



# City of Smyrna

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

## Meeting Minutes - Final City Council

---

Monday, August 15, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

---

### 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:** 2 - Scott Cochran and Phyllis Collins

**Staff:** 10 - Tyler Addison, Jennifer Bennett, Joe Bennett, Dustin Davey, Jill Head, Brian Marcos, Russell Martin, Penny Mocer, Heather Peacon-Corn and Keith Zgonc

### Call to Order

Mayor Derek Norton called to order the August 15, 2022 Mayor and Council Meeting held at A. Max Bacon City Hall in Council Chambers at 7:01 PM.

### 1. Invocation and Pledge:

Pastor Jeff Pennington, Smyrna First Baptist (1275 Church Street), led the invocation and Pledge of Allegiance.

### 2. Agenda Changes:

### 3. Mayoral Report:

*Mayor Norton read from a prepared statement:*

*Aunt Fanny's Cabin Remarks – 8.15.2022*

*I want to take a minute to address Aunt Fanny's Cabin and clarify some things, and particularly some misinformation being thrown out there about this issue.*

*First of all, I want to remind everyone that we did not go looking for this issue – it came to us as a structural issue when the roof of the building was literally falling in, and we had to deal with it. It was in this state of disrepair because a previous administration moved it and didn't put it on a foundation, and then didn't do any maintenance on it for 25 years. Now, I'm no structural engineer, but you don't have to be one to know that if you move a wood building and put it on dirt, it's not going to last. Because of its age and condition, it was estimated to cost several hundred thousand dollars to fix the building.*

*And as an aside, this is just one of many problems and issues this elected body has inherited – I won't go down the long list but one of which is the lack of any city building*

*maintenance plan. And our staff has done a remarkable job navigating these problems and righting the ship.*

*For the past year, we've thoughtfully worked through how to address this structure – no small task considering its history and some of the images and practices associated with it, and the many points of view on how to proceed.*

*In the end, the diverse task force I appointed last fall recommended to this council that we either find someone to move the building or tear it down, so that in its place, on that site, we can properly memorialize Fanny Williams and her many accomplishments in this community. The council voted in January to support that recommendation, put out an RFP for anyone who wanted to move it, and, absent a responsive bid, would demolish the structure.*

*When no bids were received by the deadline, the council decided to extend the deadline 90 days with the hope that someone would come forward to move it. After 90 days, we had two responsive bids that met the RFP specifications and voted on one to proceed. Earlier this month when that individual was unable to move the structure, we contacted the other responsive bidder and she declined to take the building. After nearly a year, this council then discussed the issue last Thursday and decided to keep with their previous vote and remove the structure. That occurred last week on Friday.*

*Now there is a lot of misinformation being put out there – we are being accused of lying about there not being a foundation under the building – let me be clear – there was no foundation. There were support walls under the newer added portion, but not under the cabin.*

*We are also being accused of putting citizens at risk because of hazardous materials...and this just goes to show just because its on social media doesn't mean you should believe it. We satisfied EVERY requirement when we pulled the demolition permit in January, and it's right here in my hand. No asbestos present, and every other requirement was met. There was no danger to anyone. Period.*

*No matter where you stood on this issue, whether you were for the building staying or for it going, or for it being knocked down or not, ALL involved agreed that Fanny Williams should be properly memorialized, and that is exactly what we plan to do on that site. Mayor Pro Tem Tim Gould and Councilman Wheaton co-chair a talented, diverse group with Pastor Derek Porter, Councilwoman Latonia P. Hines, Jeriene Grimes, and others that will bring forward a plan for the memorial by the end of the year, and I have no doubt it's going to be fantastic.*

*I look forward to moving on and focusing on this memorial, which is what we all ought to be focused on anyway, and spending time on all of the great projects and contagious energy that we have here in Smyrna, GA.*

**A. [2022-402](#)**

**Recognize Smyrna Little League Blue All-Stars (11u) - GA State Champs**

*Mayor Norton provided the following information about the Smyrna Little League 11u Blue All-Stars:*

- *Won the Georgia State Championship, their second in a row; first team ever at Smyrna Little League to win back-to-back state championships*
- *Traveled to Wilson, NC to represent Georgia in the Tournament of State Champions*

