



# City of Smyrna

A. Max Bacon City Hall  
Council Chambers  
2800 King Street SE  
Smyrna, GA. 30080

## Meeting Minutes - Final City Council

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Monday, May 16, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

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### Roll Call

**Present:** 6 - Mayor Derek Norton, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor pro tem / Councilmember Tim Gould and Councilmember Lewis Wheaton

**Absent:** 1 - Councilmember Glenn Pickens

**Also Present:** 1 - Scott Cochran

**Staff:** 10 - Carson Early, Jill Head, Dat Luu, Russell Martin, Penny Mocer, Landon O'Neal, Heather Peacon-Corn, Kristin Robinson, Joey Staubes and Ashley Youmans

### Call to Order

Mayor Derek Norton called to order the May 16, 2022 Mayor and Council meeting held at A. Max Bacon City Hall in Council Chambers at 7:00 PM.

### 1. Invocation and Pledge:

The invocation and Pledge of Allegiance were led by Dr. Jeff Pennington, Senior Pastor, Smyrna Baptist Church located at 1275 Church St.

### 2. Agenda Changes:

*Mayor Derek Norton asked anyone who was present currently running for office to come forward.*

*Latonia P. Hines came forward. Ms. Hines is running for the vacant City of Smyrna Ward 2 City Council seat.*

*There were no agenda changes.*

### 3. Mayoral Report:

#### A. [2022-276](#)

Presentation and Graduation of the 2022 Smyrna Citizen's Academy  
**Ward / Citywide**

*Carson Early, Admin Service Coordinator, Sr, presented the graduates of the 2022 Smyrna Citizen's Academy:*

*Joseph Blankenship  
Lauren Carter  
Anna Marie Chamblee*

James Coleman  
Ann Cranford  
Gloria Favors  
Tanner Goldsmith  
Marsha Guibbert  
Lisa Hoggard  
Claire James  
Gentry Kozub  
Heather Kuemmerle  
Marcella Lewis  
Tasneem Nafar  
Karthik Neelisetty  
Poonam Patel  
Nicole Peek  
Pierre Penda  
Triandos Randolph  
Margo Weitzel  
Darby Weyland  
Barbara Woods  
Mark Woods

**B. [PRC2022-11](#)**

Proclamation in Recognition of the 2022 USABA Goalball Regional Tournament, May 20-22, Smyrna Community Center

***Ward / Citywide***

*Councilmember Travis Lindley read the following proclamation. It was presented to Hal Simpson, Director of the Georgia Blind Sports Association, and Brandon Soncoeur of the Atlanta Force blind goalball team:*

*A PROCLAMATION BY THE MAYOR OF THE CITY OF SMYRNA  
In Recognition of Georgia Blind Sports Association USABA Southeast Regional Goalball Tournament May 20 - 22, 2022*

*Whereas: Georgia Blind Sports Association is an affiliate of The United States Association of Blind Athletes (USABA), the governing body for USA goalball, a paralympic sport; and*

*Whereas: Georgia Blind Sports Association, founded in 2011, is committed to providing team and recreational opportunities for the blind and visually impaired; and*

*Whereas: Georgia Blind Sports Association will be hosting the USABA Southeast Regional Goalball Tournament, to include 28 adult teams from around the United States; and,*

*Whereas: These teams include the twelve members of the USA men's and women's goalball teams, recent participants in the 2020 Paralympic Games in Tokyo, Japan; and*

*Whereas: The City of Smyrna Community Center will be the site of the Southeast Regional Goalball Tournament, May 20th to May 22nd, 2022; and*

*Whereas: Over 100 volunteers from the City of Smyrna and surrounding communities will volunteer their time and energy to allow these athletes to compete in the most popular sport for the blind around the world; and*

*Whereas: The City of Smyrna supports Georgia Blind Sports Association and USA Goalball and the athletes who train and compete as they represent their communities and their country at both the national and international level; Now*

*Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim May 20th thru 22nd as Georgia Blind Sports Association 2022 Goalball Tournament Days.*

**C. [PRC2022-12](#)**

**Proclamation in Recognition of Asian-Pacific American Heritage Month  
Ward / Citywide**

*Mayor Derek Norton read the following proclamation and presented it to City staff members, Dat Luu, Assistant IT Director, and Jill G. Head, Deputy City Clerk:*

*A PROCLAMATION BY THE MAYOR OF THE CITY OF SMYRNA  
In Recognition of Asian American and Pacific Islander Heritage Month*

*Whereas: The City of Smyrna takes pride in joining Americans throughout the country in recognizing May 2022 as Asian American and Pacific Islander Heritage Month; and*

*Whereas: The month of May was chosen for Asian American and Pacific Islander Heritage Month to commemorate the immigration of the first Japanese people to the United States on May 7, 1843, and to mark the anniversary of the completion of the transcontinental railroad on May 10, 1869, in which the majority of the workers who laid the tracks were Chinese immigrants; and*

*Whereas: Georgia is home to over four hundred thousand citizens with Asian-Pacific American Heritage. According to the US census, this community is one of the most diverse and fast-growing groups in the United States, representing a multitude of ethnicities, languages, and experiences that enrich America and strengthen our Union; and*

