor A. Max Bacon, Charles "Corkey" Welch, Andrea Blustein, Derek Norton, Maryline Blackburn, Ron Fennel, Susan Wilkinson

Council (Excused): Tim Gould, Derek Norton left the meeting early (6:28 pm), Maryline Blackburn left the meeting early (7:09 pm)

Staff: Tammi Saddler Jones (City Administrator), Terri Graham (City Clerk), Scott Cochran (City Attorney), Christy Ullman (Executive Asst. to Mayor & Council), Elsa Thompson (Admin. Svc. Coord.), Ashley Youmans (ICMA Man. Fellow), Joe Bennett (Deputy Police Chief), Ken Suddreth (Comm. Dev. Director), Russell "Rusty" Martin (Sen. Planner)

Guests: Larry Terry (Croy Engineering)

2. Call to Order

Mayor A. Max Bacon called the meeting to order at 6:00 pm.

3. Review of the January 22, 2019 Mayor and Council Agenda

Mayoral Report – City Administrator Tammi Saddler Jones advised that the Human Resources Department applied for two \$10,000 grants through Georgia Municipal Association (GMA) and received both of them. She gave a brief overview of what the funds could be used for and stated that GMA wanted to do a check presentation.

Land Issues/Zonings/Annexations

4A – Community Development Director Ken Suddreth advised that this was a lot next to the Holiday Inn Express, owned by the same owners of Holiday Inn. Mayor Bacon inquired what type of hotel it was and if there were any "renderings" of it. Mr. Suddreth stated that it was an element hotel – suite hotel, more "upscale"; as he displayed the building elevation on the Mondo Board, he advised that it would be 7 stories high with parking underneath. He advised that a cross easement agreement would be put in place so that the hotels could share parking and that the project required a zoning change. Councilmember Ron Fennel inquired if there was more than one access point. Mr. Suddreth advised that it would only be accessible via Spring Hill Parkway. Councilmember Susan Wilkinson inquired how many rooms the hotel would have; Senior Planner Russell Martin advised that it was 136 rooms.

4B – Mr. Suddreth advised that an old house was used as a dental office. Ms. Wilkinson interjected and stated that she had driven by the property earlier in the day and that the posting on the property stated that it was zoned LC not OI. Mr. Suddreth advised that when the application was submitted, "it was LC" and changed during the process. Ms. Wilkinson inquired if an amendment needed to be filed. Mr. Suddreth advised that staff had a letter from the applicant and noted that the change occurred after the posting on the property but before the public advertisement. Ms. Wilkinson directed her question to Mr. Cochran and inquired if the sign on the property had to state "OI". Mr. Cochran stated that he would need to see the sign (to be sure) but did not believe there was an issue and that the most important aspect was to notify the public of the zoning hearing; would have an issue if the date was incorrect on the sign. Mayor Bacon inquired what would replace the dental office. Mr. Suddreth advised that