- *Made it all the way to the semi-finals*
- *This was Smyrna's third team to be the Georgia representative, all in 11u. The first team went in 2014, and the 2018 team won the tournament.*

*2022 Players:*

*Andy Axe  
Parker Babb  
Owen Boucher  
Edwin DuPriest  
Logan Godsey  
Crockett Hyatt  
Brady Jordan  
Isaac Maddox  
Jack Shapiro  
Hudson Skeeters  
Ryan Taylor  
Jackson Winters  
Jackson Zaring*

*Coaches:*

*Ethan Shapiro  
Bryce Godsey  
Joe Winters  
Jason Zaring*

**B. [2022-403](#)**

**Recognize Smyrna Elite Track Sports Club**

*Mayor Norton provided information about the Smyrna Elite (Track Sports Club):*

- *Participated in the USATF National Junior Olympic Track & Field Championships in Sacramento CA, July 25-31*
- *Won the GOLD in the 4 x 400 relay*

*4x 400 Team members (from Nickajack Elementary & King Springs Elementary):*

*Leighla Rochelle Herriot  
Layla Oppong  
Alexandria Robinson  
Victoria Williams*

*Coaches:*

*AJ Davis (Head Coach)  
Deon Turner (Asst Coach)  
Rickey Oglesby (Asst Coach)  
Seryna Muhammad (Asst. Coach)  
Malcolm Johnson (Asst. Coach)  
Jason Walker (Asst. Coach)*

**C. [2022-398](#)**

Authorization for the appointment and swearing in of Brian Marcos as Fire Chief for the City of Smyrna as a result of the retirement of Chief Roy Acree on July 29, 2022 and at the recommendation of the City Administrator, Joseph Bennett.

*Joe Bennett, City Administrator, provided the following background:*

*Brian Marcos began his current tenure as the Deputy Fire Chief, and the Deputy Director of Emergency Management at the Smyrna Fire Department, in 2014. He began his career with the Smyrna Fire Department in 2006, being promoted through the ranks until his 2014 appointment to Deputy Fire Chief.*

*Brian holds a Chief Fire Officer Designation (CFO) from the Commission on Professional Credentialing, is a Certified Emergency Manager, a Georgia Certified Paramedic, and he is a Georgia Smoke Diver.*

*He currently serves as the Georgia State Director for the Southeastern Association of Fire Chiefs, President of the United Leadership Program, and is the Area 7 District Vice President for the Georgia Association of Fire Chiefs.*

*Brian has writings on public safety leadership topics that have received publication in national trade magazines. He is a graduate of Leadership Cobb (2017) and is serving as the 2022 Co-Vice Chair. He completed the Executive Leadership Program for Manager and Directors through Kennesaw State University (KSU).*

*In 2020, he was named the Chief Fire Officer of the Year by the Georgia Association of Fire Chiefs. That same year, he was named one of Cobb Life Magazines "20 under 40", as well as one of the 50 Most Influential Hispanics in Georgia, by the Georgia Hispanic Chamber of Commerce.*

*Marcos has an Associate's degree in Fire Science, a Bachelor's degree in Fire Administration, and is completing his Master's in Public Administration from Columbia Southern University. He recently celebrated 18 years of marriage to his wife Ashley, and has three children, Bryson, Kyla, and Levi.*

*Judge Phyllis Gingrey Collins swore in Brian Marcos as the Fire Chief of the City of Smyrna, Georgia.*

*Chief Brian Marcos stated that going on this journey does not happen alone. He has received so much support from family, friends, and co-workers. He thanked the Mayor and Council for their support.*

Councilmember Travis Lindley made a motion to approve item 2022-398, the appointment and swearing in of Brian Marcos as Fire Chief for the City of Smyrna as a result of the retirement of Chief Roy Acree on July 29, 2022 and at the recommendation of the City Administrator, Joseph Bennett; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

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

- A. [2022-145](#) Public Hearing - Zoning Request - Z22-005 - Allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel - 3.115 acres - Land Lots 846, 880 & 881**

- Mogar Farms Funding LLC - 2855 Spring Hill Pkwy & 2685 Spring Rd.  
***The applicant requests to table to the October 17, 2022 meeting of Mayor & Council.***

**Ward 1 / Councilmember Pickens**

Councilmember Glenn Pickens made a motion to table item 2022-145, a public hearing and zoning request (Z22-005) to allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel on 3.115 acres on land lots 846, 880 & 881 located at 2855 Spring Hill Pkwy & 2685 Spring Rd. by applicant Mogar Farms Funding LLC to the September 19, 2022 Mayor and Council meeting; seconded by Councilmember Travis Lindley.

