



City of Smyrna

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

Meeting Minutes - Final City Council

Monday, December 20, 2021

7:00 PM

Council Chambers

Rollcall

Councilmember Susan Wilkinson was present via telephone due to illness.

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

Absent: 1 - Councilmember Lewis Wheaton

Also Present: 1 - Scott Cochran

Staff: 5 - Joe Bennett, Russell Martin, Heather Peacon-Corn, Jill Head and Dan Campbell

Call to Order

Mayor Derek Norton called to order the December 20, 2021 meeting of the Mayor and Council held in Council Chambers at A. Max Bacon City Hall at 7:01 PM.

1. Invocation and Pledge:

The invocation and Pledge of Allegiance were led by Councilmember Charles "Corkey" Welch.

2. Agenda Changes:

- A. [2021-627](#) Approval to remove item 8K from the Consent Agenda, regarding Aunt Fanny's Cabin and add the same as item 6K under Formal Business.

3. Mayoral Report:

Mayor Norton recognized the passing of a great statesman, Senator Johnny Isakson, for whom Mayor Norton had the honor of working. His prayers go out to his family.

4. Land Issues/Zonings/Annexations:

- A. [2021-134](#) **Public Hearing** - Zoning Request - Z21-006 - Allow rezoning from NS to RDA-Conditional for the development of 12 single-family homes at a density of 5.9 units per acre - 2.03 acres - Land Lot 700 - Atlanta Rd & Campbell Rd - Morgan Capital and Development, LLC.

Ward 1 / Councilmember Glenn Pickens

Russell Martin, Community Development Director, presented the following background:

The zoning proposal consists of one tract of land totaling 2.03 acres and is zoned NS (Neighborhood Shopping). The applicant is seeking to develop the parcel for twelve (12) single-family detached homes at a density of 5.9 units per acre. The adjacent property to the north is zoned R-15 (Campbell Middle School). The adjacent property to the south is zoned OI (Office Institutional) and will be developed for a church. The adjacent property to the west across Atlanta Rd is zoned GC & RM-12 and occupied with commercial and residential uses. The adjacent property to the east is zoned R-15 and is occupied with single-family detached homes (Argyle Estates). The rezoning application for 12 single-family detached homes is considerably less dense than the original plan for 23 townhomes, and would be less impactful than a commercial use. The proposed development requires several variances from the zoning requirements for RDA:

1. Reduce the front setback from 25' to 20' (Staff Supports)
2. Reduce the rear property setback from 30' to 10' (Staff Supports)
3. Allow increase in impervious coverage from 45% to 58% (Staff Supports)
4. Allow minimum lot size reduction from 7,260 to 3,150 sq. ft. (Staff Supports)
5. Allow reduction of minimum lot width from 50' to 35' (Staff Supports)

Community Development recommends approval of the rezoning from NS to RDA-Conditional with a density of 5.9 units per acre at Atlanta Rd & Campbell Rd with the following conditions:

Standard Conditions

(Requirement #2, 8, 16 and 17 from Section 1201 of the Zoning Code is not 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. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. 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 2' shall be provided between the back of curb and sidewalk.
7. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
8. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
9. No debris may be buried on any lot or common area.
10. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer

during construction.

11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

13. The development shall maintain the following setbacks:

Front – 20’

Side – 5’

Rear – 10’

14. The proposed homes shall have a minimum floor area of 1,800 sq. ft.
15. The minimum lot size shall be 3,150 sq. ft.
16. The maximum impervious coverage shall be 58% per lot.
17. The minimum lot width shall be 35’.
18. The private drive shall be a minimum of 24’ wide from back of curb to back of curb.
19. The developer shall provide right-of-way dedication on Campbell Road where required by the City Engineer.
20. The front elevations of Lots 1-6 shall face Campbell Road and the front elevations Lots 7-12 shall face the detention pond/open space area. The rear elevation shall be on the private street.
21. All homes shall have a two car rear-entry garage.
22. Privacy fencing shall be prohibited within the development. Fencing within the front yard shall be a maximum 4’ in height and decorative.
23. The front entrance to the development shall not be gated.
24. The development shall include a 10’ landscape strip along Atlanta Road.
25. The development shall include a 50’ landscape buffer along the northern boundary. The landscape buffer will include a 6’ high planted berm, and no trees taller than 15’ within 20’ of the property line
26. The developer shall be responsible for sidewalks along Atlanta Road and Campbell Road.
27. The existing detention pond will be modified by the developer to be an amenity feature with a passive recreational area; including walking trails and landscaping in accordance with the site plan dated 10/19/2021.
28. The developer shall be responsible for sidewalk and landscaping within the amenity area.
29. The developer shall be responsible for installation of the private roads within the development and will be privately maintained by the HOA.
30. The shared sidewalk and road connections with the church property will be installed and constructed by the developer as shown on the 10/19/2021 site plan.
31. The development shall provide appropriate turning radius for non-emergency commercial vehicles.
32. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
33. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
34. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.
35. Approval of the subject property for the RDA zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/19/2021 created by Planners and Engineers and all zoning stipulations above.
36. The applicant shall be bound to the elevations submitted and dated 6/2/2021.

