



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final Committee of the Whole

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Thursday, November 14, 2019

6:00 PM

City Hall

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**Swearing in Ceremony for Lewis Wheaton, Ward 7 City Council Member Elect, at  
5:30 pm in the Council Chambers.**

- 1. The Committee of the Whole Meeting will start at 6:00 pm, or immediately following the Swearing In Ceremony, and will take place in the HR Training Room.**

*Roll Call:*

*Council: Mayor A. Max Bacon, Tim Gould, Charles "Corkey" Welch, Andrea Blustein, Susan Wilkinson, Derek Norton, Maryline Blackburn, & Lewis Wheaton*

*Staff: Tammi Saddler Jones (City Administrator), Scott Andrews (Assistant City Administrator), Christy Ullman (Ex. Asst. to the M&C), Scott Cochran (City Attorney), Mary K. Arvin (Admin. Svc. Coord.), Frank Martin (Public Works Director), Chris Flowers (Lieutenant, SPD), Kristin Robinson (Finance Director), Rusty Martin (Director, Community Development), Joey Staubes (Community Development Planner II), Terri Graham (City Clerk), Caitlin Crowe (Community Development Planner I), Joe Bennett (Deputy Chief, SPD), Jodi Mills (Senior Programs Coordinator, Parks & Recreation).*

*Guests: City of Smyrna resident: Pat Burns (Task Force), Robert Brettschneider (City of Smyrna, Tree Arborist), Jenny Harris (Nichols Cauley), Tammy Galvis (Nichols Cauley), Greg Teague (Croy Engineering), Kate Conner, Harrison Aiken & Jean Manki (Smyrna Tree Board), Robyn Phillips (Ward 3/Committee Alternate), Brad Thompson (Price McClane Homes) Chris Poston (Traton Homes), Bill Caldwell (Registered Landscape Architect-Project Consultant)*

*Call to Order at 6pm by Mayor Bacon*

- 2. Auditors Presentation - Nichols Cauley**

*Jenny Harris and Tammy Galvis from Nichols Cauley & Associates gave an unmodified opinion (clean opinion) Auditors Presentation for the City of Smyrna, Georgia, that was submitted to the State who reviews the audit and will inform the city of any concerns or questions. The GFOA grades the audit from a long checklist and once graded they award a certificate of achievement if they deem it appropriate. Smyrna has received the certificate of achievement for both 2018 & 2019 fiscal years. A slide presented explained the City's General Fund of revenues, expenses, and the fund balance for FY2019. Revenue for the year were \$50M, expenditures \$42.8M, and the net other uses were \$8M, and the total net change in the fund balance was a negative \$823,000.00; the fund balance at the end of year was a total \$22.8M.*

*The largest category for the General Fund is the Committed and Unassigned Fund balances, and looking at these fund balances compared to last year, the biggest*

change is the Committed balance went down about 1.5M, and that's why the net other sources in uses are low because this year money was transferred into the Capital Project Fund to make repairs to the community center roof and the purchase of new vehicles. The Unassigned Fund balance increased this year about \$700,000.00. These repairs were budgeted into the fund balance and prior year's revenues equity section. The unassigned balance will cover 5 months of operations, which is really strong; the GFOA only recommends 2 months of operating cost in a fund balance, so the City's Unassigned Fund balance is very strong and has grown over the last couple years. The representatives continued to cover all governmental revenue funds; Governmental funds, General funds, and all Capital project funds. The property tax revenue is 39% of total revenues, and last year it was 38%. All other categories remained the same in revenue changes. The largest expense category included all Governmental funds including SPLOST transactions. The largest expense category for the city at 43% is Public Safety; all police activity, fire, and E911. There were no major shifts in expenditures for 2019.

The Water/Sewer Fund income statement over the last 3 years reflected little change, the revenues stayed consistent; ending net position in 2019 is at \$47.1M.

There was an increase in net operating revenues due to increase in consumption and rate changes over the year. In the General Fund, the biggest category fund is the net investment and capital assets. A letter was presented to explain required communications after an audit, and any disagreements with management, or any problems, or material weaknesses that need reported to management. There were no disagreements with management, problems, or material weaknesses listed in the letter.

### **3. Proposed Tree Ordinance - Rusty Martin, Community Development Director**

Mayor Bacon shared that he received a letter from the Board of Realtors of the Cobb Association of Realtors regarding the Tree Ordinance. They're asking to do certain things, and the Council needs to review the lengthy letter. They asked that this item be tabled so their government affairs committee can review the order further. They are requesting a member of the association to become a part of their committee reviewing the past changes; to go back and further look at this item.

Mayor Bacon commented, no one will be joining their committee/board, and that he's forming his own committee to go back and further look at this proposed Tree ordinance. Appointed Councilmember Susan Wilkinson will chair along with Councilmember Tim Gould and Councilmember Charles 'Corkey' Welch, to go back and review the information in the letter. Mayor would like this project completed and approved either the first meeting in December or the last meeting in December.