The motion to table this to the September 19, 2022 Mayor and Council meeting carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**B. [2022-347](#)**

**Plat Approval** - Approval for the subdivision of property at 2400 Lake Park Drive into two parcels. Land Lot 779, 780, 805 & 806 - 9.73 acres - 2400 Lake Park Drive - 2400 Lake Park Atlanta LLC

**Ward 2 / Councilmember Hines**

*Joe Bennett, City Administrator, provided the following background:*

*2400 Lake Park Atlanta Office LLC is requesting approval to subdivide their property at 2400 Lake Park Drive into two commercial parcels. The applicant plans to subdivide the property within the requirements of the MU (Mixed Use) zoning district, so no rezoning is required. The proposal is to divide the property so the existing office building and new multi-family/retail mixed use building are on separate lots. The subject property is 9.7 acres in size and is zoned MU (Mixed Use). The proposed subdivision will result in two lots being 6.5 acres with the mixed use building and 3.23 acres with the existing office building.*

*Community Development recommends approval.*

Councilmember Latonia P. Hines made a motion to approve item 2022-347, a plat approval for the subdivision of property at 2400 Lake Park Drive into two parcels on land lots 779, 780, 805 & 806 on 9.73 acres located at 2400 Lake Park Drive by applicant 2400 Lake Park Atlanta LLC; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**C. [RES2022-10](#)**

**Public Hearing:** Approval of Resolution RES2022-10 for a moratorium extension on the acceptance of rezoning and variance applications seeking to develop or otherwise use the property as a townhome or for a townhome development from September 15, 2022 to September 19, 2022 and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Joe Bennett, City Administrator, provided the following background:*

*The City Council has received complaints regarding the lack of development and architectural standards for townhome developments. The moratorium would provide the City the opportunity to evaluate existing design standards for new townhome units and to consider amendments to the zoning ordinances regarding townhome developments. The request is to establish a moratorium on the acceptance of rezoning and variance applications for townhome developments starting March 15, 2021 and extending through and including September 15, 2022.*

*A Town Hall meeting has been scheduled at Brawner Hall for Tuesday, August 23, 2022 at 6:30pm at City Hall / Council Chambers to receive public input regarding the draft Townhome Design Standards ordinance.*

*This item has an expected date for final vote of September 19, 2022 at the Mayor and Council meeting.*

Councilmember Travis Lindley made a motion to approve item RES2022-10, a public hearing and resolution (RES2022-10) for a moratorium extension on the acceptance of rezoning and variance applications seeking to develop or otherwise use the property as a townhome or for a townhome development from September 15, 2022 to September 19, 2022 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**D. [ORD2022-12](#)**

**Public Hearing:** Approval of Ordinance ORD2022-12 - Annexation request (60% owners requesting annexation) - all tract or parcels as attached and defined in the issue and background section, of land lying and being in Land Lot 191, 242 and 243 of the 17th District, 2nd Section, Cobb County, Georgia; a subdivision known as Heritage Mill Subdivision to be effective September 1, 2022 and part of Ward 4 and authorizes the Mayor to sign and execute all related documents.