Approval of any change to the elevations must be obtained from the Director of Community Development.

Councilmember Glenn Pickens asked what are some of the options that can be allowed under the current zoning of neighborhood shopping.

Mr. Martin answered daycares, small retail centers - retail that is oriented toward the surrounding area.

Councilmember/Mayor Pro Tem Tim Gould paid compliments to Councilmember Pickens, the developers, and the neighbors for their hard work in working through the details to come to an agreement that is much more suitable for the area.

Applicant: Kevin Moore on behalf of the applicant, Morgan Capital and Development. Over the course of a year, this plan went from originally a 23 townhomes plan to a 12 single-family detached homes plan. Another change was taking the shared detention facility and turning it into an amenity with landscaping and a walking trail. At the corner at the intersection, there will be a park and community gathering spot. Mr. Moore stated that traffic impact should be minimal, and pedestrian safety is a must. The applicant is in agreement with all of the conditions. Mr. Moore discussed the berm area. The intent is to have a staff-directed good buffer whether it is natural or if there is landscaping.

Mayor Norton stated that he represented that ward and remembers the many proposals that came forward for that area. He thanked them for their flexibility and hard work to get to this point.

A public hearing was called.

Matt Tinknell - Stated he owns two lots to the right side. He thanked Councilmember Pickens for his hard work. He believes 12 homes is still too high a number and would rather see a lower density of 8 units. His main concern is the placement of the access road and clearing the trees. He would like to see the trees remain as they provide a buffer from the traffic on the road.

Mark Smith - 2800 Spring Creek Place - Mr. Smith expressed concern about the development placing stress on the creek which often floods. He stated that there is no maintenance of the creek and wonders how much water is displaced because of continued development. He stated his home has flooded five times in two years, and he has had to install pumps. Although he believes development is great for the area, he wants water studies and action to take place so the flooding does not continue.

Mr. Martin stated that this is a unique site because there is stormwater management on the adjoining property which was required to manage the stormwater for the entire site. Upon permitting, there will be a full hydrology study upstream and downstream to determine appropriate BMPs for the site. Mr. Martin has met with a resident with similar concerns. He would be happy to set up a consultation with Mr. Smith.

Mayor Norton closed the public hearing.

Councilmember Pickens asked Mr. Moore if, as part of the plan and as an added stipulation, they will clear out the overgrowth at the intersection of Atlanta and Campbell. Mr. Moore stated that with the City's permission, they will agree to clear out the intersection of the overgrowth.

Councilmember/Mayor Pro Tem Gould asked Mr. Moore to discuss any safety devices that might be installed outside the neighborhood. Mr. Moore stated that there would be a crosswalk on the townhome side, then they will work with staff to get appropriate signage, flashing signage, and a designated place for people to cross.

Councilmember Glenn Pickens made a motion to approve item 2021-134, a public hearing and zoning request to allow rezoning from NS to RDA-Conditional for the development of 12 single-family homes at a density of 5.9 units per acre on 2.03 acres on land lot 700 located at Atlanta Road and Campbell Road by applicant Morgan Capital and Development, LLC; seconded by Councilmember/Mayor Pro Tem Tim Gould.

The motion carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

B. [2021-616](#)

Public Hearing - Kick-off of the 5-Year Update to the City of Smyrna 2040 Comprehensive Plan - Community Development Department
Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

The City of Smyrna's City Council is required to hold an initial public hearing regarding the start of the City's 5-Year Comprehensive Plan Update to brief the community on the process to be used to develop the plan and opportunities for public participation in plan development, and to obtain input on the proposed planning process. The Department of Community Affairs (DCA) requires an update to the City's Comprehensive Plan every five years. The current Comprehensive Plan was adopted in 2017, therefore an update is required to be submitted to DCA by October 31, 2022. The five-year update requires the city to update the following key elements of the 2017 Comprehensive Plan:

- Needs/Opportunities*
- Vision and Goals*
- Transportation*
- Economic Development*
- Land Use*
- Broadband Services (New Requirement)*
- Community Work Program*

Community Development will coordinate with a stakeholder committee and the Atlanta Regional Commission over the next year to update the Comprehensive Plan.

