



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, October 19, 2020

7:00 PM

Community Center

**Smyrna Community Center Large Gym / 200 Village Green Circle SE
Parking and entrance to meeting on Powder Springs Street Side of Building
MASKS REQUIRED / TEMPERATURE WILL BE CHECKED**

If you wish to speak during the Public Hearing portion of this meeting and you are unable to attend the meeting due to health concerns with Covid 19, you may participate via telephone. To participate via telephone, you must register with the City Clerk's Office by emailing your name, address and telephone number to ClerksOffice@Smyrnaga.gov.

The deadline to register to speak via telephone is Sunday, October 18, 2020 at 11:00PM

Everyone that attends the meeting in person, will have an opportunity to speak and will not have to register prior to the meeting. You will need to sign the Public Hearing /Citizen Input Sign Up Sheet at the City Clerk's desk prior to the start of the meeting at 7:00 PM. If you choose to speak via telephone, you must be available to receive a call between 7:00 PM and 9:00 PM.

You will be notified on Monday, October 19, 2020 by 12:00 Noon as to additional details of these procedures.

Thank you for your cooperation as we navigate new ways to encourage Public Comment.

Roll Call

Present: 7 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Austin Wagner, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Tim Gould and Councilmember Lewis Wheaton

Absent: 1 - Councilmember Susan Wilkinson

Also Present: 1 - Scott Cochran

Staff: 9 - Joe Bennett, Penny Mocer, Heather Peacon-Corn, Jennifer Bennett, Bo Jones, Dustin Davey, Russell Martin, Dan Campbell and Tina Monaghan

Call to Order

Mayor Derek Norton called the October 19, 2020 Mayor and Council Meeting to order at 7:00 PM.

1. Invocation and Pledge:

Rev. Chaloea E. Hale, Smyrna First United Methodist Church (1315 Concord Rd)

delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

A. [2020-428](#) Recognition of Gabrielle Tobin

Mayor Norton provided some background on the recipient including what she has done that led up to the recognition. Ms. Gabrielle Tobin has been a senior girl scout member for the last 8 years. The prestigious Girl Scout Gold award is her goal. She has developed a way to tutor students in need in the subject of math called "For Math Sake" Peer to Peer videos.

Councilmember Lewis Wheaton spoke of the many accomplishments of Ms. Tobin. He initially found out about the project when she reached out to him sharing her willingness to help others with their education.

Ms. Gabrielle Tobin thanked Mayor and Council for recognizing her accomplishments. She also thanked her parents for their wisdom and support through her life. She then went about summarizing her project and thanked those that helped along the way.

Mayor Norton and Councilmember Wheaton came to the podium and presented Ms. Tobin with a certificate and medal. Photos were taken.

4. Land Issues/Zonings/Annexations:

A. [2019-440](#) **Public Hearing** - Zoning Request - Z19-019 - Rezoning from NRC & OI to MU for the development of 170 unit independent senior living facility and 114 townhomes at a density of 11.85 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC. - ***This item will be tabled to the November 2, 2020 Mayor & Council Meeting at the request of the Applicant.***

Councilmember Travis Lindley made a motion to table Zoning Request - Z19-019 - Rezoning from NRC & OI to MU for the development of 170 unit independent senior living facility and 114 townhomes at a density of 11.85 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC. - to the November 2, 2020 Mayor & Council Meeting at the request of the Applicant. Councilmember Glenn Pickens seconded the motion.

The motion to table was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

B. [2020-125](#) **Public Hearing** - Zoning Request - Z20-004 - Rezoning from RM-10 &

R-15 to RM-10 Conditional for the development of 11 single-family detached homes at a density of 6.96 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC

Councilmember Travis Lindley made a motion to table Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 12 single-family detached homes at a density of 7.5 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC - to the November 2, 2020 Mayor & Council Meeting at the request of the Applicant. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to table was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

C. [2020-233](#)

Public Hearing - Zoning Request - Z20-006 - Rezoning from NS & RM-10 - Conditional for the development of 10 single-family attached townhomes at a density of 9.3 units per acre - 1.08 acres - Land Lot 669 - 3302 Atlanta Road - Edgeline, LLC. - ***This item will be tabled to the November 2, 2020 Mayor & Council Meeting at the request of the Applicant.***

Councilmember Tim Gould made a motion to table Zoning Request - Z20-006 - Rezoning from NS & RM-10 - Conditional for the development of 10 single-family attached townhomes at a density of 9.3 units per acre - 1.08 acres - Land Lot 669 - 3302 Atlanta Road - Edgeline, LLC. - to the November 2, 2020 Mayor & Council Meeting at the request of the Applicant. Councilmember Lewis Wheaton seconded the motion.