the dentist retired and trying to sell the property, which was always zoned residential. Councilmembers Ron Fennel and Maryline Blackburn clarified that the home was operated as a business. Ms. Blackburn inquired if it was surrounded by homes. Mr. Suddreth advised that it was and had been a dental office for 30+ years. Mr. Cochran stated that the purpose of the item was to change the zoning to coincide with how the property is used. Mr. Suddreth agreed and advised that the request had been approved by Planning and Zoning and stated that there was one condition – must maintain the appropriate buffers. He also advised that 1 citizen expressed concerns that if the zoning was changed someone could build an office building on the property. Ms. Wilkinson expressed her concerns and stated that she did not believe there was ever any signage on the property. Mr. Suddreth stated that he felt attacked by Ms. Wilkinson and stated his reasons. Ms. Wilkinson advised that it was not her intentions. Ms. Blackburn stated that she disagreed with Mr. Suddreth's summation of Ms. Wilkinson's intentions also. Mr. Suddreth made note that he was entitled to his opinion and that staff had already approved the request. Ms. Wilkinson continued to express her concerns about the rezoning. Mayor Bacon stated that he recalled (years ago) there was a sign on the home that "indicated it was a dentist office". Mr. Cochran stated that this was a site they recommended to a Windy Hill dentist that was being displaced. Mayor Bacon stated that if someone wanted to build an office building on the property, he did not believe that they would be able to meet the setback requirements and would have to come back before Council. Ms. Wilkinson inquired what the OI setbacks were and if the property could accommodate more parking. Mr. Martin provided her with a brief overview of those numbers, advised that additional square footage would need to be added for parking and noted that a private engineer would have to investigate that. Mr. Martin also made note that a chiropractic office expressed interest in purchasing the property. Ms. Wilkinson inquired if the property could have other uses and if homes could be built on that site in the future. Mr. Martin advised that there was not definitive answer that the zoning would not be changed again in the future and stated that the property could possibly fit 2 homes. Mr. Cochran made note that it was the City's oversight that the zoning was never changed and stated that the property had been used as office space "for years" – the property owner was only trying to change the zoning to be compatible with the use; he also stated concerns about possibly having to go to court if this item was denied by Council. Mayor Bacon advised Council to heed the words of the City Attorney. Councilmember Andrea Blustein inquired if this property was "similar" to how another property on Windy Hill had been used. Mr. Cochran stated that it was possible then recalled that those properties "were zoned GC" and stated that he was not aware of any properties with these special circumstances. Mr. Fennel advised that there were properties on South Cobb Drive, "beyond Captain D's", that were zoned residential but used as commercial; Mayor Bacon agreed. Mr. Martin stated that the dentist's wife advised (to Community Development) that the house was never used as a home, it had always been used as an office space and that she provided them with a history of the property. Mayor Bacon inquired if they had built the home or if it was it bought. Mr. Martin was unsure. There was a brief discussion about the appearance of the building and what other types of properties were near this one. Mr. Welch inquired if they would be "changing businesses". Mr. Martin advised that a chiropractic office expressed interest in the property but that there were no contracts at this time. Mr. Suddreth advised that owner had retired and had no interest in keeping the property. Mr. Cochran inquired if the inside of the property was set up like a dental office. Mr. Martin reiterated that the property was always used as a dental office. Ms. Wilkinson inquired about "undisturbed setbacks". Mr. Martin that it would be 35 feet as required by the R-15 zoning and noted that the front setback on OI was 50 feet. Ms. Wilkinson inquired if there was a possibility of adding more stipulations that would address the signage. Mr. Fennel asked Ms. Wilkinson if the issue was that she "did not want a

business there". Ms. Wilkinson advised that she "would rather see a home there", would prefer it be zoned residential. Mr. Fennel asked Ms. Wilkinson if she would be purchasing the property and made note that someone was interested in the property and that the owner was attempting to "maximize their return". Mayor Bacon advised that they should adhere to what the item was about (zoning) and advised that if Ms. Wilkinson wanted to add stipulations about signage size, if she had an idea of what the stipulations would be. Ms. Wilkinson made a few suggestions about the signage and the possibility of the restricting the property owner from removing trees in front of the property. Mayor Bacon stated that he was unsure if the City could restrict a property owner from cutting down trees on their property. There was a brief discussion about ordinances regarding trees. Ms. Wilkinson made note of the future land use. Mr. Martin stated that Community Development did not foresee a trend of the future land use in that area being commercial. Mayor Bacon made note that staff had recommended the rezoning. There was a brief discussion about the signage ordinance and whether the property had previously had signage.