Additionally, there will be other opportunities for the public at large to provide input into the update in order to ensure that the plan reflects the full range of community needs and values. The Comprehensive Plan for Smyrna, Georgia is mandated by the Georgia Planning Act 634 (Georgia Law 1989, pp. 1317-1391). This act requires that each jurisdiction in the state prepare and implement a Comprehensive Plan, which is reviewed by the regional development center.

Russell Martin, Community Development Director, stated that the kickoff will begin with a steering committee, they will hold their initial meeting, there will be open houses and surveys. The first draft should be ready to send to ARC and DCA toward the end of August. Once Community Development receives feedback, they will address those comments and resubmit in October.

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

Councilmember Glenn Pickens made a motion to approve item 2021-616, a public hearing and kick-off of the 5-year update to the City of Smyrna 2040 Comprehensive Plan by the Community Development Department; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

5. Privilege Licenses:

6. Formal Business:

- A.** [2021-609](#) Approval of the Appointment of Ward 2 resident, Jonathan Howard, to the Planning and Zoning Board. This is a two-year term that will expire December 31, 2023.

Ward 2 / Councilmember Austin Wagner

Councilmember Austin Wagner made a motion to approve item 2021-609, the appointment of Ward 2 resident, Jonathan Howard, to the Planning and Zoning Board with a two-year term that will expire December 31, 2023; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

- B.** [2021-605](#) Approval to amend the budget for items not included in the FY 2022 budget adoption for a total amount of \$246,500.00.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

During FY 2022 several expenditures have occurred that were not included in the adopted budget. Some of these items, merit raises and police raises, have been discussed with Council at previous meetings for approval; some have not. For financial reporting purposes, we need to amend the budget to cover these expenditures. We will be using a combination of excess revenues over budgeted amounts and General Fund reserves (fund balance) for this purpose.

Councilmember Travis Lindley made a motion to approve item 2021-605 to amend the budget for items not included in the FY 2022 budget adoption for a total amount of \$246,500.00; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

C. [2021-613](#)

Approval of Amendment No. 5 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD20-C20SA-A and CD20-C20S8-F to extend the termination date for the agreement to June 30, 2022 and authorize the Mayor to sign and execute all related documents.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

Over the past several years CDBG funds invested in the city have paid for numerous public improvements; and the City of Smyrna continues being a subrecipient of the Cobb County Community Development Block Grant (CDBG) program. Effective January 1, 2022, the subrecipient Agreement is amended to reflect the changes as noted. All other language, requirements and provisions of the original Subrecipient Agreement shall remain unchanged and in full force. The termination date for the agreement, as amended, shall be extended to June 30, 2022.

Councilmember Glenn Pickens made a motion to approve item 2021-613, Amendment No. 5 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD20-C20SA-A and CD20-C20S8-F to extend the termination date for the agreement to June 30, 2022 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

D. [2021-614](#)

Approval of contract with DHS for LIHWAP (Low-Income Household Water Assistance Program) to accept assistance payments from DHS on behalf of Smyrna utility customers with outstanding balances and authorize the Mayor to sign and execute all related documents.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

LIHWAP, which stands for Low Income Household Water Assistance Program, is a federal program that helps low-income households pay for drinking water and wastewater for their homes. This program will help our residents pay their home water bill if the water bill is in their name, or if they can verify that they are experiencing a water burden. The Consolidated Appropriations Act, 2021 (Public Law No.: 116-260) signed on Dec. 27, 2020, included \$638 million in funding with instructions for the Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) to carry out grants to states, territories and tribes to assist low-income households with water and wastewater bills. Additionally, on March 11,

2021, the American Rescue Plan Act of 2021 (Public Law No.: 117-2) appropriated an additional \$500 million to the new LIHWAP effort. LIHWAP will open on November 1, 2021 in Georgia and will prioritize households that have an arrearage or past due water bill through the remainder of the year. On January 3, 2022, the program will begin serving households that contain seniors 60 years of age and older and households that contain children five years of age and younger. All other households will be eligible to receive LIHWAP assistance beginning February 1, 2022. Water suppliers have to complete an agreement with DHS to be able to receive payments on behalf of our customers.