*Whereas: Asian-Pacific Americans have played an essential role in writing the American story from serving our country in uniform, advocating for civil rights, starting new businesses and more, the contributions of this community touch the lives of Americans every day; and*

*Whereas: During the observance of Asian American and Pacific Islander Heritage month, we celebrate the cultural traditions, ancestry, native languages, and unique experiences represented by Asian-Pacific Americans across our country and right here in Smyrna and Georgia; and*

*Whereas: The City of Smyrna continues to work toward becoming an inclusive community in which all citizens are respected and recognized for their contributions to our community, the state, the country, and the world; Now*

*Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim the month of May 2022, as Asian American and Pacific Islander Heritage Month.*

*Ms. Head read from a prepared statement:*

*Thank you, Mayor and Council, for taking the time and putting forth the effort to bring forward this proclamation. I have worked here for a short time – just nine months – and I have seen many proclamations come across the Clerk's desk. And I will just say that*

*for those whose communities or loved ones are honored, these do mean something.*

*In this situation, you are taking the time to recognize a community that is often overlooked and underrepresented. They are people from various backgrounds - whether immigrants who bravely came here not knowing a lick of English or those of us born here - they built successful businesses, raised successful children, and contributed vastly to the American economy. And, honestly, American culture has embraced so much from Asian culture from food – like kimchi, pho, and sushi – to pop culture and music – like karaoke, anime, and K-Pop.*

*But for me, personally, it means something else. I can remember growing up and not wanting to be singled out for something like this – for something like being different. I just wanted to blend in, but it was very difficult, if not impossible, to do so looking the way I look. I was often asked the dreaded question “what are you?” which was never something that you want to hear as a child. But progress is made every day. And though it took time, and though things aren’t perfect, doing things like this – no matter how big or small this effort is – means something. We go from kids like me who desperately did not want to be singled out to those like my three children who are eager and so proud to be able to tell anyone who will listen that they are part Korean. That’s progress.*

*So, this gesture does not go unnoticed. And I just wanted to say thank you.*

#### **4. Land Issues/Zonings/Annexations:**

- A. [ORD2022-01](#) Public Hearing** - Approval of Ordinance ORD2022-01 for the adoption of the Short-term Rental Ordinance under Chapter 22 - Businesses of the City's Code of Ordinances and authorize the Mayor to sign and execute all related documents.

##### **Ward / Citywide**

*Penny Mocer, Deputy City Administrator, presented the following background:*

*The City of Smyrna has received numerous calls and complaints regarding short-term rentals in residential neighborhoods in the city. Complaints centered on house parties, parking, trash and general property maintenance issues surrounding the operation of short-term rental units. Mayor Norton created the Committee on Short-Term Rentals in Spring of 2021. The Committee was created to study and address issues related to the impacts of short-term rental units on surrounding residential neighborhoods and the city. Mayor Norton appointed Councilman Glenn Pickens as the chair of the Committee, as well as Councilman Dr. Lewis Wheaton and Mayor Pro Tem Tim Gould. The Committee met several times over the last year (3/16/21, 6/9/21 & 6/23/21, 9/30/21, 12/9/21, 1/6/22, 2/7/22) to discuss short-term rentals and develop a proposed ordinance to address issues and concerns.*

*The Committee on Short-term Rentals and Community Development recommend approval of ORD2022-01 for the adoption of the Short-term Rental Ordinance under Chapter 22 - Businesses of the City's Code of Ordinances and authorize the Mayor to sign and execute all related documents.*

*Russell Martin, Community Development Director, Provided additional background and information:*

*The City of Smyrna currently does not regulate the operation of short-term rental units. A short-term rental unit is defined as an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit or a portion thereof is provided for lodging for a period of time not to exceed thirty (30) consecutive days. There are approximately 225 to 300 rental units in operation the City of Smyrna at any given time. These units include whole unit rentals (whole house or dwelling unit) or partial unit rentals (one or two rooms of an occupied dwelling are rented). Short-term rental units are located in both multi-family and single-family developments.*

*The Committee studied short-term rental ordinances from other municipalities in the State of Georgia. The other municipalities included Sandy Springs, Brookhaven, Hall County, South Fulton, Macon, Savannah, Columbus and Atlanta. The Committee studied the operational requirements, application procedures, penalties, fees, etc. for short-term rentals in these communities.*

*After the review of the other municipalities in the state, the Committee wanted to require a license for the operation of a short-term rentals and set limitations on location, occupancy, parking, use of accessory structures and other limitation for short-term rental in residential single-family neighborhoods. Below are proposed ordinance highlights as it pertains to the issues described above:*

