



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

Monday, November 16, 2020

7:00 PM

Community Center Large Gym

**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](mailto:ClerksOffice@Smyrnaga.gov).

\*\*\*The deadline to register to speak via telephone is SUNDAY, NOVEMBER 15, 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, NOVEMBER 16, 2020 by 12 NOON as to additional details of these procedures.

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

### Rollcall

**Present:** 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Austin Wagner, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Lewis Wheaton

**Also Present:** 1 - Scott Cochran

**Staff:** 8 - Joe Bennett, Penny Mocerri, Heather Peacon-Corn, Jennifer Bennett, Russell Martin, Joey Staubes, Dan Campbell and Tina Monaghan

### Call to Order

Mayor Derek Norton called the November 16, 2020 Mayor and Council Meeting to order at 7:00 PM.

#### 1. Invocation and Pledge:

Pastor Jeff Pennington, Smyrna First Baptist Church (1275 Church Street) delivered the Invocation and led all in the Pledge of Allegiance.

#### 2. Agenda Changes:

There were no agenda changes.

### 3. Mayoral Report:

- A. [2020-458](#) Proclamation in Recognition of Small Business Saturday, November 28, 2020

*Ms. Sara Sorenson, Vice President of SBA (and President Elect 2021) was present to accept the proclamation from Councilmember Charles "Corkey" Welch. She spoke for a few minutes about the organization and thanked Mayor and Council for their support. Photos were taken by Community Relations Director Jennifer Bennett.*

Councilmember Charles "Corkey" Welch read aloud the proclamation for Small Business Saturday.

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

- A. [2020-403](#) **Public Hearing** - Zoning Request - Z20-011 - Rezoning from GC to R-15 for the development of one single-family home at a density of 1.64 units per acre - 0.61 acres - Land Lot 592 - 1529 Roswell Street - Thomas Trebus

*Interim City Administrator Joe Bennett provided the background information on this agenda item. Thomas Trebus is seeking approval of a rezoning for 1529 Roswell Street from GC (General Commercial) to R-15 for the development of one (1) single-family detached residence at a density of 1.64 units per acre. The applicant is proposing to demolish the existing single-family structure to construct one (1) new single-family residence. The existing lot is 26,708 sq. ft. in area. The Planning Board recommended approval by a vote of 6-0 at the October 12, 2020 meeting. Community Development recommended approval of the rezoning from GC (General Commercial) to R-15 for the development of one single-family unit at a density of 1.64 units per acre with conditions.*

*Ward 3 Councilmember Travis Lindley turned it over to Mr. Joey Staubes, Planner II Community Development for further information.*

*Mr. Staubes reviewed the details of the zoning request. Thomas Trebus is seeking approval of a rezoning for 1529 Roswell Street from GC (General Commercial) to R-15 for the development of one (1) single-family detached residence at a density of 1.64 units per acre. The applicant is proposing to demolish the existing single-family structure to construct one (1) new single-family residence. The existing lot is 26,708 sq. ft. in area. The Planning Board recommended approval by a vote of 6-0 at the October 12, 2020 meeting. Community Development recommends approval of the rezoning from GC (General Commercial) to R-15 for the development of one single-family unit at a density of 1.64 units per acre 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 landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*

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

*8. 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*

*9. The development shall maintain the following setbacks:*

*Front - 35'*

*Side - 10'*

*Rear - 30'*

*10. The development shall have a maximum of 50% impervious lot coverage, and provide a water quality program.*

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

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

*13. Approval of the subject property for the R-15 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 9/11/2020 and created by Barclift Associates and all zoning stipulations above.*

*14. The applicant shall be bound to the elevations submitted on 9/21/2020 and created by Caldwell Cline. Approval of any change to the elevations must be obtained from the Director of Community Development.*

*The applicant, Mr. Thomas Trebus, was present and came up to the podium to speak at the Mayor's request. This will be he and his wife's home and this project has been a year in the making.*

*The public hearing was announced and no one came forward to speak.*

Councilmember Travis Lindley made a motion to approve Zoning Request - Z20-011 - Rezoning from GC to R-15 for the development of one single-family home at a density of 1.64 units per acre - 0.61 acres - Land Lot 592 - 1529 Roswell Street - Thomas Trebus. Councilmember Lewis Wheaton seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