Councilmember/Mayor Pro Tem Tim Gould made a motion to approve item 2021-614, a contract with DHS for LIHWAP (Low-Income Household Water Assistance Program) to accept assistance payments from DHS on behalf of Smyrna utility customers with outstanding balances and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

E. [2021-619](#)

Approval of the agreement with Environmental Difference Staffing (2470 Windy Hill Road SE, Suite 442, Marietta, Georgia, 30067) for temporary, supplemental personnel for Public Works to assist in maintaining service levels for sanitation, water, streets, etc. as needed in the department, and authorize the Mayor to sign and execute all related documentation.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

As a result of the pandemic, employment staffing, especially in Public Works, has decreased significantly, leaving services, such as residential sanitation, streets and water to not only advertise for employment opportunities, but to look at alternate ways to staff these departments in order to maintain levels of service for the City residents. A recent incentive program, has increased applications, however, the City will still need temporary staffing to maintain the required number of personnel to complete the needed tasks in Public Works.

Public Works and Purchasing recommend approval of the agreement.

Councilmember Charles Welch made a motion to approve item 2021-619, an agreement with Environmental Difference Staffing (2470 Windy Hill Road SE, Suite 442, Marietta, Georgia, 30067) for temporary, supplemental personnel for Public Works to assist in maintaining service levels for sanitation, water, streets, etc. as needed in the department, and authorize the Mayor to sign and execute all related documentation; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

- F. [2021-620](#) Authorization to award Car Wash Services to Caliber Car Wash for Fleet Membership unlimited washes per month for \$15.00 and one time wash for \$10.00 and Take Five Car Wash for one time washes as requested and authorize the Mayor to sign and execute all related documentation.

Ward / City Wide

Councilmember Travis Lindley made a motion to approve item 2021-620, an authorization to award Car Wash Services to Caliber Car Wash for Fleet Membership unlimited washes per month for \$15.00 and one time wash for \$10.00 and Take Five Car Wash for one time washes as requested and authorize the Mayor to sign and execute all related documentation; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

- G. [2021-617](#) Approval of the contract to continue Commercial Sanitation service with Waste Management to include Waste Management taking over the billing and customer service and providing the City with a franchise fee.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

The City of Smyrna began contracted service with Advanced Disposal in March 2010. The initial contract included two 5 year service periods and then optional renewals annually. We renewed the contract last year after the merger of Advanced Disposal and Waste Management for an additional year. Our current contract terminates on Feb 28, 2022. The City of Smyrna requested proposals for Residential & Commercial Solid Waste and Recycling services and received four (4) proposals. Proposals were evaluated by staff from Utilities, Public Works, Environmental Services and Finance. The evaluation criteria included understanding and approach, experience/performance, capability/financial, references and proposed fees. It was determined that Residential Service would remain with the City - the table below includes scoring for the top three commercial service providers.

FIRM SCORE

Waste Management 93.67

Waste Pro 83.05

BFI - Republic 74.72

The service providers were asked to submit a fee proposal to provide billing to all customers and offer a franchise fee. The comparison chart attached references the pricing for the top two (2) providers and differences in franchise fee. Based on proposed new costs, current billing and revenues and franchise fee, we recommend award of this service to our incumbent service provider, Waste Management. Waste Management will provide all billing and customer service and offer the City a 10% franchise fee.

It is the recommendation of Purchasing and the evaluation team that Commercial Solid

Waste and Recycling be awarded to Waste Management.

Councilmember Wilikinson asked if this included the condos and apartment complexes. Mr. Bennett stated it does include those.

Councilmember Travis Lindley made a motion to approve item 2021-617, the contract to continue Commercial Sanitation service with Waste Management to include Waste Management taking over the billing and customer service and providing the City with a franchise fee; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch and Councilmember Gould

Nay: 1 - Councilmember Wilkinson

Absent: 1 - Councilmember Wheaton

H. [ORD2021-23](#)

Approval for the amendment of the Code of Ordinances as it relates to membership of the Parks and Recreation Commission members and to authorize the Mayor to sign and execute all related documentation.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

The parks and recreation commission shall consist of eight members, who shall serve without compensation, and each of whom shall be a resident of the city. Each council member shall appoint one commission member. The eighth member, the mayor's appointee, shall be a resident of the city to serve at large. The initial term of office shall begin on the first Monday of each year after a general municipal election and shall be for two years. The subsequent term during a term of mayor and council shall begin the first meeting of mayor and council in the third year of the term of that mayor and council and end at the end of the term of that mayor and council. In the event of a vacancy, any appointment by the governing body shall be for the unexpired portion of such term. Additionally, the mayor and members of the parks and recreation committee shall be ex officio members.

