



City of Smyrna

A. Max Bacon City Hall
HR Conference Room /
First Floor
2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final Committee of the Whole Work Session

Thursday, September 29, 2022

6:30 PM

A. Max Bacon City Hall - HR Training Room

Roll Call

Present 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould, and Councilmember Lewis Wheaton

Also Present 1 - Scott Cochran

Staff 11 - Penny Mocer, Kristin Robinson, Heather Peacon-Corn, Jennifer Bennett, Caitlin Crowe, Dat Luu, Russell Martin, Paul Osburn, Eric Randall, Robert Harvey, and Frank Carruba

1. Call to Order

Mayor Derek Norton called to order the September 29, 2022 Committee of the Whole Meeting held at A. Max Bacon City Hall in the HR Training Room at 6:30 PM.

2. New Business

A. [COW22-73](#)

IT Review of Smyrna 311 and Instructional for Council

Dat Luu, Assistant IT Director, provided instructional information on how to navigate and use the Smyrna 311 system.

B. [COW22-12](#)

City Administrator project updates and review of City business

Jennifer Bennett, Community Relations Director, provided updates on the Smyrna 150th Birthday Celebration:

- Parking and No Parking areas were discussed.
- Food Trucks and Beverages areas were discussed.
- Areas to watch the concert and the fireworks were discussed.

Penny Mocer, Deputy City Administrator, provided updates for projects:

- There are currently 17 vacancies in the City.
- The curb and gutter project in downtown is about 75% completed.
- Kristin Robinson, Assistant City Administrator/Finance Director, sent out an updated SPLOST list.
- Code Enforcement sent out a report which she explained.
- Durham Park project is completed.
- Tentative 2023 meeting calendar dates were handed out.

3. Review of the current Mayor and Council Agenda

A. [COW22-74](#)

Review of the October 3, 2022 Mayor and Council Meeting Notice and Agenda

Land Issues/Zonings/Annexations:

Caitlin Crowe, Planner I, provided the following information about item 2022-481, an appeal for the denial by the License and Variance Board for Variance Request V22-055 to allow encroachment into the 75-foot impervious surface area setback on lot 696 located at 1921 Sadler Drive:

The subject parcel is a 0.23-acre lot located on the north side of Sadler Drive (see Figure 1). A stream runs through the northern border of the property and continues through the adjacent western and eastern properties as well as a 15-foot drainage easement just north of the deck on the rear of the home. The subject parcel and all adjoining parcels to the east, south, and west are zoned RDA and are occupied by single-family detached residences within the Stonecrest Manor subdivision. The adjacent parcel to the north is in Unincorporated Cobb County and is currently vacant.

The applicant is proposing to build a 691 square foot in-ground swimming pool and accompanying decking in the rear yard. Due to the existing stream, the rear yard is encumbered by the State's 25-foot undisturbed stream buffer, the City's 50-foot undisturbed stream buffer, and the City's 75-foot impervious setback. Thus, the applicant will require relief from the City's Stream Buffer Protection Ordinance in order to construct the pool and decking in the rear yard. However, due to the physical constraints of the site, including the size of the lot and existing home, there is no feasible area to install proper mitigation on the property to offset the disturbance to the buffer. After a site visit on August 15, 2022, the Assistant City Engineer made the determination that the 25-foot and 50-foot buffers are currently properly vegetated and facilitate the protection of water quality and aquatic habitat, so a buffer remediation plan would also not be applicable. After the site visit and review of the plans, the Assistant City Engineer cannot support the variance due to a lack of a feasible mitigation plan.

Per Section 46-160(b.1) within the Stream Buffer Protection Ordinance, variances may be granted "where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the community development department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the license and variance board may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel." Since the property was originally platted in 2006, after the Stream Buffer Ordinance was enacted in 2005 and no mitigation plan has been proposed for the property, staff cannot support a variance request at the subject property. Community Development believes the hardship is self-created, as the lot of record has existed after the Stream Buffer Protection Ordinance was adopted. Without a mitigation plan to offset any potential effects of the buffer encroachment, staff cannot assume that there would be no negative impacts to adjacent properties if approved and cannot recommend approval.