**B.** [2020-404](#)

**Public Hearing** - Zoning Request - Z20-012 - Rezoning from R-12 to R-8 for the development of two new single-family homes at a density of 4.84 units per acre - 0.413 acres - Land Lot 664 - 2588 Bates Street - Bakari Brooks

*Mr. Bennett read aloud the background information for this zoning request. Bakari Brooks is seeking approval of a rezoning for 2588 Bates Street from R-12 to R-8 for the development of two (2) single-family detached residences at a density of 4.84 units per acre. The applicant is proposing to subdivide the parcel into two lots to construct two individual single-family detached residences. The proposed lots will be 8,954 & 9,031 sq. ft. The homes will face Bates Street and have individual driveways with front entry homes. The Planning Board recommended approval by a vote of 6-0 at the October 12, 2020 meeting. Community Development recommended approval of the rezoning from R-12 to R-8 for the development of two single-family units at a density of 4.84 units per acre with conditions.*

*Councilmember Lindley asked Mr. Staubes of Community Development to proceed with the presentation.*

*Mr. Staubes, Planner II, went through a power point presentation of information on this zoning request. Bakari Brooks is seeking approval of a rezoning for 2588 Bates Street from R-12 to R-8 for the development of two (2) single-family detached residences at a density of 4.84 units per acre. The applicant is proposing to subdivide the parcel into two lots to construct two individual single-family detached residences. The proposed lots will be 8,954 & 9,031 sq. ft. The homes will face Bates Street and have individual driveways with front entry homes. The Planning Board recommended approval by a vote of 6-0 at the October 12, 2020 meeting. Community Development recommended approval of the rezoning from R-12 to R-8 for the development of two single-family units at a density of 4.84 units per acre 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 landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*

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

*8. 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*

*9. The development shall maintain the following setbacks:*

*Front - 25' (from existing right-of-way)*

*Side - 5'*

*Rear - 20'*

*10. Driveway - 20' minimum length from building face to private driveway.*

*11. The developer shall dedicate right -of-way along Bates Street to achieve 25 feet from the property line to centerline of the road.*

*12. The developer shall install curb, gutter, and sidewalk at the frontage of property along Bates Street.*

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

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

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

*16. The developer shall be responsible for any stormwater improvements deemed*

necessary by the City Engineer.

17. Approval of the subject property for the R-8 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 9/11/2020 and created by Paramount Surveys and all zoning stipulations above.

Mayor Norton invited the applicant, Mr. Bakari Brooks up to speak about the project. They want to provide some affordable housing into the area.

Councilmember Tim Gould asked about the price point. The price point will be between \$370,000 to \$390,000 but no more than \$400,000.

The public hearing was announced and no one came forward to speak.

Councilmember Travis Lindley made a motion to approve Zoning Request - Z20-012 - Rezoning from R-12 to R-8 for the development of two new single-family homes at a density of 4.84 units per acre - 0.413 acres - Land Lot 664 - 2588 Bates Street - Bakari Brooks. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

C. [2020-460](#)

**Public Hearing** - Plat Approval with variance - V20-065 - Subdivision of one lot into two lots - 2.4 acres - Land Lot 337/384 - 3813 N Cooper Lake Rd - Corkey A. Welch

Councilmember Welch recused himself and left the room.

The information on the plat approval was read by Interim City Administrator Bennett. The applicant is requesting approval to subdivide one lot into two lots while retaining the existing R-15 zoning category. The property is currently occupied with two residential structures. The subdivision will allow each structure to occupy separate lots. Tract 1 will be 0.72 acres (31,279 sq. ft.) and Tract 2 will be 1.51 acres (65,620 sq. ft.). Ultimately the structure on Tract 2 will be demolished, however until such time occurs a side setback reduction from 10 feet to 2.3 feet is required while the structure remains. Community Development has reviewed the proposed plat against the requirements of the R-15 zoning district. The variance for Tract 2 is necessary until such time that the existing structure is demolished. The subject property will maintain an R-15 zoning classification and will not increase the density for the property as two homes currently occupy the property. Community Development recommended approval of the requested reconfiguration and replatting with conditions.