Councilmember Travis Lindley made a motion to approve item ORD2021-23, an amendment of the Code of Ordinances as it relates to membership of the Parks and Recreation Commission members and to authorize the Mayor to sign and execute all related documentation; seconded by Councilmember/Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

K. [2021-622](#)

Authorization to begin the process to solicit proposals for the sale and removal of Aunt Fanny's Cabin building (2875 Atlanta Road, Smyrna, Ga. 30080) with the stipulation that if no acceptable proposals are received the building will be demolished.

Ward 3 / Councilmember Travis Lindley

Councilmember and Task Force Co-Chair Travis Lindley presented the following findings from the Task Force (summary):

- Taskforce
 - o Formed by Mayor Norton, council briefed late Spring on dire state of disrepair
 - o We did not go looking for this issue – Mr. Lindley is a Smyrna native who knows the history of the cabin - This is not something they targeted. It was a matter of public safety. The City's own building inspector deemed it unsafe.
 - No maintenance or upkeep in 24 years - the building was moved in 1997 from its original location, and it was rented sporadically. It was critically important that the cabin be addressed - this is not revisionist history, this is about safety.
 - o Makeup of the Task Force
 - Three council members - Travis Lindley, Lewis Wheaton, Charles Welch; Three citizen members - Larry Banks, Latarsha Pearson, Mike Terry
 - o Meetings
 - Met 3 times / over 6 hours
 - Smyrna Museum engagement
 - Cobb Landmark participated
 - o Initial questions for task force
 - Option 1: Renovate: \$500,000.00
 - No maintenance since it was moved in 1997
 - No foundation, water issues, building caving in, black mold, not ADA compliant
 - Task force reviewed two proposals / had one before us to present
 - Option 2: Rebuild: \$400,000.00
 - Option 3: Demolish - minimal cost, lead and asbestos abatement
 - Option 4: Allow it to be moved by private group or citizen off City property
 - o Universal agreement that a proper memorial be instituted for Fanny Williams for her contributions to the community on the site of the current cabin
 - o Findings
 - On Monday, Dec. 13, 2021 – 5 task force members were present, one absent but in full agreement
 - Demolish with allowance to give away / move – open process through 2/1/2022 - the City Attorney would draft an RFP for someone to move it at their expense to another site
 - Task force recommended retaining one of the two fireplaces onsite
 - Summation audio – Asked the City Clerk to have that ready for anyone who might want to listen – all 5 members present spoke and were in agreement that the City shall not spend tax dollars to renovate.

Councilmember/Mayor Pro Tem Tim Gould spoke (summary):

Thanked Co-Chairs Lindley and Wheaton for their hard work as well as Task Force members Welch, Banks, Pearson, and Terry. Not everybody sees this history in the same positive light. Past and present mayors and councils, residents and the broader community clearly value historical preservation - ie. Taylor Brawner Hall, Taylor Brawner House, Reed House, Smyrna History Museum, and more

- Smyrna History Museum

Purposed for retaining and investing in our city's history

Significant investment in recent years with full time staff

Wholeheartedly believes in the cost estimates – significant to say the least - \$500,000.00

The City is left with a decision to spend substantial funds, or potentially memorialize Fanny Williams in a more creative and positive way.

Complexity of the issue: Many remember the restaurant fondly with positive family

experiences while many find the phase of history it represents painful, to say the least. Task force co-chairs are recommending to move forward, and Mr. Gould will support their recommendations.

Aunt Fanny's Cabin holds a special place in hearts of many, and it played an important role in Smyrna's history - It is important to honor Fanny Williams' accomplishments and remarkable life.

Councilmember Austin Wagner stated that demolishing this cabin is not erasing the history of Fanny Williams. The City wants to make sure the true story of Fanny Williams is told, not the story that is being told by this building - this restaurant and building essentially used a caricature of Fanny Williams for marketing purposes. Fanny Williams was an incredible woman who did so much for the City, for this area. The City should not spend this amount of money on something that represents some of the worst things about racism. If money is to be spent, it should be spent to tell her true story and memorialize Fanny Williams.