The applicant is requesting relief from the City's 75-foot impervious surface area setback to install a pool and decking in the rear yard. According to Section 46-160 of the Stream Buffer Protection Ordinance, variances must be reviewed under the following standards: (a) the shape, size, topography, slope, soils, vegetation and other

physical characteristics of the property; (b) the locations of all streams on the property, including along property boundaries; (c) the location and extent of the proposed buffer or setback intrusion; (d) whether alternative designs are possible which require less intrusion or no intrusion; (e) the long-term and construction water quality impacts of the proposed variance; (f) whether as a result of an exchange of buffer area the net buffer area is not reduced; and (g) whether issuance of the variance is at least as protective of natural resources and the environment. Engineering and Community Development have reviewed the request against the variance review standards and found it to not be in compliance with the standards due to the lack of a mitigation plan to offset any effects. After a review of the standards above, Community Development believes that the encroachment may adversely affect surrounding residents; therefore, staff recommends denial of the requested variance.

A neighbor in the same subdivision had a variance for a pool approved previously, but Ms. Crowe stated that the lot is a completely different shape and size. Frank Carruba, Assistant City Engineer, further explained that mitigation ideas like pavers would have to be placed underneath the current deck which is considered an impervious surface, and the pavers would be too close to the foundation of the house. The pool itself is also considered an impervious surface; the pool does not provide infiltration. If the level of the pool exceeds the maximum, the pool will pump the water out onto the grounds.

Formal Business:

Mayor Norton stated that item ORD2022-19, the second approval of charter amendment adopting the redistricting plan subsequent to the 2020 decennial census and authorize the Mayor to sign and execute all related documents, would not take effect until January 1, 2023.

Eric Randall, Public Works Director, explained item 2022-483, the authorization to amend the FY 2023 adopted budget to increase contract labor expense in the Engineering departmental budget by \$105,000.00 for emergency/unbudgeted contract labor and increase the revenue budget in the insurance reimbursement account in the General Fund by \$105,000.00. The Engineering Department's budget for contract labor has taken a significant hit because of emergency repairs that have had to take place, for example, when a dump truck hit a traffic signal. During the process, it was discovered that GIRMA does not cover and support this type of infrastructure, so the funds have to be sought out by the City. The City is receiving some insurance proceeds, but they cannot wait for those proceeds as other emergency situations occur.

Paul Osburn, Assistant Public Works Director, presented information on item 2022-488, the approval of the purchase of a Seba 70-40 Concrete Crusher from Grinder Crusher Screen (1772 Corn Road, Smyrna, GA, 30080) in the amount of \$179,000.00 to be paid for out of the Capital Improvement Project (CIP) fund:

We have not been able to dump concrete and asphalt debris at Patterson since January 2022. We have been dumping at Waste Management's transfer facility. Waste Management has a higher rate per ton than Patterson Services, but time and gas saved makes Waste Management more cost effective. The crusher would offset the cost of gas, haul off, and time by being able to crush it on site at PWC and reuse the material. Other landfills are too far to be efficient in completing our projects.

- Haul off cost for concrete and asphalt material in 2021 & 2022 – Patterson Services \$ 83,230.81

- Haul off cost for concrete and asphalt material in 2021 & 2022 - Metro Green Recycling \$4711.54
- Purchase material for GAB and Rip Rap for roadway and storm drainage projects through out the city in 2021 & 2022 – Vulcan materials \$ 102,140.65

Total spent in 2 years \$190,083

At a cost of \$179,000, an on-site crusher would have saved approximately \$ 10K over the last 2 years, and would save more after the break-even/sunk cost is recovered.

To crush the material already on site at Public Works is estimated to cost estimate is \$ 65,000 to \$85,000 per Brent Scarborough.