Mr. Staubes, Planner II reviewed the information via power point. The applicant is requesting approval to subdivide one lot into two lots while retaining the existing R-15 zoning category. The property is currently occupied with two residential structures. The subdivision will allow each structure to occupy separate lots. Tract 1 will be 0.72 acres (31,279 sq. ft.) and Tract 2 will be 1.51 acres (65,620 sq. ft.). Ultimately the structure on Tract 2 will be demolished, however until such time occurs a side setback reduction from 10 feet to 2.3 feet is required while the structure remains. Community Development has reviewed the proposed plat against the requirements of the R-15 zoning district. The variance for Tract 2 is necessary until such time that the existing

structure is demolished. The subject property will maintain an R-15 zoning classification and will not increase the density for the property as two homes currently occupy the property. Community Development recommends approval of the requested reconfiguration and replatting with the following conditions:

1. A reduction of the side setback from 10' to 2.3'.
2. Approval is conditioned upon substantial compliance with the site plan submitted October 21, 2020 and prepared by Gaskins.

Councilmember Wilkinson asked for clarification if this applies to only for the current house and once that house is demolished than the variance is no longer in existence. She also wanted to know about the length of time before the house is demolished and if anyone currently live in the structure. Councilmember Tim Gould explained is that the property is leased until sometime in May.

Councilmember Gould asked for clarity regarding the item and why it came before Mayor and Council rather than staying with the Planning and Zoning Commission.

The public hearing was announced and no one came forward to speak.

Councilmember Welch returned to the room after the vote was complete and recorded.

Councilmember Glenn Pickens made a motion to approve Plat Approval with variance - V20-065 - Subdivision of one lot into two lots - 2.4 acres - Land Lot 337/384 - 3813 N Cooper Lake Rd - Corkey A. Welch. 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 Wilkinson, Councilmember Gould and Councilmember Wheaton

**Recuse:** 1 - Councilmember Welch

**D.** [2020-461](#)

**Public Hearing** - Appeal of variance approval - 0.90 acres - Land Lot 557 - 1460 Memory Lane - CMS Custom Homes, LLC

Mr. Bennett read aloud the background information. CMS Custom Homes, LLC is seeking approval for a reduction in minimum lot size at 1460 Memory Lane for the development of two single-family detached residences at a density of 2.22 units per acre. The proposed lots will be 19,463 sq. ft. and 19,594 sq. ft. The subdivision was created in 1951 and the subject property was originally two lots (Lot #11 & #12 of the FM Collier Subdivision). The subject property was annexed into the city in 2001, and the R-20 zoning designation was applied to the subject property, even though the lots were below the minimum 20,000 sq. ft. lot area requirement, making the lots non-conforming lots under the R-20 zoning district. The License and Variance Board held a public hearing for the variance and recommended approval by a vote of 3-0 at the October 14, 2020 meeting. An appeal was filed by adjacent property owners on October 23, 2020. Community Development is supportive of the variance request for reduction of minimum lot size from 20,000 sq. ft. to 19,463 sq. ft. Staff feels comfortable that this will not create a future precedent due to this property previously being two recorded lots of record and tying approval of the request to the specific site plan. Therefore, Community Development recommends approval of the variance

*request for reduction of minimum lot size for the development of two single-family units at a density of 2.22 units per acre with conditions.*

*Councilmember Gould turned it over to Community Development Director Rusty Martin for further details.*

*Mr. Martin explained the request for variance approval. License and Variance Board approved the variance with a vote of 3 to 0. The existing zoning is R-20. Originally lots 11 and 12. In 1953 they built a house on lot 12, pool on lot 11 and shed on property line. This originally went through Planning and Zoning Commission for rezoning and was denied by Planning and Zoning as well as Mayor and Council. Community Development went back to study the property and discovered that there are two separate lots of record. No consolidation of the lots was ever processed by the City or Cobb County. Four review standards with all variance requests. The non-conforming lots was the fault of the city. Hardships were not self-created. Zoning code will deprive the applicant of reasonable use. Variance requested is minimum required.*