**Ward 4 / Councilmember Welch**

*A public hearing was called. City Attorney Scott Cochran swore in those who came forward to speak.*

*George Kuechenmeister - 480 Norton Pl in Heritage Mill - stated he wanted to find out what services their neighborhood would receive once annexed. Russell Martin, Community Development Director, stated a group of citizens from that community petitioned the City to annex into Smyrna. If annexed, they will receive fire, police, code enforcement, sanitation services, as well as have access to the Smyrna park system and library. Mr. Kuechenmeister expressed, "if it ain't broke, don't fix it," and further stated he does not understand the benefits in doing so. Councilmember Welch stated that he and his community were also in the same position about 20 years ago, and the benefits, although with some limitations, are worthwhile benefits to have. Ultimately, the residents in Mr. Kuechenmeister's community wanted to be part of the City of Smyrna, not the City of Mableton.*

*Kendra King - 4016 Benell Ct in Heritage Mill - stated she and her family support this annexation. When they initially purchased their home, they thought they were buying in the City of Smyrna. Her family is well-established in the Smyrna community with her son playing basketball for Smyrna, attending King Springs Elementary, etc. They are excited about having access to the library and want to support it. And Ms. King further stated they did not want to be in Mableton, they wanted to be in Smyrna.*

*Bill Bailey - 4021 Benell Court in Heritage Mill - stated he is in favor of the Smyrna annexation. For fire and police alone they wanted to be part of Smyrna. Mr. Bailey did ask that something informational be provided to the homeowners to assist with the transition. The residents need to know how to transition to sanitation services, pay taxes, apply for homestead exemption, etc. Mr. Martin explained that Community Development is putting together an informational/welcome letter to the residents with pertinent instructions and phone numbers. He did explain that Heritage Mill will continue to receive water services through Cobb County, but most other services will be through Smyrna. On an aside, Mr. Bailey mentioned that he is the president of the Smyrna Jonquil Lyons Club and invites all to join because they are always looking for volunteers.*

*Christine Neptune - 4018 Benell Ct in Heritage Mill - stated she and her husband, John Wallace, approve of this annexation. She understands the benefits of the annexation despite not being too excited about the taxes.*

*Tom O'Connor - 402 Benell Ct in Heritage Mill - stated he has been a resident of Heritage Mill since 1989. He recently saw how slow Cobb County emergency services are to respond and thinks that being part of Smyrna will mean faster and more responsive services.*

*Councilmember Welch stated that this process started when there was a town hall meeting in the Heritage Mill subdivision. The most important aspect that needed to be addressed that came out of that meeting was public safety. He looks forward to having them as part of Ward 4 and recommends reaching out to him if they questions or concerns.*

Councilmember Charles Welch made a motion to approve item ORD2022-12, a public hearing and ordinance (ORD2022-12) for the annexation request (60% owners requesting annexation) on all tract or parcels as attached and defined in the issue and background section, of land lying and being in land lot 191, 242 and 243 of the 17th District, 2nd Section, Cobb County, Georgia, a subdivision known as Heritage Mill Subdivision to be effective September 1, 2022 and part of Ward 4 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**E. [ORD2022-15](#)**

**Public Hearing:** Approval of Ordinance ORD2022-15 - Annexation request (60% owners requesting annexation) - all tract or parcels as attached and defined in the issue and background of land lying and being in Land Lot 466 and 471 of the 17th District, 2nd Section, Cobb County, Georgia; a subdivision known as Vining Brooke Subdivision to be



effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

**Ward 7 / Councilmember Wheaton**

*A public hearing was called. City Attorney Scott Cochran swore in those who came forward to speak.*

*McKieva Sullivan - 5365 Bluestone Circle in Vinings Brooke - stated she loves the city of Smyrna but is unclear what the annexation means to her neighborhood. She asked about the zip code and other postal information. Councilmember Wheaton stated that they can maintain their address as-is and put Smyrna as the city. The zip code change is still in discussion. Ms. Sullivan asked about filing for homestead exemption and if there is a deadline to do so. Mr. Martin explained that though they have a homestead exemption through Cobb County, they will need to also file an exemption through the City of Smyrna. Mr. Martin stated he will check on the deadline and let them know. Ms. Sullivan asked about the benefits such as use of the Community Center. Joe Bennett, City Administrator, stated that being a resident allows residents use of the Community Center and other facilities at a discounted rate.*

Councilmember Lewis Wheaton made a motion to approve item ORD2022-15, a public hearing and ordinance (ORD2022-15) for the annexation request (60% owners requesting annexation) on all tract or parcels as attached and defined in the issue and background of land lying and being in land lot 466 and 471 of the 17th District, 2nd Section, Cobb County, Georgia, a subdivision known as Vinings Brooke Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**F. [ORD2022-16](#)**