- *Where are short-term rental units allowed? Short-term rental units are allowed in every residential zoning district, including the Mixed Use and Central Business District zoning districts.*
- *What is required for operation? The property owner must obtain a short-term rental license and an occupational tax certificate to operate a short-term rental unit. Licenses and occupational tax certificates may be renewed on a yearly basis.*
- *What are the application requirements? The applicant will have to designate a short-term rental agent and provide proof of ownership, the owner's sworn compliance affidavit, liability coverage, notification to adjoining property owners and HOA (if applicable).*
- *Who is the short-term rental agent? The agent can be the property owner or a person designated by the property owner, who is 21 years old or older, to handle all issues with the rental unit and be the main point of contact with the City.*
- *Are there limitations on short-term rentals? There are numerous limitations on the operation of short-term rentals in the City. These include, but are limited to the following:*
  - o *Occupancy – Units are limited to two people per room plus three additional people.*
  - o *Parking – Vehicles must be parked on the property on hard surfaces. Vehicles associated with short-term rentals are not allowed to park in the right-of-way.*
  - o *Days of Use – Short-term rental units within a single-family zoning district shall be limited to 180 days of rental per calendar year unless the property is owner occupied. A rental that exceeds thirty (30) consecutive days shall not be considered a short term rental.*
  - o *Single-Family Zoning – Properties with a single-family zoning designation shall be limited to one short-term rental license per property.*
  - o *Long-term Rentals – Single-family zoned properties with an active long-term lease shall not be issued a short-term rental license.*
  - o *Accessory Buildings – Accessory buildings on properties with a single-family zoning classification may only be used for short-term rentals if the subject property is owner occupied.*
- *What are the enforcement and penalties for violating the ordinance? Violations of this chapter are grounds for suspension or revocation of the license and subject the owner to the penalties described in Section 1-8 of Chapter 1 of the City's Code of Ordinances and upon a conviction, the court has the authority to suspend or revoke the license in*

addition to other punishment authorized by Sec 1-8. If the property receives three (3) convictions of code violations within a 24-month period, the short-term rental license shall be revoked for a 12-month period.

- *What are the requirements for taxation? Short-term rental unit owners are subject to all applicable state and city taxes, including but not limited to all excise taxes, taxes on rooms, lodgings and accommodations and hotel/motel tax requirements and are liable for payment thereof as established by state law and the city code. The city may seek to enforce payment of all applicable taxes to the extent provided by law, including injunctive relief.*

*Councilmember Lewis Wheaton asked for clarification purposes if, for example, someone like a traveling nurse is using a Short-term Rental for a 40-day period of time, the 40 days would not go against the 180-day calculation. Mr. Martin confirmed that is true.*

*Mayor Pro Tem/Councilmember Tim Gould stated that when someone purchases a home in a residential area, they do not necessarily assume people will be running rental businesses out of the other homes, so this ordinance provides a level of security for those residents. He thanked Mr. Martin and staff for their hard work.*

*Councilmember Susan Wilkinson asked for a description of difference between an accessory structure versus an accessory dwelling unit. Mr. Martin stated that the accessory structure is a detached structure on the same property, for example, a garage with above living space. The dwelling classification requires a full kitchen (including a full stove) and full bath.*

*A public hearing was called and no one came forward in favor of or in opposition to this item.*

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item ORD2022-01, a public hearing and ordinance (ORD2022-01) adoption of the Short-term Rental Ordinance under Chapter 22 - Businesses of the City's Code of Ordinances and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

**B. [2022-193](#)**

**Public Hearing** - Zoning Request - Z22-007 - Allow rezoning from R-15 to R-10 for a two lot subdivision at a density of 4.29 units per acre - 0.466 acres - Land Lot 489 - 1195 Hill Street - David Gann and Donna Mathis  
**Ward 3 / Councilmember Lindley**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*The applicant is requesting a rezoning from R-15 (Residential) to R-10 (Residential) for a two-lot single-family detached subdivision. The subject property is zoned R-15 and is occupied with a single-family home. The applicant plans to retain the existing home and build one new single-family detached home on the new lot. The Planning & Zoning Board recommended approval by a vote of 6-0 at the April 11, 2022 meeting. The*

*zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends approval of the rezoning from R-15 to R-10 with a density of 4.29 units per acre at 1195 Hill Street with conditions.*

*Joey Staubes, Planner I, presented additional background:*

*David Gann & Donna Mathis is requesting a rezoning from R-15 (Residential) to R-10 (Residential) for a two-lot single-family detached subdivision. The subject property is zoned R-15 and is occupied with a single-family home. The applicant plans to retain the existing home and build one new single-family detached home on the new lot. Stormwater management for the project will be provided on the new lot by a infiltration facility. The minimum lot size will be 10,000 sq. ft. The proposed setbacks for the homes are consistent with the R-10 zoning district and surrounding properties. The proposed new home will face Hill Street with a front-entry garage.*

*The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management, stream buffer issues, and in general believes that it meets city requirements. There are no stream buffers affecting the property.*

*The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.*

*Community Development has reviewed the zoning proposal against the City's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to R-8 maintains a future land use designation of MODR (Moderate Density Residential) under four and a half (4.5) units per acre. The proposed lot sizes and widths are in line with other nearby developments. Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.*

*Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The subdivision and construction of one new single-family home results in a density of 4.29 units per acre on the subject property. The applicant is requesting a rezoning from R-15 to R-10 and the proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan.*

*Community Development staff is supportive of the rezoning from R-15 to R-10 as it is consistent with the density allowed in the MODR Future Land Use and zoning requirements of R-10 Zoning District.*

*The zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends approval of the rezoning from R-15 to R-10 with a density of 4.29 units per acre at 1195 Hill Street with the following conditions:*

*Standard Conditions*

*Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable:*

- 1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any*

elevation facing these roads.