*Councilmember Wilkinson asked Mr. Martin when the County put zoning classifications on the property. Mr. Martin believes this occurred in 1972 when the County put zoning into effect.*

*Councilmember Wagner asked if a property of this size came to the City now as a new annexation would it be an R-15 or R-20 with conditions. If it was zoning as R-15, this hearing wouldn't even be necessary. Lots adjacent to property are R-15 and R-20 in the area. Houses on Memory Lane are all R-20.*

*Councilmember Gould asked Mr. Martin to explain why this is back before Mayor and Council when it was previously denied. Mr. Martin explained that it was initially thought to be one lot. Applicant proved that it was two lots of record which allowed them to apply for the variance and move forward.*

*Councilmember Wilkinson asked how the property is taxed through the city and county. It has previously been taxed as one property.*

*The applicant representative, Attorney Scott Peters, came forward to present their case. House was on lot 12, pool was on lot 11, and the accessory structure straddled the property line. In 1953, there was a plat approved which shows two separate lots. Lots 11 and 12 and lots 10 and 9 were all under 20,000 square feet. In 2007 when section 1208 was adopted, any substandard lot of record had to go through a variance in order to be built upon.*

*Councilmember Gould asked about tax bills and stated that there is a similar lot not too far away with two separate tax bills. Can't speak to any other properties without detailed information. He asked Scott Cochran if appeal was filed correctly. Once someone with standing files an appeal, it becomes de novo and is handled as a new hearing. If a person files an appeal with variances that are along the same lines that does not affect the appeal but could be taken into consideration when considering the variance. Tim used 1511 as an example for one large house on the property. Attorney said it is as you are coming in on the main road and is busier.*

*Councilmember Wagner spoke that it is up to the owner to decide what to do with multiple lots.*



*The public hearing was announced at 8:25pm by Mayor Norton. Those wanting to speak were asked to come forward and be sworn in by City Attorney Scott Cochran.*

*Speaker via phone was sworn in by the City Attorney.*

*Chris Zweifel, 3289 Lee Street, is in support and feels that the two smaller houses would be better than one large home. He feels that if the variance is denied a mega mansion will be built which is not in standing with what is already there. The variance also helps to save the beautiful trees and more will be planted. Developer has previously stated that they will go above and beyond the tree ordinance. More green space with more trees saved. Reminded Council that they could possibly be interfering with an owner's personal property rights.*

*Mr. Charlie Bounds, 3140 Northview Place, wants this variance rejected. Feels that one home will be just fine and in character with the neighborhood.*

*Ms. Stacy Mason, 3184 Northview Place, is against the proposed variance. Two very large homes will dominate the existing homes and will set a precedent for other builders.*

*Mr. Keith Watson, 3174 Northview Place, lives caddy corner to house for 25 years. Many changes have occurred through the years. He and his wife have been in support of many of the new developments in the area. He asked that people consider the effects that it has on people that live in the surrounding area. He discussed some of the conflicts that he had with the information presented by Attorney Scott Peters. Wished they would make them more along the size of the existing homes in the area.*

*Mr. Mike Terry, 3480 Pine Tree Lane, presented Mayor and Council with a folder full of information for their review. He claims it is one lot, and that there is no hardship. He said that the License and Variance Board made their decision on inaccurate and missing information.*

*The public hearing was closed at 8:50pm by Mayor Norton.*

*Councilmember Gould asked Mr. Martin to answer a few questions. They will be required to come in with a full tree plan, but the original plan no longer applies. Will follow normal codes and building requirements.*

*Councilmember Wilkinson asked about the size of the homes being built. Houses on Northview facing the sides of the home?*

*City Attorney Scott Cochran reminded everyone that home size and fence height is not an issue. Variance with lot size is the only thing to be heard.*

*Mr. Martin recommended asking the applicant what they plan for, but he deferred to Cochran with focusing on what is before them. He did however explain what they would be allowed on the properties. They are not asking for anything different from what other surrounding property owners would be allowed to have.*

*Councilmember Tim Gould made a motion to deny the variance request - 0.90 acres - Land Lot 557 - 1460 Memory Lane - CMS Custom Homes, LLC. Councilmember Travis Lindley seconded the motion.*