4C – Mr. Welch asked for the site map to be displayed and inquired if the applicant would be retaining the home that was on the property. Mr. Martin advised that he would and gave a brief history of the property (middle lot). He advised that the plat design met the criteria but one of the lots "dog-legged" from the corner of Old Concorde and Thomas Lane all the way to the back corner (pointing this out on the displayed map). He advised that staff realized that going forward, "it was not a great situation" for property owners to have properties that spanned the back of other properties in such a way. He stated that staff recommended for the applicant to apply for R-15 zoning for two of the lots (site plan specific zoning) because the lots met all the criteria. Mayor Bacon clarified that the lots were on North Cooper Lake. Mr. Martin noted that they were on Thomas Lane just north of the park. Mr. Welch stated that he did not see how the developer would build on lot #3. Mr. Martin advised that the adjoining property owners expressed concerns about stormwater management. Mayor Bacon clarified that this request was not what the applicant initially applied for. Mr. Martin advised that he was correct and noted that staff made the recommendation for this request. Mr. Suddreth advised that he would not approve the lot based on what was initially posed by the developer. There was a brief discussion about the right of way and the utilities access. Mr. Welch inquired there would be a sidewalk on Thomas Lane. Mr. Martin advised that there would be. Mayor Bacon inquired if it would connect to an existing sidewalk. Mr. Martin advised that it would connect to North Cooper Lake Road. Mayor Bacon inquired the sidewalk was required to have a "grassy strip". Mr. Martin advised that it would. Mayor Bacon asked who was responsible for the maintenance of the grassy strip. Mr. Martin advised that "typically" it would be the property owners would be. Mr. Suddreth made note that the item was not a rezoning and only came to Council because of the lot size. Some Councilmembers requested to see the elevations and expressed their approval.

Mayor Bacon advised that Denny Campo (Ward 6), a member of the Planning and Zoning Committee, had passed away a week prior. Mayor Bacon stated that he heard very good things about Mr. Campo.

4D – Mr. Martin advised that this item was regarding subdivision plat for North Cooper Lake Road. He stated that the developer was proposing to leave an existing home where it was and build 4 other homes on the property. There was a brief discussion about the layout of the property and where the homes would be placed. Mr. Martin made note that the applicant would replace the sidewalk on North Cooper Lake Road and was requesting to leave the sidewalk on Reed Road. There was some discussion about the sidewalks and Mr. Martin advised that the "rationale" was that there were

utilities on Reed Road that the developer did not want to relocate. Mayor Bacon inquired if there would be 5-foot sidewalks with 6-foot grassy areas. Mr. Martin agreed and noted that the applicant was not requesting any variances.

4E – Mr. Fennel advised that this was a project that started a few years prior. Mr. Suddreth gave a brief history about the property and advised that it was an annexed property from Cobb County – City accepted Cobb County's stipulations. He stated that they were not any changing roads, density, or setbacks – they were only changing elevations. Mr. Martin advised that the zoning stipulations from Cobb County mandated a 2-car garage on every home, but the developer was now requesting to modify the stipulation to have a 1 car garage on the interior homes and only have 2 car garages on the exterior homes. He advised that they were also requesting to change from 3 story townhome to a 2½ story townhome. Mr. Fennel inquired if the square footage would change. Mr. Martin advised that it would not. There was a brief discussion about the market for these types of homes.

Consent Agenda

8A – 8C – no discussion

8D – Ms. Saddler Jones advised that Public Works Director Frank Martin (replacing Scott Stokes) and City Engineer Kevin S. Moore (replacing Eric Randall) would be assuming their roles on the License and Variance Board. Ms. Saddler Jones noted that the previous Public Works Director and City Engineer were assigned to the Board and advised that Mr. Martin would serve as a permanent Boardmember and Mr. Moore, an alternate. Ms. Blustein inquired if Library Director Mary Moore was also on the Board. Ms. Saddler Jones advised that Ms. Moore was an alternate and attended meetings until the Public Works Director and City Engineer positions were filled.

8E – no discussion

Nothing was added to the agenda.