Approval of Ordinance ORD2022-16 - Annexation request (100% owners requesting annexation) - all tract or parcels as attached and defined in the issue and background of land lying and being in Land Lot 611 of the 17th District, 2nd Section, Cobb County, Georgia; a subdivision known as Buckland Oaks Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

**Ward 7 / Councilmember Wheaton**

*Joe Bennett, City Administrator, provided the following background:*

*The applicant is seeking approval for annexation of all that tract or parcel of land lying and being in land lot 611 of the 17th District, 2nd Section, Cobb County, Georgia known as Buckland Oaks Subdivision, Smyrna, GA. Effective date September 1, 2022. Certified letters were sent by the City Clerk to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division on July 13, 2022 and a letter of non-objection was received from Cobb County on August 1, 2022. This subdivision is located in Ward 7.*

*Councilmember Lewis Wheaton stated he had a great meeting with the residents of this community.*



Councilmember Lewis Wheaton made a motion to approve item ORD2022-16, an ordinance (ORD2022-16) for the annexation request (100% owners requesting annexation) on all tract or parcels as attached and defined in the issue and background of land lying and being in land lot 611 of the 17th District, 2nd Section, Cobb County, Georgia, a subdivision known as Buckland Oaks Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

## 5. Privilege Licenses:

- A. [LIC2022-10](#) Privilege License Request LIC2022-10 - Beer and Wine (retail package) - 3418 South Cobb Drive SE - Shah Kwik Mart, LLC dba Kwik Mart with Pathik Shah as agent.

***Ward 3 / Councilmember Lindley***

*Joe Bennett, City Administrator, provided the following background:*

*Pathik Shah as registered agent for Shah Kwik Mart, LLC dba Kwik Mart requests a privilege license for the sale of Beer and Wine (retail package) at 3418 South Cobb Drive SE.*

*Pathik Shah will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Shah has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop.*

*A background check was conducted on this applicant. There was nothing in his background within the requirements of City of Smyrna Ordinance 6-51 that would prohibit him from holding the license. Mr. Shah has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.*

*Councilmember Travis Lindley asked the applicant to come forward. He asked the applicant, Pathik Shah, to describe the location and approximately when it will open. Mr. Shah stated that it will be a gas station. There were delays in opening because of manufacturing issues with the tank. He is planning to open the first week of September. Councilmember Lindley asked if the requisite courses had been taken successfully. Mr. Shah answered in the affirmative.*

Councilmember Travis Lindley made a motion to approve item LIC2022-10, a privilege license request (LIC2022-10) for beer and wine (retail package) located at 3418 South Cobb Drive SE by applicant Shah Kwik Mart, LLC dba Kwik Mart with Pathik Shah as agent; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**6. Formal Business:**

- A. [AGR2022-29](#) Approval of the proposed agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2022 SPLOST as requested for the fiscal year 2023 in the amount of \$420,000.00 for the projects as outlined in the attached proposal and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Joe Bennett, City Administrator, provided the following background:*

*The scope of work provided by the Program Management Task Order will be as outlined in the Professional Services Agreement for Smyrna 2022 SPLOST Program Management Services.*

*This work will be completed as an hourly not to exceed fee project. Invoicing will be progressive and will be submitted monthly for work completed to date less previous payments.*

*This proposal incorporates, as if fully set forth herein, the terms and conditions of the Professional Services Agreement for Smyrna 2022 SPLOST Program Management Services dated June 7, 2021, between Croy Engineering, LLC and the City of Smyrna. If this proposal is acceptable, the Mayor will have the authority to sign and execute all related documents.*

Councilmember Charles Welch made a motion to approve item AGR2022-29, an agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2022 SPLOST as requested for the fiscal year 2023 in the amount of \$420,000.00 for the projects as outlined in the attached proposal and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- B. [AGR2022-30](#) Approval of the proposed agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2016 SPLOST as requested for the fiscal year 2023 in the amount of \$108,000.00 for the projects as outlined in the attached proposal and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Joe Bennett, City Administrator, provided the following background:*