2. All utilities within the development shall be underground.

3. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with city's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.

4. No debris may be buried on any lot or common area.

5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.

6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

7. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

8. The development shall maintain the R-8 setbacks:

Front – 25'

Side – 7.5'

Rear – 25'

9. The minimum lot size shall be 10,000 sq. ft.

10. The minimum lot width shall be 50 feet.

11. Driveway – 22' minimum length from building face to back of sidewalk.

12. The driveway setback shall be a minimum of 1'.

13. The detached garage on Tract B shall be a maximum of 35% of the primary home.

14. The developer shall provide right-of-way dedication on Hill Street to increase the width to 25 feet from the centerline.

15. A 5-foot sidewalk and 2-foot grass strip shall be required for the length of the property.

16. Construction details of the retaining wall shall be required at permitting for the home.

17. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

18. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

19. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

20. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

21. Approval of the subject property for the R-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/10/22 and created by Paul Lee Consulting Engineering Associates, Inc. all zoning stipulations above.

22. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 3/10/22.

Garvis Sams, Sams, Larkin & Huff, LLC, was present representing the applicants, David Gann and Donna Mathis. Mr. Sams stated that there has been no opposition and Planning and Zoning approved it 6-0. He also stated that it meets future comprehensive and land use plans. He asked the Mayor and Council for approval.

A public hearing was called, and no one came forward in favor of or in opposition to this item.



Councilmember Travis Lindley made a motion to approve item 2022-193, a public hearing and zoning request (Z22-007) to allow rezoning from R-15 to R-10 for a two lot subdivision at a density of 4.29 units per acre on 0.466 acres on land lot 489 located at 1195 Hill Street by applicants David Gann and Donna Mathis; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

**C. [2021-518](#)**

**Public Hearing** - Zoning Request - Z21-015 - Allow rezoning from R-15 to CBD for an antiques shop - Land Lot 522 - 0.6 acres - 2986 King Street - Antiques, Wood and Rustics, LLC.

**Ward 3 / Councilmember Lindley**

*Penny Mocer, provided the following background:*

*Antique, Woods & Rustics LLC is seeking approval of a rezoning for 2986 King Street from R-15 to CBD for the ability to use the existing structure for antique sales. The existing home will remain, and parking area will be added to the property. The applicant is proposing 10 parking spaces for the proposed business at the rear of the property behind the existing structure. The current site plan shows 10-foot landscape buffers to the north and west adjacent to the residential properties. The Planning & Zoning Board recommended approval by a vote of 4-2 at the April 11, 2022 meeting. The Urban Design Commission recommended approval at the April 26, 2022 meeting. Community Development recommends approval of the rezoning from R-15 to CBD to allow antique sales with conditions.*

*Russell Martin, Community Development Director, provided additional background:*

*Antique, Woods & Rustics LLC is seeking approval of a rezoning for 2986 King Street from R-15 to CBD for the ability to use the existing structure for antique sales. The existing home will remain, and parking area will be added to the property. The applicant is proposing 10 parking spaces for the proposed business at the rear of the property behind the existing structure. The current site plan shows 10-foot landscape buffers to the north and west adjacent to the residential properties.*

*The zoning proposal will not require stormwater management unless there is more than 5,000 sq. ft. of impervious coverage. The proposal as shown on the site plan is below 5,000 sq. ft. of impervious coverage. If impervious coverage exceeds 5,000 sq. ft. than the applicant shall meet the requirements of the Georgia Stormwater Management Manual (Blue Book). There is no stream located on the subject property.*

*The City Engineer believes the aisle width of 24 feet behind the parking stalls as well as a driveway entrance of 24 feet are sufficient to access the 90 degree parking spaces and to access the site.*

*The Fire Marshal's office has reviewed the site plan and believes the zoning plan meets the Fire Code requirements for fire truck access and building separation requirements.*

*The proposed rezoning would allow the existing 1,807 sq. ft. structure to be used for antique sales. The subject property is located in an area where the surrounding properties have a future land use designation of Mixed Use. The adjacent properties to the north and west are zoned R-15 and are occupied with residential structures, and the adjacent properties to the south and east are occupied with commercial and institutional uses.*

*Community Development has reviewed the proposed rezoning to CBD and found it to be compatible with the adjacent properties and is in compliance with the City's 2040 Comprehensive Plan.*

*Community Development considers the rezoning to be reasonable and compatible with the Mixed Use future land use designation. The proposed rezoning will not require any variances. The subject property is located within the Urban Design District. Therefore, the zoning request is required to go before the Urban Design Commission (UDC). The UDC reviewed the site design and architectural improvements at the April 26, 2022, meeting and recommended approval with the recommendation that the driveway provide decorative brick or stone accents.*