4. City Administrator Report

City Administrator Tammi Saddler Jones advised that the Finance Department would be starting a citizen input survey before the Fiscal Year 2020 budget process begins. She advised that the 1st public meeting would be on February 11th at the Community Center and asked that Council encourage their constituents to participate. Councilmember Ron Fennel inquired how many citizens have attended these types of meetings in the past. Mayor Bacon stated that "3 was the average". Ms. Saddler Jones advised that the last meeting that the City had, no one attended. She noted that paper copies of the survey were available at various City buildings and, available to the citizens online. She reminded everyone that the new Sanitation Schedule would start on February 4th and asked that Council assist with spreading the word to the citizens. Ms. Saddler Jones announced that Police Chief David Lee was selected by the FBI to take part in their LEEDS program and advised that the LEEDS program was represented by 54 State and local law enforcement executives and approximately 30 international law enforcement executives. She also advised that Detective Jeremy Lanzing was Discover Card's "Officer of the Year" and gave a brief background of Mr. Lanzing's accomplishments. Ms. Saddler Jones advised that the Council's group photo had to be rescheduled and that staff was hoping to schedule the photo for March 4th. Mayor Bacon inquired if any Councilmembers would be absent at Tuesday's (January 22nd) meeting and suggested that the photo be taken (via a camera phone) on that

day. Ms. Saddler Jones reminded Council and staff that Assistant City Administrator Scott Andrews would be out of the office until January 24th and that City Hall would be closed on Monday, January 21st in observance of Martin Luther King, Jr. Day.

Mayor Bacon requested that Councilmembers read the Parks & Recreation Master Plan and stated that he and Mr. Welch attended a meeting where a citizen inquired about a skateboard park at Cobb Park. He advised that he responded to the citizen and advised that a skateboard park was not being built there and made note that it was North Cooper Lake Park that was stated in the report. He stated that a lot of time was spent on changing the language and making sure that the citizens were aware. He advised that he felt that there were no issues with the language. Mr. Welch inquired about the "potential skate park," and made note that he was "not opposing (yet)" but was concerned that the "dynamics of the park would change" from a quiet park to a "rat race". Mayor Bacon stated that the Parks Master Plan was a "good plan" and advised that finances had not been discussed yet.

5. Other Business

Councilmember Corkey Welch inquired if Fire Station 2 was on schedule to reopen and inquired what the agreement was with the property owner where the fire station was temporarily housed. Mayor Bacon advised that the City paid a monthly rental fee for the property but that once Fire Station 2 officially opened, the trailer they were using would have to be removed.

Councilmember Ron Fennel advised that the Crafty Hog (a local business) was for sale – there was a brief discussion about the history of the property. He thanked/commended Police Chief David Lee, Fire Chief Roy Acree, and the City's Economic Development Manager Tom Boland for attending an HOA meeting and providing information to the citizens. Mr. Fennel congratulated the State of Georgia's new governor and advised that the 1st week of legislature was ending.

Councilmember Andrea Blustein stated that she would like to find funding for the installation of lights at Spring Road Linear Park.

Councilmember Maryline Blackburn announced that the local Dancing with the Stars program, in which she was a participant, would be taking place on Saturday, January 19th.

Mayor Bacon inquired if Smyrna Library would still be hosting the event (Saturday, January 19th) for citizens to donate anything related to Smyrna's history. City Administrator Tammi Saddler Jones advised that they were. He advised that the event was from 12pm – 5pm and made note that Dancing with the Stars was at 8pm.

Councilmember Susan Wilkinson advised that Councilmember Tim Gould (whom was absent) wanted to advertise that students from Campbell High School would like to make a presentation at the April 1st Council meeting. She made note that she was "still uncomfortable about the posting reading LC and it's going to be zoned OI" and advised that she would like to see the letter submitted by the applicant to the Community Development Department. Senior Planner Russell Martin advised that he would get her a copy of the letter.

City Clerk Terri Graham advised that an advertisement announcing the qualifying fees would be in the newspaper on Friday, January 18th and Saturday, January 19th.

Mr. Welch advised that he would not be present at the April 1st Mayor and Council Meeting.

Deputy Police Chief Joe Bennett advised that he had just received word that there was a pedestrian hit and killed on South Cobb Drive and that the driver had left the scene. He did not have full details on the matter as the event had just took place and he was receiving information. Mayor Bacon advised that on many occasions he had seen pedestrians walking in the middle lane and inquired if people were ever cited for jaywalking in that area. Deputy Chief Bennett advised that officers have issued citations on South Cobb Drive in the past.

6. Adjournment

Mayor A. Max Bacon adjourned the meeting at 7:24 pm.