*The scope of work provided by the Program Management Task Order will be as outlined in the Professional Services Agreement for Smyrna 2016 SPLOST Program Management Services.*

*This work will be completed as an hourly not to exceed fee project. Invoicing will be progressive and will be submitted monthly for work completed to date less previous payments.*

*This proposal incorporates, as if fully set forth herein, the terms and conditions of the Professional Services Agreement for Smyrna 2016 SPLOST Program Management Services dated August 3, 2015, between Croy Engineering, LLC and the City of Smyrna.*

*This acceptance will allow the Mayor to execute and sign all related documents.*

Councilmember Latonia P. Hines made a motion to approve item AGR2022-30, an agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2016 SPLOST as requested for the fiscal year 2023 in the amount of \$108,000.00 for the projects as outlined in the attached proposal and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**C. [CON2022-12](#)**

Approval of the contract for Guaranteed Maximum Pricing between the City of Smyrna and Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, Georgia 30341) for the Downtown Improvements - Green Space as referenced and approved in the agreement AGR2022-07 authorized by Mayor and Council on April 18, 2022 and authorize the Mayor to sign and execute all related documents.

***Ward 3 / Councilmember Lindley***

*Joe Bennett, City Administrator, provided the following information:*

*This contract will specify the Guaranteed Maximum Pricing (GMP) as previously discussed.*

*The new green space will be situated in the area previously occupied by a large traffic circle, flanked by the Smyrna Community Center and Smyrna Public Library. The design includes large, flexible lawn spaces, numerous shade structures, plaza space, public art locations and ADA accessible routes. The green space improvements will coincide with site and roadway improvements designed by Croy Engineering. The roadway construction will begin prior to the park.*

*Staff recommends approval.*

Councilmember Travis Lindley made a motion to approve item CON2022-12, the contract for Guaranteed Maximum Pricing between the City of Smyrna and Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, Georgia 30341) for the Downtown Improvements - Green Space as referenced and approved in the agreement AGR2022-07 authorized by Mayor and Council on April 18, 2022 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 6 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**Nay:** 1 - Councilmember Wilkinson

**D. [RES2022-11](#)**

Approval of Resolution RES2022-11 for the City of Smyrna, Georgia adopting redistricting criteria for the redistricting of the City Council Ward's following the 2020 Census and authorize the Mayor to sign and execute all related documents.

***Ward / Citywide***

*Joe Bennett, City Administrator, provided the following background:*

*As a result of the 2020 Census, the boundaries of the City of Smyrna, Georgia's ("City") seven councilperson wards require redistricting in accordance with applicable state and federal law; the Mayor and City Council ("Governing Body") of the City have engaged redistricting legal experts and consultants to assist the City in its redistricting efforts; and, the Governing Body now desires to adopt certain redistricting principles to serve as a roadmap for drafting ward boundaries.*

*Section 1. That any redistricting plan to be considered and adopted by the Governing Body shall comply with the U.S. Constitution, the Georgia Constitution, applicable state and federal law, including the Voting Rights Act of 1965, as amended, and such plan shall also contain contiguous wards within +/- 5% deviation from the ideal ward population. In addition to these primary criteria and to the extent practicable, the Governing Body may also separate incumbents into individual districts, maintain core retention to avoid voter confusion and follow natural geographic boundaries in drawing ward lines.*

*Section 2. That upon completion of a draft redistricting map adhering to the criteria adopted herein, the Governing Body shall order and set a public hearing to provide the public an opportunity to review and comment on the redistricting process.*

*Section 3. Prior to any final adoption, the City will proceed with the required charter amendment process authorized by Official Code of Georgia Annotated § 36-35-4.1.*

Councilmember Travis Lindley made a motion to approve item RES2022-11, a resolution (RES2022-11) for the City of Smyrna, Georgia adopting redistricting criteria for the redistricting of the City Council Wards following the 2020 Census and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**7. Commercial Building Permits:**