The motion to table was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

D. [2020-348](#)

Public Hearing - Zoning Request - Z20-010 - Rezoning from FC to LC for the use as a professional office - 0.25 acres - Land Lot 375 - 726 Windy Hill Road - Omokhodion Medical Services

Interim City Administrator Joe Bennett provided the background information on this agenda item. Omokhodion Medical Services is requesting a rezoning from FC (Future Commercial) to LC (Limited Commercial) for the ability to use the existing building as a professional office. The subject property is zoned FC; however, it has been used commercially most recently as a hair salon (as a non-conforming use). The property is occupied by an existing structure that will remain. The applicant is requesting to rezone the property to LC to formalize how the property has historically been used. The

Planning Board recommended approval by a vote of 7-0 at the September 14, 2020 meeting. Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a professional office. The proposed development meets all the zoning requirements for a professional office. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of FC to LC. Community Development recommended approval of the rezoning from FC to LC at 726 Windy Hill Road.

The applicant was present and came to the podium to speak. The goal is to resell the property as commercial which is how it has been used for some time now however they would like to make it conforming in order to do so.

Mayor Norton announced the public hearing and no one came forward to speak.

Councilmember Travis Lindley thanked them for doing business in the City.

Councilmember Travis Lindley made a motion to approve Zoning Request - Z20-010 - Rezoning from FC to LC for the use as a professional office - 0.25 acres - Land Lot 375 - 726 Windy Hill Road - Omokhodion Medical Services. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

- A. [ORD2020-11](#) Approval of Ordinance 2020-11 to amend the Code of Ordinances of the City of Smyrna, Georgia by repealing Chapter 74, Peddlers and Solicitors, in its entirety and replacing it with a new chapter 74 "Peddlers and Solicitors" and authorizing the Mayor to sign and execute all related documents.

A summary was provided by Mr. Bennett at the request of Mayor Norton. In January 2020, the City Clerk's Office had a conversation with Police Chief Joe Bennett regarding the procedures in place for the handling of peddlers and solicitors that applied for license with the City of Smyrna. The previous Ordinance was written in 1977 and had applicants coming to the City Clerk's Office to file their application, then to the Police Department to have their background check, then back to the City Clerk's office to pick up their badge. The new ordinance reviews the procedure of everything being done through the Police Department, removing the City Clerk's office from the process and allowing for the applicant to begin and complete the process through the Police Department. Additionally, it defines exemptions from the permit requirement, specific information that is required on the application, reasons for permit denial as well as the appeal process, permit suspension and revocation, the addition of solicitor route information as well as specific prohibitions. The City Clerk and Police Chief

recommended approval of Ordinance 2020-11 to amend the Code of Ordinances of the City of Smyrna, Georgia by repealing Chapter 74, Peddlers and Solicitors, in its entirety and replacing it with a new chapter 74 "Peddlers and Solicitors" and authorizing the Mayor to sign and execute all related documents.

Councilmember Tim Gould noted that this was done in order to streamline the process so that those that wish to apply as well as citizens are protected under the ordinance.

Councilmember Tim Gould made a motion to approve of Ordinance 2020-11 to amend the Code of Ordinances of the City of Smyrna, Georgia by repealing Chapter 74, Peddlers and Solicitors, in its entirety and replacing it with a new chapter 74 "Peddlers and Solicitors" and authorizing the Mayor to sign and execute all related documents. Councilmember Travis Lindley seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

B. [ORD2020-12](#)

Public Hearing - Approval of Ordinance 2020-12, an Ordinance to amend sections 719.8(4)(J) and 1502.9 of Appendix A - Zoning Ordinance for the requirement of a sanitary sewer analysis for the zoning of commercial development, mixed use development or residential development with 10 or more dwellings units, setting a fee for the analysis and to authorize the Mayor to sign and execute all related documents.

Interim City Administrator Bennett read aloud the information. Request from Public Works to amend existing ordinances along with amendment to the FY 2021 Schedule of fees and charges approved by the Mayor and council In conjunction with FY2021 Adopted Budget. Public Works is requesting an update to the fee schedule to include a new fee (Development/Redevelopment Analysis Fee) for a charge of \$1,000.00 to a development of 10 dwellings or more. The North Metro Water District requirements under water and wastewater action item WW-6 requires large developments and redevelopments to undergo capacity study to deem if The City's sewer is able to handle the development discharge into sewer mains. It is Public Works responsibility to deem if water and sewer is available along with capacity. The current ordinance only states to provide developer with water sewer availability letter. By amending current ordinance section Sections 719- Redevelopment Overlay District (ROD) section (4) Initiation of concept review (J) along with 1502.9 to add Capacity Study, this will put the City in good standing with the current audit. Staff recommends approval of Ordinance 2020-12, an ordinance to amend sections 719.8(4)(J) and 1502.9 of Appendix A - Zoning Ordinance for the requirement of a sanitary sewer analysis for the zoning of commercial development, mixed use development or residential development with 10 or more dwellings units, setting a fee for the analysis and to authorize the Mayor to sign and execute all related documents.

Mayor Norton turned it over to Councilmember Charles "Corkey" Welch who asked City Attorney Scott Cochran to elaborate on a one word change that was made after the agenda was published. This one word change offered additional clarity to the ordinance.

Mayor Norton opened the public hearing and no one came forward to speak.