*The motion to deny failed by the following vote:*

**Aye:** 3 - Councilmember Lindley, Councilmember Wilkinson and Councilmember Gould

**Nay:** 4 - Councilmember Pickens, Councilmember Wagner, Councilmember Welch and Councilmember Wheaton

Councilmember Austin Wagner made a motion to approve the variance request - 0.90 acres - Land Lot 557 - 1460 Memory Lane - CMS Custom Homes, LLC.  
Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 4 - Councilmember Pickens, Councilmember Wagner, Councilmember Welch and Councilmember Wheaton

**Nay:** 3 - Councilmember Lindley, Councilmember Wilkinson and Councilmember Gould

**E.**     [ORD2020-16](#)

**Public Hearing** - Review of proposed Ordinance 2020-16 for Code Amendments to Sections 402 and 714 to the City's Zoning Ordinance are proposed to add a definition related to outdoor recreational facility and to list outdoor recreational facility as a permitted use within the Light Industrial zoning district.

*Mr. Joe Bennett read the background information. Community Development was approached by a property at 5350 Oakdale Road with regards to constructing an outdoor volleyball training facility. The subject property is zoned Light Industrial (LI) and is currently occupied by a building with indoor volleyball courts. The LI Zoning District was amended in 2012 to allow indoor recreational facilities. Community Development is proposing a text amendment to allow outdoor recreational facilities as a permitted use under the LI zoning district. Community Development recognizes that many of the City's industrial areas are surrounded by residential areas and there is a potential for negative impact on those residential areas. To mitigate these potential impacts, Community Development is recommending outdoor recreational facilities be screened when adjacent to residential property.*

*Mr. Staubes of Community Development provided some additional information with a power point. Community Development was approached by a property at 5350 Oakdale Road with regards to constructing an outdoor volleyball training facility. The subject property is zoned Light Industrial (LI) and is currently occupied by a building with indoor volleyball courts. The LI Zoning District was amended in 2012 to allow indoor recreational facilities. Community Development is proposing a text amendment to allow outdoor recreational facilities as a permitted use under the LI zoning district. Community Development recognizes that many of the City's industrial areas are surrounded by residential areas and there is a potential for negative impact on those residential areas. To mitigate these potential impacts, Community Development is recommending outdoor recreational facilities be screened when adjacent to residential property. The Planning Board recommended approval by a vote of 6-0 at the October 12, 2020 meeting. Staff recommends approval of Ordinance 2020-16 for Code Amendments to Sections 402 and 714 to the City's Zoning Ordinance are proposed to add a definition related to outdoor recreational facility and to list outdoor recreational facility as a permitted use within the Light Industrial zoning district. Community Development recommends approval of the proposed amendment above.*

*Councilmember Welch asked if there was any time limit proposed to keep people from making noise late into the night. He went back a few years to an example of when kids were playing basketball late into the evening. He has a concern that neighbors will be disturbed.*

*Councilmember Susan Wilkinson had the same concerns with noise late into the night.*

*The public hearing was announced and no one came forward to speak.*

Councilmember Lewis Wheaton made a motion to approve Ordinance 2020-16 for Code Amendments to Sections 402 and 714 to the City's Zoning Ordinance are proposed to add a definition related to outdoor recreational facility and to list outdoor recreational facility as a permitted use within the Light Industrial zoning district with the modification that these facilities are operated during normal facility hours stipulated in City guidelines. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve with conditions was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

## 5. Privilege Licenses:

- A. [LIC2020-18](#) Privilege License Request LIC 2020-18 - Beer Manufacturing & Pouring (Brewery & Retail Pouring)- 3080 Jonquil Drive - Arcanum Ventures, LLC dba The Viking Alchemist with Robin Kosoris as agent.

Councilmember Austin Wagner made a motion to table Privilege License Request LIC 2020-18 - Beer Manufacturing & Pouring (Brewery & Retail Pouring)- 3080 Jonquil Drive - Arcanum Ventures, LLC dba The Viking Alchemist with Robin Kosoris as agent to the December 7, 2020 M&C meeting due to the applicant not being able to attend. Councilmember Travis Lindley seconded the motion.