*Community Development recommends approval of the rezoning from R-15 to CBD to allow antique sales with the following conditions:*

*Standard Conditions*

*Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.*

- 1. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with city's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.*
- 2. No debris may be buried on any lot or common area.*
- 3. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.*
- 4. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

*Special Conditions*

- 5. The development shall maintain the CBD setbacks:*

*Front – 12' (King Street)*

*Front – 12' (Concord Road)*

*Side – 0'*

*Rear – 0'*

- 6. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.*
- 7. The subject property shall provide a 10-foot landscape buffer along the northern and western property lines that adjoin single-family residential zoning.*
- 8. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 9. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 10. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 11. The outside storage of goods or merchandise shall be prohibited.*
- 12. Approval of the subject property for the CBD zoning district shall be conditioned*

*upon the development of the property in substantial compliance with the site plan submitted March 22, 2022, and created by Surveys Plus, Inc. and all zoning stipulations above.*

*13. The additional stipulations agreed upon by the applicant in the letter submitted and dated on March 22, 2022. If there should be a discrepancy between the stipulations in the March 22, 2022, letter and the stipulations stated above, the stipulations stated above shall apply.*

*14. The applicant shall provide decorative brick or stone pavers at the entrance subject to approval by the Community Development Director.*

*Councilmember Charles Welch asked what the required number of parking spaces is. Mr. Martin stated it is 10, nine plus one ADA space. Councilmember Welch asked about the dumpster, where it would be located, if it will be a commercial dumpster, and if a truck will be able to access the dumpster. Mr. Martin stated that a truck would pull in and back out because there is not enough turning radius to turn around. Councilmember Welch asked about the 10 foot landscape buffer. Mr. Martin explained that the City's Ordinance 503 requires a 10' buffer when under five acres of size. It will be an evergreen screen part of a landscape plan that they will have to provide before issuance of a permit.*

*Councilmember Susan Wilkinson asked about the building height of 35 feet to which Mr. Martin stated those are district standards. Councilmember Welch asked what the plans are for the actual structure. Mr. Martin stated his understanding is that the renovations are taking place on the interior and that there will not be any exterior renovations.*

*Tim Gould asked if there is any long-term maintenance of the impervious area. Mr. Martin stated that construction requirements will address what long-term maintenance is needed.*

*Garvis Sams, Sams, Larkin & Huff LLC, came forward representing the applicants, Patty and Ben Ferguson of Antique, Woods & Rustics LLC. Mr. Sams stated that there have been five to six iterations of the plan. They have met the Planning and Zoning and Urban Design Committee standards. They changed the application request to CBD, and this will be exclusively a high-end antique store. Mr. Sams further stated the applicants are not requesting any variances. The store would be open Wednesday - Saturday with Saturday being the busiest day. Mr. Sams noted the distances between other antique stores in neighboring areas with the nearest one being five miles away, but most are farther away. There will be no tea room or restaurant, it is not a consignment shop or flea market. Any signs will be ground-based with monument lighting. The interior will be retro-fitted. The exterior will remain the same, except they will remove the shed and will meet design standards for a dumpster. For all these reasons, Mr. Sams asked for approval of this recommendation.*

*A public hearing was called. Jeff Meadows and Michael Hatcher came forward and were sworn in.*

*Jeff Meadows (2975 Reed Street) stated his property adjoins this property. He does not want to see this property rezoned because of future possibilities and other possible land uses.*

*Michael Hatcher (1184 Love Street) stated he has concerns about the dumpster and traffic issues. He stated that this is a residential area, a walking neighborhood, and he would like it to remain residential. He further noted that the structure itself is at least 112 years old and is an antique in and of itself.*

*Councilmember Travis Lindley made a motion to deny item 2021-518, a public hearing*

and zoning request (Z21-015) to allow rezoning from R-15 to CBD for an antiques shop on land lot 522 on 0.6 acres located at 2986 King Street by applicant Antiques, Wood and Rustics, LLC; seconded by Councilmember Charles Welch.

The motion to deny carried with the following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

D. [2022-145](#)

**Public Hearing** - Zoning Request - Z22-005 - Allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel - 3.115 acres - Land Lots 846, 880 & 881 - Mogar Farms Funding LLC - 2855 Spring Hill Pkwy & 2685 Spring Rd.  
**Ward 1 / Councilmember Pickens**

Councilmember Travis Lindley made a motion to table to the June 6, 2022 Mayor and Council meeting item 2022-145, a public hearing and zoning request (Z22-005) to allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel on 3.115 acres on land lots 846, 880 & 881 located at 2855 Spring Hill Pkwy & 2685 Spring Rd. by applicant Mogar Farms Funding LLC; seconded by Councilmember Lewis Wheaton.

The motion to table to the June 6, 2022 Mayor and Council meeting carried with the following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

5. **Privilege Licenses:**

There were no privilege licenses.