Councilmember Charles Welch stated he believes in the last few years there has been maintenance on the cabin/restaurant. He does admit, that at this point, something should have been done with it. It is not much worse now than it was 30 years ago. Mr. Welch believes it was a doomed committee and that Councilmembers Lindley and Wheaton had made their decision to demolish the building beforehand. The cabin is in terrible disrepair, it will be very expensive to repair, but Mr. Welch believes the African-American community wants to save it. He hopes someone or some group will come forth and agree to take it as a project. Mr. Welch stated that he cannot agree to spend \$600,000.00 to repair the building but leave it where it is. There are lessons to be learned there - discrimination was very prevalent in the 1960s, and the building is a symbol of what was there.

Councilmember Glenn Pickens stated that he agrees with the committee's decision to remove Aunt Fanny's Cabin. Smyrna has made significant investments in its history from the purchase and rehab of Taylor Brawner and the Reed House and its museum just next door to Aunt Fanny's. Smyrna should not be in the business of saving old restaurants. He does not think this is a good use of tax dollars. This building has not been touched or maintained since it was first moved to its current location almost 25 years ago. The history of Aunt Fanny's Cabin is rooted in racism and exploitation of minorities for financial gain, including Fanny Williams who never had a financial stake in the business and passed away long before most Smyrnans frequented the restaurant. This council has been clear on its stance against racism and discrimination. And moving forward we cannot separate this building from its racist past. Fanny Williams deserves to be celebrated for her historic accomplishments in advancing civil rights and this building does not do that.

Councilmember Susan Wilkinson stated that this was a home of sharecroppers prior to it being a restaurant. She stated she has received emails from citizens who have many ideas for the cabin. She stated that the Council spends money on many things that are not as important as telling about Fanny Williams and her struggles. Ms. Wilkinson stated that she has heard from many in the African-American community that have stated they want to save it. Fanny Williams' cabin is not less important than the Reed House which had a considerable amount of money spent on it. She stated the Council should be more open to hearing more from the community. Ms. Wilkinson recalls that some work had been completed on the cabin.

Councilmember Lindley stated that according to the records per Community Development, no substantial maintenance has been completed on the building. City

Administrator Joe Bennett concurred that through his office's research, there is no record of any substantial maintenance being performed on the building. Mr. Lindley further stated that the makeup of the committee comprised of three African-Americans who spoke passionately about memorializing Fanny Williams properly but were equally passionate about expressing disdain for this being on City property. Mr Lindley stated that he takes umbrage at the statement that Councilmember Welch believed the committee was doomed from the beginning. The Task Force agreed last Monday with what next steps should be.

Mayor Norton invited those who want to speak on this topic to the podium:

Lisa Williams Castleberry - 2600 Knoll Rd - Stated she worked in Aunt Fanny's Cabin in the early 1970's. She is in agreement that it should be demolished but asks that they please do something to honor Fanny Williams appropriately.

Karen Shockley - Stated she is new to the area and just recently read about the cabin. She wondered why maintenance had not been done on the building for 24 years and wondered why the City cannot turn this negative into a positive by offering support to African-American owned businesses.

Mark Smith - 2800 Spring Creek Place - Takes umbrage that this is a racist cabin. Kennesaw State University completed a documentary about Fanny Williams and the cabin. Mr. Smith stated he was a producer of this film. Aunt Fanny's Cabin has a strong history for African-Americans - it was woman-owned, woman-operated - it made money for "the boss." He stated he believes it is worth saving - worth saving the memory - and it can be used for minority-owned businesses, etc. This helps Smyrna, helps the tax base. He stated "shame on Smyrna" for not maintaining the building. Forget the shame, make it right. Open it up to the community, use it for educational purposes. Do not keep this in Council. Many people care who will want to donate. Mr. Smith thanked the Council for allowing citizens to participate.

Carolyn Sherman - 328 Symphony Way - Ms. Sherman stated she is a preservationist at heart. She wrote to the National Trust of Historic Preservation and African-American Heritage Preservation foundation to rescue the building. She stated that it is much more than a restaurant - it is a symbol of the painful past, and from that we learn from it. She stated she hopes it will be restored.

Pat Burns - 10 Concord Road - Stated she lives in a house that is over 150 years old. Ms. Burns stated that she thinks the Council wants to erase the City's embarrassing relationship with the past, the Jim Crowe era, etc. Ms. Burns stated it is an easy excuse to say that it is in terrible condition. She stated that Fanny Williams deserves more than a "feel-good" plaque or paver. No price tag should prevent honoring Williams. (A full statement is available as part of the agenda packet.)