The motion to table was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

- B. [LIC2020-19](#) Privilege License Request LIC 2020-19 - Wine and Liquor (retail package) - 3100 Highlands Parkway SE, Suite 1 - Prohibition Liquor, LLC dba Prohibition Liquor with Matthew Bowman as agent.

*A summary of the information was given by Mr. Bennett. Application for privilege licenses for Prohibition Liquor, LLC dba Prohibition Liquor for the sale of wine and liquor (retail package). Prohibition Liquor, LLC is the owner and Matthew Bowman is the agent applicant. Matthew Bowman will be the registered agent responsible for the sale of alcohol at 3100 Highlands Parkway SE, Suite 1. Mr. Bowman has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude the issuance of this license. Matthew Bowman has agreed to abide by the guidelines set forth by the City*

*of Smyrna ordinance governing the sale of alcohol.*

*The applicant, Mr. Matthew Bowman, came up to the podium to speak. He wants to own the business and plans to continue this into retirement. He and his wife are purchasing a home in Smyrna and he is looking forward to making the city his permanent home and place of work as well.*

*Councilmember Lewis Wheaton was glad that Mr. Bowman wants to work and live in the city and asked him if he was aware and in agreement with all the rules and regulations involved in the process.*

*The public hearing was announced and no one came forward to speak.*

*Councilmember Wheaton invited Mr. Rusty Martin of Community Development to come forward and speak. Mr. Martin said that the location meets distance requirements and the applicant has done all training and passed background checks as well.*

Councilmember Lewis Wheaton made a motion to approve Privilege License Request LIC 2020-19 - Wine and Liquor (retail package) - 3100 Highlands Parkway SE, Suite 1 - Prohibition Liquor, LLC dba Prohibition Liquor with Matthew Bowman as agent. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

## 6. Formal Business:

### A. [2020-453](#) Approval of the 2021 Mayor and Council Meeting Dates

Councilmember Glenn Pickens made a motion to approve the 2021 Mayor and Council Meeting Dates. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

### B. [2020-475](#) Reappointment of George Davis to the Civil Service Board for a 2-year term, November 16, 2020 - November 15, 2022

*Interim City Administrator Bennett provided some insight into this agenda item. The Civil Service Board term for George Davis expires on November 16, 2020. The Civil Service Board is comprised of 3 members, each serving 2-year terms. One seat is appointed by the Council (currently held by George Davis), one elected by Fire/Police personnel (currently Donna Downs, elected on October 22, 2020) and one appointed by the other 2 board members (currently John Davis). George Davis' term is set to expire November 16, 2020 but has requested reappointment to the Civil Service Board. Mr. George Davis has served on the Civil Service Board since 2006. Staff recommended reappointment of George Davis to the Civil Service Board for a 2-year term to expire November 15, 2022.*

Councilmember Charles "Corkey" Welch made a motion to approve the reappointment

of George Davis to the Civil Service Board for a 2-year term, November 16, 2020 - November 15, 2022. Councilmember Lewis Wheaton seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

C. [2020-462](#)

Approval of the renewal of the Prisoner Housing Agreement, effective January 1, 2021 through December 31, 2021 with the City of Marietta and authorize the Mayor to sign and execute all related documents.

*The information was read aloud by Mr. Joe Bennett. As of December 31, 2020, the intergovernmental agreement between the City of Smyrna and the City of Marietta to house their inmates will expire. On October 14, 2020, the Marietta City Council approved the agreement which would be in effect from January 1, 2021 through December 31, 2021. Approval of the renewal of the Prisoner Housing Agreement between the City of Smyrna and the City of Marietta and authorize the Mayor to sign and execute all related documents.*

*Councilmember Tim Gould reiterated that this contract has been in place and that this is just a vote to renew the contract with the City of Marietta for another calendar year.*

Councilmember Tim Gould made a motion to approve the renewal of the Prisoner Housing Agreement, effective January 1, 2021 through December 31, 2021 with the City of Marietta and authorize the Mayor to sign and execute all related documents. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

D. [ORD2020-17](#)

Approval of ORD2020-17 for an amendment to Sections 6-2, 6-83, 6-84 and 6-124 of the Alcoholic Beverage Ordinance as it pertains to the issuance of pouring licenses for private clubs and special event facilities and to authorize the Mayor to sign and execute all related documents.