**8. Consent Agenda:**

A motion was made by Councilmember Travis Lindley, seconded by Councilmember Latonia P. Hines, to approve the Consent Agenda. The motion carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- A. [MIN2022-53](#) Approval of the July 28 , 2022 Committee of the Whole Meeting Minutes.  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- B. [MIN2022-59](#) Approval of the August 1, 2022 Special Called Meeting of the Mayor and Council.  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- C. [MIN2022-54](#) Approval of the August 1, 2022 Pre-Council Meeting Minutes.  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- D. [MIN2022-55](#) Approval of the August 1, 2022 Mayor and Council Meeting Minutes.  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- E. [2022-397](#) Approval to use Council Chambers for a joint Town Hall Meeting (Wards 1, 2 and 3), October 4, 2022, 7:00pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.  
**Ward 1 / Councilmember Pickens**  
**Ward 2 / Councilmember Hines**  
**Ward 3 / Councilmember Lindley**  
This Authorization was Approved on the Consent Agenda.
- F. [2022-401](#) Approval to use Council Chambers for a joint Town Hall Meeting (Wards 3 and 6), November 16, 2022, 7:00pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.  
**Ward 3 / Councilmember Lindley**  
**Ward 6 / Mayor Pro Tem & Councilmember Gould**  
This Authorization was Approved on the Consent Agenda.
- G. [2022-422](#) Approval to use the Jonquil Room at the Smyrna Community Center for a Ward 2 Town Hall meeting on Tuesday, August 30, 2022 from 6:30PM - 8:00pm at 200 Village Green Circle SE, Smyrna, GA 30080.  
**Ward 2 / Councilmember Hines**  
This Authorization was Approved on the Consent Agenda.

- H. [2022-410](#) Approval to use Council Chambers for a Town Hall Meeting on the proposed townhome design standards on Tuesday, August 23, 2022, 6:30 pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.  
**Ward / Citywide**  
This Authorization was Approved on the Consent Agenda.
- I. [2022-411](#) Authorize the closing of downtown streets (managed by Smyrna PD) for the purpose of setup, facilitation and breakdown of the new Culture & Spirit Festival along with the 150th Birthday Celebration with Fireworks display to be held on Saturday, October 8, 2022 from 11:00 am until 10:00 pm with setup beginning as early as needed around City Hall and the Market Village - along with assets delivery and placement along various corridors - on Friday, October 7 and breakdown and removal of assets to begin at the conclusion of the festivities on Saturday, October 8 - streets opened early Sunday, October 9 am - with some assets to be collected on Monday, October 10 within open parking lots and along open roadways.  
**Ward 3 / Councilmember Lindley**  
This Authorization was Approved on the Consent Agenda.
- J. [2022-416](#) Authorization for street closures and council approval to serve beer and wine in the lower Market Village around the pavilion (see map for proposed location) on Thursday, November 3, 2022 from 7:00 a.m. -11:00 p.m. for a Jazz Under the Gazebo private event of the Vineyard Wine Market in partnership with the Smyrna Public Safety Foundation.  
**Ward 3 / Councilmember Lindley**  
This Authorization was Approved on the Consent Agenda.
- K. [2022-415](#) Recommendation to appoint Jill Gordon-Evans by Ward 5 Councilmember Susan Wilkinson to serve on the Planning and Zoning Commission as the Ward 5 representative for a term to expire December 31, 2023.  
**Ward 5 / Councilmember Wilkinson**  
This Appointment was Approved on the Consent Agenda.

## 9. Ward / Committee Reports:

*Councilmember Pickens: On October 4, 2022 at 7:00 PM there will be a joint Ward town hall meeting for Wards 1, 2, and 3.*

*Councilmember Hines: On August 30, 2022 at the Community Center in the Jonquil Room, Ms. Hines will host her first Ward 2 town hall. She is looking forward to the joint meeting with Councilmember Pickens and Lindley on October 4, 2022.*

*Councilmember Lindley: A town hall meeting on the proposed Townhome Ordinance will be held on August 23, 2022 at 6:30 PM at City Hall.*

*Councilmember Welch: Griffin Middle School is celebrating their 50th anniversary on September 18, 2022 from 3:00 - 5:00 PM. The Smyrna Historical Society is having an historic driving tour on September 10, 2022. They will visit eight historic sites beginning at 10:00 and 2:00. Visit the Parks & Recreation website for tickets and information.*