Mariline Blackburn - Huntington Trace - Ms. Blackburn stated that this should not be swept under a rug. There is a healing balm that can heal and restore a community as one. The cabin can be utilized to educate. She wondered why funds cannot be utilized the same way the City utilized funds for the Reed House. The cabin represents what Smyrna was, but it can represent what Smyrna represents now. This is not about six individuals. Allow the citizens to make that decision. Don't be ashamed of it. It happened.

Shaun Martin - 2884 Anderson Circle - Ms. Martin read aloud an email she sent to Mayor and Council:

In light of the recent vote this coming Monday (12/20/21) to demolish/release Smyrna's Aunt Fanny's Cabin, it is important to put a face with a name. Fanny Williams, aka Aunt Fanny, was a brilliant, resourceful woman who understood the Jim Crow system and worked it to serve the needs of the African American community. Her story is one of resilience, fortitude, grace, humility and activism. Her life was hard, her commitment to a greater cause was evident and she persevered thru it all. Her recipes and cooking put Smyrna on the map as prominent people came from all over the US to get a taste of authentic southern cooking. This fact alone is central to Smyrna's history. She understood that her brand was key to her own success and hence, that of her community allowing her the ability to secure donations to ultimately co-found Cobb County's first black hospital. This is what I call a victim turned victor in the grand scheme of things. This would ultimately be the reason why she would be targeted by the KKK and other hate groups and yet she persisted!!! With no offspring to give her proper burial, her body rests somewhere unknown. Her honor deserves more. While it is true the building embodies a spirit of the worst of humanity, it is a missed opportunity to not repurpose its presence to tell her story of resilience and fortitude which is also a reflection of Smyrna as well. What once was a City that prided itself on 0% Black population is now one of the most diverse communities in Cobb County. My hope is that Smyrna do her memory justice and not reduce her contribution to a bronze plaque to be forgotten and trampled on. Cancel culture robs us of the redemptive blessings of the human experience. Fanny Williams was much too important for that. How many of us will be so fortunate in our lifetime to be primary donors to a building and have the privilege to participate in its groundbreaking. That would be a feat in current day especially dealing with all of the threats she faced back then. Sometimes moving Smyrna into the future means embracing a mindset that enriches the present using the past as a spring point for greater understanding and deeper experiences to be had by ALL, especially for our children.

Councilmember Lindley thanked everyone for their comments. There is universal agreement to recognize Fanny Williams and her contributions and to memorialize her in this community. Mr. Lindley encouraged everyone to listen to the last task force meeting audio, especially the comments of Dr. Wheaton. This body wants to recognize her for those contributions. She never had ownership interest in the restaurant. When she died, she was not buried in Smyrna or anywhere near Smyrna. She was buried in an unmarked grave south of Atlanta. There is a great disconnect between her role with the family that made money off of her. Mr. Lindley stated he believes Ms. Williams was wronged.

Councilmember Charles Welch made a motion to table to the January 18, 2022 Mayor and Council meeting item 2021-622 to begin the process to solicit proposals for the sale and removal of Aunt Fanny's Cabin building (2875 Atlanta Road, Smyrna, Ga. 30080) with the stipulation that if no acceptable proposals are received the building will be demolished; seconded by Councilmember Susan Wilkinson.

The motion to table to the January 18, 2022 Mayor and Council meeting failed with the following vote:

Aye: 2 - Councilmember Welch and Councilmember Wilkinson

Nay: 4 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley and Councilmember Gould

Absent: 1 - Councilmember Wheaton

Councilmember/Mayor Pro Tem Tim Gould stated that there is a desire to find a solution to appropriately honor Fanny Williams. That should be understood by the

community. The desire is to reach a positive outcome.

Councilmember Susan Wilkinson asked if there is a time limit on opening up for proposals. Councilmember Lindley stated that a period starting tomorrow (December 21, 2021) through February 1, 2022 RFPs be accepted for any party that wishes to move the building off City property. Should no RFPs come in or be deemed acceptable, then the building will be set for demolition.

Councilmember Charles Welch stated that the real reason for the motion to amend is because he hopes that proposals come in between now and February 1 with a plan to keep the cabin and to keep it on the site adjacent to the museum. Many people do not want the cabin to be demolished.

Councilmember Charles Welch made a motion to amend item 2021-622 and have it read as follows: Authorization to begin the process to solicit proposals for the sale and removal of Aunt Fanny's Cabin building (2875 Atlanta Road, Smyrna, Ga. 30080); seconded by Councilmember Susan Wilkinson.