*Background on this ordinance was given by Interim City Administrator Bennett. The Community Development Department has received requests for alcohol pouring licenses for non-profit private clubs and special event facilities. Under the City's Alcoholic Beverage Ordinance, requires pouring licensees to have at least 50% of sales derived from the sale of food prepared to be consumed on premises. Both the non-profit private club and the special event facility cannot meet that requirement. Staff has reviewed the City's Alcoholic Beverage Ordinance and is proposing code amendments to address the issue. Community Development recommended the approval of ORD2020-17 for an amendment to Sections 6-2, 6-83, 6-84 and 6-124 of the Alcoholic Beverage Ordinance as it pertains to the issuance of pouring licenses for private clubs and special event facilities and to authorize the Mayor to sign and execute all related documents.*

*Community Development Director Rusty Martin provided additional information via a power point presentation. The local American Legion wants to be considered to be a private club rather than be considered as a restaurant. Event facilities include those*

*that do not provide food but rather house caterers for events such as weddings, etc. Many surrounding cities all have such considerations in their ordinances.*

*Councilmember Gould reiterated that there is a substantial savings for non-profit organizations with \$4200.00 in savings if they decide to go with all three options that are offered.*

*Councilmember Wilkinson inquired about the regular and reduced fees would be for Sunday sales.*

Councilmember Charles "Corkey" Welch made a motion to approve ORD2020-17 for an amendment to Sections 6-2, 6-83, 6-84 and 6-124 of the Alcoholic Beverage Ordinance as it pertains to the issuance of pouring licenses for private clubs and special event facilities 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:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

## 7. Commercial Building Permits:

### A. [2020-476](#)

Issuance of two commercial building permits for construction of a food hall shell building - 1625 Roswell Street - M Junger Homes, LLC

*Mr. Bennett read aloud the main points of this agenda item. Two commercial building permits have been issued at 1625 Roswell Street for the construction of two food hall shell buildings (1,500 sq ft and 2,000 sq ft). The total estimated cost of the project is \$450,000 and M Junger Homes, LLC is listed as the general contractor for the project.*

*Councilmember Travis Lindley asked Mr. Rusty Martin to provide a brief update on these commercial building permits.*

Councilmember Travis Lindley made a motion to approve the issuance of two commercial building permits for construction of a food hall shell building - 1625 Roswell Street - M Junger Homes, LLC. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

## 8. Consent Agenda:

*Interim City Administrator Joe Bennett read aloud the consent agenda.*

Councilmember Glenn Pickens made a motion to approve the consent agenda as read aloud by Interim City Administrator Joe Bennett. Councilmember Lewis Wheaton seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

- A. [2020-470](#) Approval of the October 29, 2020 Committee of the Whole Meeting minutes.
- B. [2020-471](#) Approval of the November 2, 2020 Pre-Council Meeting minutes.
- C. [2020-472](#) Approval of the November 2, 2020 Mayor and Council Meeting minutes.

## 9. Ward / Committee Reports:

*Councilmember Austin Wagner reminded everyone of the run off election that will take place on January 5th.*

*Councilmember Charles "Corkey" Welch recognized retired Councilmember Wade Lnenicka who was in the audience.*

*Councilmember Susan Wilkinson said hello to Wade Lnenicka and wished everyone a great, safe Thanksgiving holiday.*

*Councilmember Tim Gould spoke about the excellent Veteran's Day ceremony that took place and commended all of those that did their part to put on such a great program.*

*Councilmember Lewis Wheaton encouraged everyone to enjoy their Thanksgiving but to remain safe as well. He encouraged everyone to support small businesses not just on Small Business Saturday but whenever possible.*

## 10. Show Cause Hearings:

There were no show cause hearings.

## 11. Citizen Input:

*No one signed up to participate in citizen input.*

## 12. Adjournment:

Mayor Derek Norton adjourned the November 16, 2020 Mayor and Council meeting at 9:35 PM.