Councilmember Charles "Corkey" Welch made a motion to approve of Ordinance 2020-12, an Ordinance to amend sections 719.8(4)(J) and 1502.9 of Appendix A - Zoning Ordinance for the requirement of a sanitary sewer analysis for the zoning of commercial development, mixed use development or residential development with 10 or more dwellings units, setting a fee for the analysis and to authorize the Mayor to sign and execute all related documents. Councilmember Travis Lindley seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

- C. [ORD2020-14](#) Approval of Ordinance 2020-14, to amend the Code of Ordinances of the City of Smyrna, Georgia, by adding a new section, "Third Party Maintenance and Reporting of Records for Fire and Life Safety Systems" in Chapter 50, "Fire Prevention and Protection" and authorize the Mayor to sign and execute all related documents.

Background information was provided by Mr. Joe Bennett. It is estimated that up to 50% of all fire and life safety systems go untested and maintained each year resulting in an increased number of false alarms and unintentional danger to occupants. The fire department is requesting this amendment to improve compliance with the adopted fire and life safety code and increase efficiency within the Bureau of Fire Prevention. This amendment provides a secure path for all monthly, quarterly, and annual system inspections, testing, and maintenance required by the adopted codes and the National Fire Protection Association, to be delivered to the Smyrna Fire Department through an approved third-party inspection reporting system. Adopting this amendment will allow the Fire Marshal's Office to more efficiently process, manage and document compliance reports and will create a platform for more effective communication between property owners, contractors and inspectors regarding deadlines, testing and system deficiencies. There will be no change in the fee schedule resulting from the adoption of this ordinance; the only fee associated with the program would be assessed by the third-party vendor and would be the responsibility of the licensed contractor submitting the report. Fire Chief Roy Acree and Fire Prevention Division Chief Dustin Davey recommend approval to amend the Code of Ordinances of the City of Smyrna, Georgia, by adding a new section, "Third Party Maintenance and Reporting of Records for Fire and Life Safety Systems" in Chapter 50, "Fire Prevention and Protection" and authorize the Mayor to sign and execute all related documents.

Councilmember Glenn Pickens made a motion to approve Ordinance 2020-14, to amend the Code of Ordinances of the City of Smyrna, Georgia, by adding a new section, "Third Party Maintenance and Reporting of Records for Fire and Life Safety Systems" in Chapter 50, "Fire Prevention and Protection" and authorize the Mayor to sign and execute all related documents. Councilmember Lewis Wheaton seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

7. Commercial Building Permits:

A. [2020-408](#)

Issuance of a commercial building permit for construction of a 122,049 square foot distribution warehouse/office space known as the Highlands Distribution Center - 6300 Highlands Parkway - Evans General Contractors

Interim City Administrator Joe Bennett read the information. A commercial building permit has been issued at 6300 Highlands Parkway for the construction of a new 122,049 square foot multi-tenant distribution warehouse/office space known as the Highlands Distribution Center. The total estimated cost of the project is \$5,477,000 and Evans General Contractors is listed as the general contractor for the project.

Councilmember Lewis Wheaton made a motion to approve the Issuance of a commercial building permit for construction of a 122,049 square foot distribution warehouse/office space known as the Highlands Distribution Center - 6300 Highlands Parkway - Evans General Contractors. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

8. Consent Agenda:

Interim City Administrator Joe Bennett read aloud the consent agenda.

Councilmember Travis Lindley made a motion to approve the consent agenda as read aloud by Interim City Administrator Joe Bennett. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Wilkinson

A. [2020-381](#)

Approval of the September 17, 2020 Committee of the Whole Meeting minutes.

B. [2020-415](#)

Approval of the October 1, 2020 Committee of the Whole Meeting minutes.

- C. [2020-416](#) Approval of the October 5, 2020 Pre-Council Meeting minutes.
- D. [2020-417](#) Approval of the October 5, 2020 Mayor and Council Meeting minutes.
- E. [2020-366](#)
Authorization for Public Works to use TIPS Cooperative (Contract #17110502) for CIPP (cured in place piping) for Floyd Drive Storm Water project in the amount of \$ 371,000.00 , funded through the Storm Water CIP, and authorize the Mayor to sign and execute any related documents
- F. [2020-242](#) Approval of an extension of normal work hours for RDJE, Inc. during the water / sewer modifications on Windy Hill Boulevard Project from 7:00pm to 6:00am for (5) Five dates. The contractor is requesting dates from October 26th 2020 thru October 30th 2020.
- G. [2020-427](#)
Approve request for the road closure at Old Spring Road intersection on the North side of Windy Hill Road beginning October 21st 2020 thru November 5th 2020 as requested by Baldwin Paving Company for the construction of a temporary road for a lane shift on the Windy Hill Boulevard project.

9. Ward / Committee Reports:

Councilmember Lewis Wheaton announced that on October 26, 2020 he will have a virtual town hall meeting to discuss traffic improvements on Oakdale Road. He encouraged everyone to stay safe in light of the recent spike in COVID cases..

Councilmember Tim Gould gave shout outs to Campbell High School Softball and Volleyball teams.

Councilmember Austin Wagner reminded everyone that early voting is going on now and encouraged everyone to participate.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

No one came forward to speak.

12. Adjournment:

Mayor Norton adjourned the October 19, 2020 Mayor and Council meeting at 7:31 PM.