To haul off the material already on site at Public Works is estimated to be between 250 and 300 loads at 18 ton per load and \$35.00 per ton: \$157,000 - \$189,000

Estimated operating cost for the crusher are nominal:

- Operation cost and maintenance \$ 154.00 per 8-hour shift
- Replacement conveyor belt \$2100.00
- Replacement crush plates \$ 4,448.00
- We should not need crush plates for at least 4 – 5 years and the belt even longer than that.

Kristin Robinson, Assistant City Administrator/Finance Director discussed item 2022-440, the approval to purchase seven (7) 2023 Ford Police Interceptor Explorer vehicles and four (4) 2022 Ford Explorer XLT administrative vehicles though Hardy Family Ford for the Police Department as part of the FY23 Vehicle Replacement Fund at a total cost of \$533,017.97 and authorize the Mayor to sign and execute any related documents. Mayor Norton stated that the City did everything they could to buy locally, but there was some miscommunication that stopped the ability to purchase locally. The City will meet with Wade Ford to remedy this issue so going forward this does not happen again.

Mayor Norton read through the Consent Agenda. No discussion took place.

4. Other Business (as needed)

Councilmember Welch stated he would like to have an executive session at the next Pre-Council meeting to discuss legal issues.

Mr. Welch also mentioned that as the campaign season approaches, he is concerned that city facilities will be used by incumbent councilmembers to campaign, and he would like to discourage the use of city facilities after qualifying. Scott Cochran, City Attorney, stated that city facilities cannot be used for campaigning. Councilmember Hines expressed that there is still an obligation as a councilmember to continue to work for constituents. Councilmember Wheaton concurred and stated that Ward 7 does not have an acceptable alternative location to hold town hall meetings. Mr. Cochran further stated that use of city facilities for town halls and continued communication with constituents is appropriate; it is not appropriate to then also campaign at the same time. Mayor Norton stated that any candidate can rent a room at the community center or Brawner Hall to campaign, whether incumbent or not.

Mr. Welch stated that he has not fully understood the S. Cobb funding application. Greg Teague of Croy Engineering explained that the City via Cobb County submitted an

application December of last year. ARC initially said they would make a decision and announce in April, but it still has not been announced. Right now, it is recommended to be on the list, but it still needs ARC approval. What getting on this list does for the City is it opens the door for seeking other funding. Councilmember Wilkinson expressed concern about S. Cobb Drive and the number of students who walk and cross that road from Campbell High School. Eric Randall, Public Works Director, explained that Federal funding is not available without concrete plans for sidewalk/pedestrian plans, stormwater management plans, trail plans, etc. Mayor Norton reiterated that because Smyrna submitted plans and the application so early, the City is in a much better position to be able to receive funding.

Councilmember Lindley thanked Public Works staff for their work at Durham Park.

Mayor Pro Tem/Councilmember Gould stated he and Ms. Mocerri had a great meeting that morning with some who are part of the Fanny Williams Legacy Project. Three of the four judges were able to join. Ms. Mocerri gave the background on the four judges:

- Nicole Moore, Director of Education at the National Center for Civil and Human Rights, has a background in public history specifically related to antebellum times.
- Keith Kaseman, Assistant Professor at Georgia Institute of Technology School of Architecture, co-designed the 9/11 pentagon Memorial in Washington D.C.
- Dr. Karcheik Sims-Alvarado, Assistant Professor of Africana Studies at Morehouse, is also an historian for the King Family.
- Jennifer Grant Warner is President and Chief Executive Officer at Fernbank Museum of Natural History.

Councilmember Wilkinson spoke about a resident that had concerns about a house near her that is being used as an AirBNB and rented on weekends. She stated that they had filmed a movie there without getting a permit, and they asked the neighbors that they talk with them and not call the police if there are problems. Mayor Norton asked Community Development Director Russell Martin to look into this issue.

Mayor Norton asked the Council if there were any other questions about anything going on in the City, and he reminded the Council that if they do have questions, please call staff because they have the answers.

5. Executive Session (as needed)

6. Adjournment

Mayor Derek Norton adjourned the September 29, 2022 Committee of the Whole Meeting at 7:51 PM.