*Councilmember Wilkinson: A recent neighborhood meeting was held near Pat Mell about traffic calming. She thanked City staff for their input.*

*Mayor Pro Tem/Councilmember Gould: A Traffic Calming Committee meeting took place to discuss improvements on Ridge Road. He thanked staff members Ashley White, Eric Randall, and Penny Mocer. There was good dialogue with good ideas. The goal for the Traffic Calming Committee is to improve traffic safety and pedestrian safety. Mr. Gould talked about the Committee to Honor Fanny Williams which is made up of a diverse and dedicated group of citizens. The goal is to create a living memorial for Fanny Williams because her life work is what we want to remember. A mission statement is being created and will be used to issue an RFP to the art community.*

*Councilmember Wheaton: A Ward 7 town hall will be held on Thursday, August 18, 2022 at 6:30 PM in Council Chambers. The main topic will be the Short-term Rental Ordinance and how to implement it within HOA covenants, etc. Dr. Wheaton echoed Mayor Pro Tem Gould's statement. Dr. Wheaton is incredibly excited to be able to focus on moving forward in honoring Fanny Williams appropriately. This process is inspired by the 9/11 Memorial and how it was planned and organized. The memorial will be more than a statue, more than a plaque, more than a fountain - it will be something that really impacts this community in Smyrna and beyond.*

*Heather Peacon-Corn, City Clerk: She extended her congratulations to Fire Chief Brian Marcos on his appointment, and she thanked the public safety staff for their service to the City.*

## **10. Show Cause Hearings:**

## **11. Citizen Input:**

*Jenny Bartee - 4094 Laurel Springs Way - Ms. Bartee expressed it is a shame to remove trees from the downtown area and replace them with manmade shade structures because trees are natural shade structures. She also stated she hopes there will be no fake grass. On the subject of Aunt Fanny's Cabin, she expressed it was wrong to demolish the cabin and that the administration did not communicate enough with the public. She is disappointed in the Mayor and most of the Council for their decision.*

*Shaun Martin - 2884 Anderson Cir - Ms. Martin expressed her displeasure that Aunt Fanny's Cabin was demolished. She provided information she said she discovered in her own research about Fanny Williams and the cabin. She stated it is not clear if the cabin has asbestos.*

*Kathy Omaitis - 207 Countryside - Ms. Omaitis stated that because Dr. Wheaton mentioned his excitement and Councilmember Hines (her Ward 2 representative) is on the Committee to Honor Fanny Williams, it seems there are good intentions. She suggested adding Shaun Martin to the committee to include her perspective which*



would be a win/win and would act as an olive branch from the City to the community.

*Maryline Blackburn - resident - Ms. Blackburn asked that two minutes of her time be yielded to Ms. Shockley. She continued that with the destruction of Aunt Fanny's Cabin, some of Smyrna's history disappeared. She quoted an historian that stated we have a social responsibility to this community to preserve those places to represent who we are. Ms. Blackburn asked that if Shaun Martin is not placed on the Committee to Hone Fanny Williams that she be considered for the committee.*

*Ms. Shockley - She expressed concern about Jim Lane who won the proposal because he did not show up to his first hearing. Ms. Shockley quoted minutes from the City of Mt. Zion. She stated that she believes Mr. Lane had no intention of relocating the cabin to his property. She asked why her proposal was rejected. She questioned the City's relationship with Jim Lane.*

*Mayor Norton stated that he nor anyone on Council knows Mr. Lane, and he does not appreciate the accusations of an improper or prior relationship with Mr. Lane because it is just not true. He is saddened Mr. Lane was not able to fulfill his proposal. Mayor Norton further expressed that being accused of cutting down all the trees yet Smyrna being recognized by Tree Atlanta for planting hundreds of trees seems at odds.*

*Jude Gervais - resident - She thanked the Mayor Council and discussed her personal history with Fanny Williams.*

*Lisa Castelberry - resident - She expressed she is very happy the building was demolished. She stated she is on the Committee to Honor Fanny Williams, and this will be the first time Fanny Williams will be honored appropriately in the City of Smyrna.*

## **12. Adjournment:**

Mayor Derek Norton adjourned the August 15, 2022 Mayor and Council meeting at 8:34 PM.