The motion to amend item 2021-622 failed with the following vote:

Aye: 2 - Councilmember Welch and Councilmember Wilkinson

Nay: 4 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley and Councilmember Gould

Absent: 1 - Councilmember Wheaton

Councilmember Travis Lindley made a motion to approve item 2021-622, an authorization to begin the process to solicit proposals for the sale and removal of Aunt Fanny's Cabin building (2875 Atlanta Road, Smyrna, Ga. 30080) with the stipulation that if no acceptable proposals are received the building will be demolished; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley and Councilmember Gould

Nay: 2 - Councilmember Welch and Councilmember Wilkinson

Absent: 1 - Councilmember Wheaton

7. Commercial Building Permits:

8. Consent Agenda:

A motion was made by Councilmember Lindley, seconded by Councilmember Wagner, that the Consent Agenda be approved. The motion carried with the following vote:

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

Absent: 1 - Councilmember Wheaton

- A. [MIN2021-92](#) Approval of the December 2, 2021 Committee of the Whole Meeting minutes.

Ward / City Wide

These minutes were approved.

- B.** [MIN2021-90](#) Approval of the December 6, 2021 Pre-Council Meeting minutes.
Ward / City Wide
These minutes were approved.
- C.** [MIN2021-91](#) Approval of the December 6, 2021 Mayor and Council Meeting minutes.
Ward / City Wide
These minutes were approved.
- D.** [2021-604](#) Approval of the Reappointment of Ward 2 resident, Darby Weyland, to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2023.
Ward 2 / Councilmember Austin Wagner
This reappointment was approved.
- E.** [2021-621](#) Approval of the reappointment of Ward 5 resident, J. D. Smith, to the Planning and Zoning Board that expires 12/31/2023.
Ward 5 / Councilmember Susan Wilkinson
This reappointment was approved.
- F.** [2021-626](#) Approval of the Reappointment of Leigh Anne Rehkopf to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2023.
Ward 3 / Councilmember Travis Lindley
This reappointment was approved.
- G.** [2021-593](#) Authorization to increase sewer rate per thousand gallons from \$8.10 to \$8.99 effective January 1, 2022, to be billed on the February 2022 bills. To recognize that Cobb County Water approved an 11% increase to the wholesale sewer rate charged to the Cities effective January 1, 2022.
Ward / City Wide
This authorization was approved.
- H.** [2021-591](#) Authorization of a road closure at Roswell Street and Windy Hill for construction roadway modifications by Traton Homes from December 21, 2021 through December 23, 2021 with alternate dates of December 28, 2021 through December 30, 2021.
Ward 3 / Councilmember Travis Lindley
This authorization was approved.
- I.** [2021-594](#) Approval for a road closure on Powder Springs Street for construction of

one speed table by Llano Contractors beginning Monday, December 27, 2021 through Friday, December 31, 2021.

Ward 3 / Councilmember Travis Lindley

This authorization was approved.

J. [2021-607](#)

Approval of the renewal with Georgia Municipal Association (GMA) for 2022 Workers' Compensation Insurance Coverage and Administration.

Ward / City Wide

This authorization for renewal was approved.

9. Ward / Committee Reports:

Councilmember Susan Wilkinson thanked the Mayor and Council for allowing her to attend the meeting virtually because she is not feeling well.

Councilmember Austin Wagner reminded everyone to get tested before and after gatherings. Be smart and cautious during the holidays.

Councilmember Travis Lindley wished everyone happy holidays.

Councilmember Charles Welch wished everyone a merry Christmas and happy new year.

Councilmember/Mayor Pro Tem Tim Gould wished everyone happy holidays and thanked everyone for providing input.

10. Show Cause Hearings:

11. Citizen Input:

Montserrat Knowlton - 1367 Poplar Pointe - Ms. Knowlton read a statement regarding the history of racism in Smyrna. She linked racism to breweries in order to express her disagreement with placing a brewery on Atlanta Road.

Shaun Martin - Stated she is disappointed in the vote about Aunt Fanny's Cabin. She wished that the Council had considered a motion that would have included some kind of "monetary bank" so the effort is started so the intention to honor Williams is set in stone and set on course. She questions the cost estimate because no one could answer a question about lead-based paint.

Mayor Norton stated that the intention is to properly memorialize and honor Fanny Williams. It is set in motion, and the Council will follow through. Dr. Wheaton will be a part of that effort. He stated that it will not just be a plaque, it will be done properly.

12. Adjournment:

Mayor Derek Norton adjourned the December 20, 2021 Mayor and Council meeting at 9:02 PM.