6. **Formal Business:**

A. [2022-266](#)

**Public Hearing** for the Fiscal Year 2023 Proposed Budget  
**Ward / Citywide**

*Landon O'Neal presented the following information:*

*FY 2023 Budget Presentation  
City Council Meeting  
May 16, 2022*

*FY 2023 Budget Presentation  
\* Overview  
\* General Fund  
\* E-911 Fund  
\* Hotel/Motel Fund*

- \* *Water/Sewer Fund*
- \* *Personnel Recommendations*
- \* *Fee Changes*
- \* *Debt Obligations*
- \* *Capital Projects*

*FY 2023 Total Proposed Budget*

<i>General Fund</i>	<i>57,600,596</i>
<i>Special Revenue Funds</i>	<i>8,861,342</i>
<i>Capital Project Funds</i>	<i>11,157,797</i>
<i>Internal Service Funds</i>	<i>1,134,000</i>
<i>Enterprise Funds</i>	<i>23,807,501</i>
<i>TOTAL BUDGET</i>	<i>102,561,236</i>

*General Fund Expenditures*

- \* *Benefits (90% absorbed by GF)*
  - *180K decrease (3%) to health insurance*
  - *62K increase (8%) to retirement contributions*
- \* *200K for city branding update*
- \* *552K contingency*
  - *325K merit raises*
  - *227K unallocated*
- \* *75K for Atlanta Road ARTery*
- \* *30K for multi-factor authentication*
- \* *30K for heritage celebrations*
- \* *25K for traffic signal study and analysis*
- \* *10K for Library landscaping*

*E-911 Fund**Revenues:*

<i>E- 911 Fees from Phone Companies</i>	<i>1,430,000</i>
<i>Transfer from General Fund</i>	<i>624,991</i>
<i>Intergovernmental Revenue</i>	<i>75,000</i>
<i>Miscellaneous</i>	<i>3,000</i>
<i>TOTAL</i>	<i>2,132 ,991</i>

*Expenditures:*

<i>Salaries &amp; Benefits</i>	<i>1,739,339</i>
<i>Other Operating</i>	<i>393,652</i>
<i>TOTAL</i>	<i>2,132,991</i>

*Hotel/Motel Fund**Revenues:*

<i>Hotel/Motel Taxes</i>	<i>1,467,000</i>
<i>Use of Hotel/Motel Reserves</i>	<i>410,691</i>
<i>Transfer from Auto Rental</i>	<i>180,000</i>
<i>Miscellaneous</i>	<i>2,084,228</i>

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**TOTAL***Expenditures:*

<i>Payments to Cobb Galleria</i>	<i>554,973</i>
<i>Transfer to General Fund</i>	<i>550,125</i>
<i>Other Operating Costs</i>	<i>741,368</i>
<i>Salaries &amp; Benefits</i>	<i>237,762</i>
<b>TOTAL</b>	<b>2,084,228</b>

*Proposed Fee Changes*

- *Departments proposing fee changes:*
- *Community Development*
- *Environmental Services*
- *Library.*
- *Parks & Recreation*
- *Water/Sewer Utility*
- *Sanitation*
- *Storm Water Utility*
- *Water Distribution*

*New Personnel Requests Recommended*

- *7 new positions (6 full-time & 1 part-time)*
  - *City Arborist – 86,651*
  - *Firefighters (3) – 167,129 at 75% of the FY*
  - *Network and Server Engineer - 61,408 at 50% of the FY*
  - *E-911 Manager – Requesting to not fill two of their vacant positions in order to have a manager position - 96,171*
  - *Admin Services Coordinator (PT) - 33,587*
- TOTAL: 444,946**

*Reclassifications*

- *1 reclassification recommended*
- *Fire Lieutenant to Fire Captain (3 employees) - 21,384 per employee*

*Kristin Robinson, Assistant City Administrator/Finance Director, presented the following information:*

*Debt Obligations*

- *\$68,665,475 total outstanding bond debt*
- *\$8,374,643 scheduled for FY23*
- *449,305 from TAD Fund*
- *5,734,211 from the General Fund*
- *100,000 from previously committed funds*
- *2,091,128 from SPLOST*

*General Fund CIP*

- *\$2,618,700 total expenditures (20 projects)*
- *Increase of \$511K compared to FY 2022 Adopted*
- *\$1.8M of FY23 projects funded by revenues from American Rescue Plan Act (ARPA)*
- *\$800K funded by transfer-in from General Fund*

*IT:*

- Phone System Upgrade - 96,000
- Desktop Computer Upgrades - 46,000

*Parks & Recreation:*

- Community Center Painting - 90,000
- Sports field fencing, netting, etc. - 20,000
- Parking Resurfacing/paving - 20,000
- Tolleson Park Trail Bridges - 250,000
- Library Playground Design - 20,000
- Whitfield Park Designs - 25,000
- Chuck Camp Storage Building - 100,000
- LED Screens - 300,000
- Lattanzi Field Improvements - 200,000
- Brinkley Park Improvements - 100,000
- Wolfe Center Renovations - 100,000