The Proposed Tree Ordinance Revisions presentation was given by Rusty Martin (Director, Community Development): The Tree Ordinance Revision committee is comprised of 7 voting members who have spent a lot of time on this project. A year ago in September 2018, the board sent a letter to the Mayor expressing that it had been 10 years since the ordinance had been updated back to 2007. The board felt it was time to go back and review the ordinance to address issues and correct some concerns. The Council gave permission to explore this issue.

Prior to starting a review, a committee was created with 3 parties from the Smyrna Tree Board (Kate Conner, Harrison Aiken, and Jean Manki), 2 Community Developer members (Brad Thompson and Chris Poston), and 2 members representing the City

*(Former Community Development Director, Ken Suddreth and Rusty Martin, current Community Development Director) from the Community Development Department. Other Community Development Department key contributors are (Joey Staubes and Caitlin Crowe).*

*The City hired a registered landscape architect to help us be a consultant in respect to the Tree Ordinance and in reviewing other ordinances and how ours differs from theirs. Also Robert Brettschneider, the City Arborist of Smyrna participated throughout the process to provide information needed with respect to arborist and tree issues. Robin Phillips served as an alternate for the Tree Board when a voting member couldn't attend. Much time was spent over the last year in 2 – 2/12 hour meetings to get to the current point.*

*The Committee meet 26 times during the process to make ordinance comparisons to other cities, how to count tree density, applying the ordinance to single-family residential and duplex lots and applying to property without development permits. Smyrna measures tree density based on inches per acre and units per acre and requires 100 inches of tree per acre of property. Smyrna requires more tree density than other communities; the new tree ordinance is not requiring any changes regarding tree density for the site. The alternate goal of the revisions to the Tree Ordinance is concentration on preserving existing canopy vs. adding new canopy. Saving existing living trees during the development process by eliminating or reducing requirements that may push developers to remove trees versus saving them; reduction of critical root zone and requiring tree care prescription plans over tree bonding etc.*

*Several proposed major changes consisted of moving from an ordinance centered on development activity/permits to requiring tree removal permits for trees over 24" in size on all properties regardless if a development permit has been issued (Section 106-39(d)). Residential tree removal permits, penalties, tree planting requirements, and technical standards. The Tree Ordinance penalties right now requires a \$1,000.00 maximum fine, \$100.00 for a damaged tree into the tree bank and replanting of a 6" caliper tree. The Tree Ordinance committee is proposing to take it back to the city's standard penalty code requirements of a \$1,000.00 maximum, maximum of 6 months jail time, probation, or 30 days community service.*

*There will be final meetings to present, and public hearings in front of the Planning and Zoning Board, Mayor and Council, and a final vote by the Mayor and Council.*

#### **4. Review of the November 18, 2019 Mayor and Council Agenda**

*2019-421 Campbell High School Educational Foundation Report.*

*Land Issues/Zonings/Annexations:*

*2019-362 Public Hearing - Zoning Request Z19-015 - Rezoning from RD to R-8 for the development of a 2 lot subdivision at 4.35 units per acre - 0.46 Acres - Land Lot 593 - 1540 Whitefield Street - Allan Khalife. He is proposing to tear down a duplex and build two single-family homes. P&Z recommended approval.*

*Privilege Licenses:*

*Formal Business:*

*ORD2019-24 Approve the amendment to the City of Smyrna's Code of Ordinances,*

*Chapter 6 entitled Alcoholic Beverages, by amending Article II, License, Division 2, Application, Section 6-119 Citizenship and Residency. City Attorney made recommended changes. Applicant who are not US citizens, but are resident aliens, we looked at this ordinance to bring us into compliance. Must be US citizen or a legal resident in order to have a license.*

*2019-416 Approval to record the Official City Election Results for the General Municipal Election for the City of Smyrna for Mayor and Wards 1 - 7 held November 5, 2019. There were 7,954 ballots cast 21.73% of 36,597 registered voters in the Municipal General Election.*

*Mayor, Registered voters (36,597) 7918 total votes cast 21.63% of registered voters, Alex Backry - 100 - 1.26%, Ryan Campbell - 1,963 - 24.79%, Laura Mireles - 394 - 4.98%, Derek Norton - 3,725 - 47.04%, Steve Rasin - 1,736 - 21.92%.*

*Ward 1, Registered voters (3,931) 522 total votes cast 13.28% of registered voters, Glenn Pickens ran unopposed - 432 votes - 100%.*

*Ward 2, Registered voters (5,100) 701 total votes cast 13.75% of registered voters, Incumbent Andrea Blustein - 341 votes - 50%; Austin Wagner - 341 - 50%, this ward will go into a runoff.*

*Ward 3, Registered voters (6,535) 1639 total votes cast 25.08% of registered voters, Incumbent Maryline Blackburn - 766 votes - 47.05%; Travis Lindley - 862 votes - 52.95%.*

*Ward 4, Registered voters (5,519) 1640 total votes cast 29.72% of registered voters, Incumbent Charles (Corkey) Welch ran unopposed received - 1,319 votes - 100%.*

*Ward 5, Registered voters (4,071) 869 total votes cast, 21.35% of registered voters, Suz Kaprich - 72 votes - 8.42%, James (JD) Smith - 340 votes - 39.77%, Susan Wilkinson - 443 votes - 51.81%.*

*Ward 6, Registered voters (5,594) 1342 total votes cast 23.99% of registered voters; Incumbent Tim Gould ran unopposed with 1,120 votes 100%.*

*Ward 7, Registered voters (5,847) 1,241 total votes cast 21.22% of registered voters; David Monroe - 518 votes - 43.02%, Lewis A. Wheaton - 686 votes 56.98%.*

*The Council Elect is Ward 1 - Glenn Pickens; Ward 3 - Travis Lindley; Ward 4 - Charles (Corkey) Welch; Ward 5 - Susan Wilkinson; Ward 6 - Tim Gould; Ward 7 - Lewis A. Wheaton*

*There will be a runoff election December 3, 2019 for the office of the Mayor - Runoff candidates Ryan Campbell and Derek Norton and for the office of Ward 2, Runoff candidates Incumbent Andrea Blustein and Austin Wagner.*

*2019-424 Approval of FY 2020 Budget Amendment. Kristin Robinson provided hand outs to explain several things not in the budget that were approved already. Annexation Study that wasn't budgeted. ARC Transit study. \$219,945.00 not budgeted; we will reduce various budgets to fix overages. Reclassifications are included in this number; some were reclassified, and some were given salary changes. This number is 25% of the fiscal year (Jan, Feb., & March).*

*2019-413 Approval of the FY 2020 budget amendment for staff merit increases. 1 ½ - 3 ½ pay increases. Contingency amount of \$296,000.00 is below the budget amount; this also includes FICA. The budget amount is \$299,000.00.*

*2019-414 Approval to purchase a new Motorola MCC7500 radio console system from*

*Motorola Solutions Inc. 500 W. Monroe St. Chicago, IL. 60661, for the E911 Center, which was approved in the FY2020 CIP for \$102,415.00. Budgeted from CIP funds. We'll have 5 fully functioning positions. CIP project initially \$75,000.00 with a breakdown. This will include an annual maintenance agreement of about \$6,000 - \$7,000.00.*

*2019-420 Approval to award RFP 20-013 Public Works Roof Replacement to Riley Contracting Inc. located at 100 Eagle Run Senoia, Georgia 30276 in the amount of \$141,871.00 to be funded out of the FY2020 CIP and authorize the Mayor to execute any related documents.*

*Consent Agenda:*

*2019-422 Approval of the November 4, 2019 Mayor and Council Meeting minutes.*

*2019-423 Approval of the November 4, 2019 Pre-Council Meeting minutes.*

*2019-415 Approval of the October 31, 2019 Committee of the Whole Meeting minutes.*

*2019-410 Authorize Atkins Park Tavern to operate a third attempt for a beer/wine/specialty two-item cocktail station, beyond the boundaries of the premises (of Atkins Park Tavern) covered by the license, at the Smyrna Ugly Christmas Sweater Block Party & Movie Night event in the downtown area Saturday, December 7, 2019 (5:00 p.m. until 10:00 p.m.) at an assigned vendor space within the approved event. Prior events have been rained out or snowed out. The exact location of the cocktail/drink station is to be within the food service area for the event, from W Spring Street to Village Green traffic circle, and from Village Walk/Bank Street to King Street SE. Streets closed during the event will be King Street in front of the Veteran's Memorial, from Bank Street to Village Green Circle in front of Community Center.*

## **5. City Administrator Report**

*Upcoming Events: Fire Departments 120th year celebration on November 16, 2019 at 10:00 am – 2:00 pm at station 1, and the Grand Opening for the Smyrna Museum and ribbon cutting ceremony will be held on Sunday, November 17, 2019 at 3:00 pm – 5:00 pm.*

*Upcoming events are the Thanksgiving Holiday City Hall Closing on Thursday & Friday, November 28 & 29, 2019. The Monday, December 2, 2019 Pre Council meeting will begin at 5:30 pm. The Coming Home for the Holidays Annual holiday season celebration and Christmas Tree Lighting is Tuesday, December 3, 2019 at 5:00 pm – 8:00 pm at the Smyrna Village Green.*

*City of Smyrna Voting Options: Terri Graham spoke about the December 3, 2019 Runoff election locations, dates, and times. Voting by mail is available and on election day, December 3, 2019, voters must go to their assigned polling location. Polls are open from 7:00 am – 7:00 pm.*

*The Smyrna 10K rode race will be held Saturday, November 16, 2019. The race will be held around Atlanta and Concord Road and roads will be closed.*

*Two restaurants downtown Smyrna, Atkins Park and the Tavern officially on December 1, 2019 will go to "no smoking". The owners of these two restaurants are requesting the Mayor to draft an ordinance to prohibit future smoking of any new restaurants in downtown.*

## **6. Adjournment**

*Mayor Bacon adjourned the November 14, 2019 Committee of the Whole Meeting at 7:41 pm*