*Public Safety:*

- Police Locker Room Update - 171,200
- Police Laptop Computer Refresh - 42,500

*Public Works:*

- Green Energy Projects - 800,000
- Miscellaneous Carpet Replacement - 30,000
- Detention Pond Maintenance - 100,000
- Replace Underground Sanitation Can - 48,000
- Sanitation Carts - 60,000

*FY 2023 GENERAL FUND CIP TOTAL: \$2,618,700*

*Water/Sewer CIP:*

- Infrastructure: 2,633,000
- Meters & Dials: 118,000
- Drainage: 241,000
- Lead & Copper Inventory: 300,000
- TOTAL W/S CIP: 3,292,000
- \* FY23 funded by transfer-in from Water/Sewer Fund

*Storm Water CIP: 1,461,179*

- \* Funded by monthly storm water fee
- \* Includes \$0.07 increase effective in January

*2016 SPLOST - 1% sales tax collection ended in December 2021*

- \* Windy Hill Road
- FY 2022: 18,600,318
- FY 2023: 10,107,797
- \* Other Projects
- FY 2022: 11,318,821
- FY 2023: 250,000
- TOTAL 2016 SPLOST
- FY 2022: 29,919,139
- FY 2023: 10,357,797

*2022 SPLOST - 1% sales tax collection began in January 2022*

- \* Downtown Redevelopment

- FY 2022: 2,961,161  
- FY 2023: 4,090,189  
- FY 2024: 350,000  
\* Aquatics/Gymnastics Facility  
- FY 2022: 35,000  
- FY 2023: 1,000,000  
- FY 2024: 6,000,000  
\* Downtown Parking Deck  
- FY 2022: 84,325  
- FY 2023: 3,595,675  
\* Splashpad/Sprayground  
- FY 2022: 44,150  
- FY 2023: 1,335,850  
\* Other Projects  
- FY 2022: 4,368,058  
- FY 2023: 10,264,613  
- FY 2024: 13,117,992  
TOTAL 2022 SPLOST  
- FY 2022: 7,492,694  
- FY 2023: 20,286,327  
- FY 2024: 19,467,992

*Vehicle Replacements and Additions*

- Engineering - 1 - 37,000
- Fire - 6 - 293,000
- Fleet Maintenance - 1 - 45,000
- IT - 1 - 32,000
- Parks Programs - 1 - 60,000
- Police - 11 - 532,000
- Water Admin - 1 - 35,000
- Water Dist - 2 - 100,000

TOTAL: 24 vehicles - 1,134,000

*Budget Adoption Schedule*

- May 16 - Budget presentation and public hearing at Council meeting
- June 2 - Discuss any changes at work session
- June 6 - Formal budget adoption at Council meeting

*A public hearing was called.*

*Montserrat Knowlton - 1367 Poplar Pointe - came forward. She asked about the unforeseen \$48.00 tax that was passed on to citizens for street lights and was included on the property tax bills. Ms. Robinson stated it was a \$42.00 annual charge instead of a monthly charge that will be added to each year's property tax bills.*

No vote taken on this item.

**B. [2022-263](#)**

Approval of an amendment to the adopted FY 2022 budget for the project length budget for the approved 2022 SPLOST projects and related accounts.

**Ward / Citywide**

*Penny Mocer, Deputy City Administrator, provided the following background:*



*The City needs to amend the project length budgets for SPLOST 2022. In past SPLOSTs, the City has annually adopted budgets related to the SPLOST projects. Best practice is to adopt the full amount of the voter approved projects. Adoption of the project length budgets makes the financial administration more efficient for both Finance and the other City departments. The amendment proposed will set the expenditure budgets at the amounts approved on the referendum and also budget for other accounts related to the administration of the SPLOST.*

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item 2022-263, an amendment to the adopted FY 2022 budget for the project length budget for the approved 2022 SPLOST projects and related accounts; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

**C. [2022-283](#)**

**Approval of the 2021- 2024 City of Smyrna Strategic Plan**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*Last year, the Mayor, City Council, Administration and Department Heads embarked on a robust strategic planning process to prioritize local government initiatives. This effort represents an organization-wide and issues-driven plan to guide daily operations. The resulting plan identifies five focus areas, Economic Development, Community Development, Civic Engagement, Employee Excellence, Quality of Life, and specific goals for each area. Once approved by Council, a staff team will establish a process to track our progress on the strategic plan and a calendar of scheduled progress reports.*

Councilmember Travis Lindley made a motion to approve item 2022-283, the 2021 - 2024 City of Smyrna Strategic Plan; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

**7. Commercial Building Permits:**

There were no commercial building permits.

**8. Consent Agenda:**

*Pm read aloud the consent agenda*

A motion was made by Councilmember Travis Lindley, seconded by Councilmember Susan Wilkinson, to approve the Consent Agenda. The motion carried with the

following vote:

**Aye:** 5 - Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Absent:** 1 - Councilmember Pickens

- A. [MIN2022-32](#) Approval of the April 28, 2022 Committee of the Whole Meeting Minutes.  
**Ward / Citywide**  
These Minutes were Approved.
- B. [MIN2022-33](#) Approval of the May 2, 2022 Pre-Council Meeting Minutes.  
**Ward / Citywide**  
These Minutes were Approved.
- C. [MIN2022-34](#) Approval of the May 2, 2022 Mayor and Council Meeting Minutes.  
**Ward / Citywide**  
These Minutes were Approved.
- D. [AGR2022-15](#) Approval of the agreement with Tetra Tech to provide unregulated contaminant monitoring for 2023, 2024, and 2025 in the amount of \$12,640.00 in order for the city to remain compliant with the Environmental Protection Agency's (EPA) requirements for systems serving greater than 10,000 persons and authorize the Mayor to sign and execute all related documents.  
**Ward / Citywide**  
This Agreement was Approved.
- E. [AGR2022-16](#) Approval of the agreement with PFS (Public Facilities and Services / 4010 Stonewall Tell Road, Atlanta, Ga. 30349) to refurbish nine bus shelters (Locations attached) at the cost of \$3,100.00 each for a total cost of \$27,900 and authorize the Mayor to sign and execute all related documents.  
**Ward 3 / Councilmember Lindley**  
**Ward 5 / Councilmember Wilkinson**  
This Agreement was Approved.
- F. [AGR2022-17](#) Approval of the agreement for pond rehabilitation on Cliff Crest Drive to be performed by Ardito Construction (1290 Austell Road SE, Marietta, GA, 30008) in the amount of \$67,060.27 to be paid out of the Stormwater Infrastructure CIP fund and authorize the Mayor to sign and execute all related documents.  
**Ward 6 / Mayor Pro Tem/Councilmember Gould**  
This Agreement was Approved.

- G. [AGR2022-18](#) Approval of the agreement with Croy Engineering (200 Cobb Pkwy North, Building 400, Suite 413, Marietta, GA, 30062) for Creatwood and Highlands Waterline Permitting and Bidding Assistance in the amount of \$21,000.00 to be paid out of water/sewer general fund and authorize the Mayor to sign and execute all related documents.  
**Ward 2 / Vacant**  
**Ward 6 / Mayor Pro Tem/Councilmember Gould**  
This Agreement was Approved.
- H. [2022-253](#) Approval of the installation of stop signs at the intersection of Powder Springs St & Wayland Court.  
**Ward 5 / Councilmember Wilkinson**  
This Authorization was Approved.
- I. [2022-254](#) Approval of the installation of stop signs at the intersection of Powder Springs St & Stonecreek Rd.  
**Ward 5 / Councilmember Wilkinson**  
This Authorization was Approved.
- J. [2022-256](#) Approval of the installation of stop signs at the intersection of Dixie Ave & Pierce Ave  
**Ward 3 / Councilmember Lindley**  
This Authorization was Approved.
- K. [2022-257](#) Approval of the installation of stop signs at the intersection of Ridge Rd & Cedar Cliff Rd.  
**Ward 6 / Mayor Pro Tem/Councilmember Gould**  
This Authorization was Approved.
- L. [2022-258](#) Approval for authorization of removing old meters and installing new meters by Reed and Shows Meter Solutions (P.O. Box 209, Bowdon Junction, GA, 30109) in the amount of \$36,360.00 to be paid out of the Meter CIP fund and authorize the Mayor to sign and execute all related documents.  
**Ward / Citywide**  
This Authorization was Approved.
- M. [2022-264](#) Authorization for storm drainage improvements on Fieldwood Drive to be performed by Ardito Construction (1290 Austell Road SE, Marietta, GA, 30008) in the amount of \$38,451.50 to be paid out of the Stormwater Infrastructure CIP fund.  
**Ward 6 / Mayor Pro Tem/Councilmember Gould**  
This Authorization was Approved.

- N. [2022-281](#) Authorization for a road closure on Lee St. between Marion St. and Hickory Circle on Monday, May 30, 2022 from 11:00 a.m.-5:00 pm for the Forest Hills Neighborhood Block Party by resident Melissa Powell.

**Ward 6 / Mayor Pro Tem/Councilmember Gould**

This Authorization was Approved.

- O. [2022-282](#) Authorization for a road closure on Eastfield Rd. at Timberland St. and Bank St. SE on Friday, May 20, 2022 from 6:00 p.m.-9:00 pm for the Cheney Woods Spring Block Party by resident Leanne Stell Raker.

**Ward 5 / Councilmember Wilkinson**

This Authorization was Approved.

**9. Ward / Committee Reports:**

*Councilmember Susan Wilkinson thanked the many volunteers from Lockheed, etc. who helped with Rebuilding Together Atlanta, an organized event assisting Veterans in Ward 5.*

*Councilmembers Tim Gould and Dr. Lewis Wheaton congratulated high school seniors, including their own children. Dr. Wheaton also thanked staff and volunteers for their participation in the successful Science event at the park.*

*Heather Peacon-Corn conveyed early voting information for the May 24, 2022 primaries.*

**10. Show Cause Hearings:**

There were no show cause hearings.

**11. Citizen Input:**

**12. Adjournment:**

Mayor Derek Norton adjourned the May 16, 2022 Mayor and Council meeting at 9:14 PM.