



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final Committee of the Whole

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Thursday, June 17, 2021

6:00 PM

A. Max Bacon City Hall  
HR Training Room

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### Roll Call

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

**Also Present** 1 - Scott Cochran

**Staff** 12 - Joe Bennett, Penny Mocer, Kristin Robinson, Heather Peacon-Corn, Tyler Addison, Jennifer Bennett, Mark Binicewicz, Rick James, Frank Martin, Russell Martin, Kevin Moore, and Andrea Worthy

### 1. Call to Order

Mayor Derek Norton called the June 17, 2021 meeting of the Committee of the Whole to Order in the HR Training Room at City Hall at 6:00PM.

### 2. New Business

Mayor Norton asked if anyone had items on the June 21, 2021 Mayor and Council Agenda to review prior to Item 4A being presented.

Public Works Director Frank Martin reviewed Consent Agenda item 8C for the approval of the budget purchase of two new sanitation trucks. If ordered on June 22, 2021 they will take approximately one year to be received.

Additionally, City Administrator Joe Bennett asked Mr. Martin about the staffing issues at Public Works and he commented on the temporary staff that was currently working sanitation.

#### A. [COW21-48](#)

#### Detention Pond Discussion - City Engineer, Kevin Moore

City Engineer Kevin Moore gave a presentation for discussion regarding retention ponds and noted three separate properties that currently are in jeopardy. Mayor Norton asked Mr. Moore what he feels is the appropriate response and what requirements the City has in these issues.

City Attorney Scott Cochran spoke about the big picture issue that is all the developments have agreements where the HOA's maintain the retention ponds. However the developments from the 60's such as Bennett Woods do not have detention ponds. Then the developers started putting detention ponds on people's private property creating accessibility issues and restraints for the HOA's and City. The examples Kevin has brought are examples of these.

There are both legal issues and policy issues. There are also easement issues to some of these detention ponds. We currently work through these on a case by case basis and almost all the time you can get this down to a policy issue that we are legally allowed to but not obligated to.

Councilmember Corkey Welch says he does not think its fair to say one group has to take it on but another doesn't. It should be all or nothing. We can assess an additional storm water fee to accommodate these repairs.

Both Councilmember Welch and Councilmember Wilkinson have issues in their wards with street runoff creating issues.

Councilmember Tim Gould had a few questions regarding the locations of these ponds and easements. The ones being presented are on private property.

Kevin Moore brought two videos showing the water and the damage it is causing to two of the homes under discussion. He stated that if we take over the pond, we also take over the downstream issues.

Mayor Norton stated we need to find a way to help these residents and Councilmember Lewis Wheaton concurred.

Mayor Norton asked how often these come forward to Engineering. Mr. Moore responded that he receives a call at least once a week.

If we agree to help someone the City has to have an easement to make the repairs and maintain.

Finance Director Kristin Robinson said the current storm water fee is \$2.95 and the monies are spent at the discretion of Public Works. Mr. Moore said it is not all spent on ponds to which Ms. Robinson agreed.

Mr. Greg Teague from Croy interjected that most other municipalities and Counties state that if it's on private property it's an owner issue. Marietta has previously dealt with having the property owners pay for the materials and the City does the labor.

Councilmember Travis Lindley stated that there is a captured fee in his HOA that pays for these issues as they arise.

Mr. Cochran went on to speak about current HOA's having responsibility and it comes down to policy to repair and a choice to do so vs. a requirement.

Mayor Norton wants to see the City assist these properties discussed.

### **3. Review of the June 21, 2021 Mayor and Council Agenda**

#### **A. [COW21-49](#)**

#### **Review of the June 21, 2021 Mayor and Council Agenda**

Before we start the agenda review process, Mayor Norton asked to recognize a milestone with the City. Community Development Director Russell Martin who has been with the City for 15 years. He was presented with a Milestone Packet from Human Resources.

Mr. Martin stated he started with the City right out of grad school at Florida State.

Item 4A: Land Issues / Zonings / Annexations

Allow encroachment into the 75-foot impervious setback for a front porch on Land Lot 554 located at 3700 Ashwood Drive by the applicant Kristin Tahirovic.

Mr. Martin noted that this project had a contractor who pulled a permit under their name and now has run off in the middle of the project leaving open floors and ceilings, etc. They want to get the work completed now, but want the variance to add an additional front porch as part of the whole project and Community Development recommends approval.

All the upcoming variances will be heard at the July 14 License and Variance Board Meeting following the reversal of the License and Variance Board Ordinance.

Mr. Martin asked that in the future if we are going to change processes, he'd like to have a discussion regarding the impacts because he spent \$2500 on new variance signs and the City Clerk's office spent \$1300 having the ordinance codified. Additionally, the shifting of variances set to go to License and Variance that then had to go to Mayor and Council also caused disruption to staff and applicants. Moving forward any public opposition will move to Mayor and Council.

Item 6A: Formal Business:

Approval of the Downtown Concept Design and authorize the Mayor to sign and execute all related documents.

Mayor Norton reviewed the following changes to the Downtown Development Plan:

- 1) Bathroom moved to the other side of the library.
- 2) Traffic calming on King Street updated to slow people down moving through the area.

Mayor Norton has received many positive comments regarding the development.

He reviewed the parking deck and the email sent by Councilmember Welch to himself and the rest of Council expressing his disagreement to the placement and size of the deck. Greg Teague of Croy weighed in and noted the deck is slightly less than the height of the current vegetation currently in place between the Records Center and the Police Department. He reviewed the overage into the Police Department lot. Councilmember Welch asked about the amount of encroachment into the PD lot and Mr. Teague responded approximately 20 feet.

Councilmember Welch is not supportive as it stands for several reasons of which he expressed in his email to Council. He has concerns about the transportation plan through the park and would like to see further improvement. As far of the parking deck, the spatial perception is way out of proportion. It is too large for the lot it is planned for and encroaching onto the police department lot; he doesn't think that's where we want to put it. He'd like to see it moved to the parking lot behind PD between the Community Center and PD. He also is concerned about all the items in the Records Center and where that storage will be relocated to.

Mr. Bennett showed on the plan where the current public parking is at the PD vs. where the parking deck will encroach. Councilmember Welch does not think this will be a nice architectural feature for the downtown area. He noted he came to the public meetings and the public support is there but he doesn't think they can "see" what the overall look will be.

Councilmember Wilkinson also has concerns regarding the parking deck. She wants to see a traffic study in the circle in front of the Community Center to see what the actual impact to the neighborhoods would be. She is okay with making some improvements to the area but wants to see some additional plans brought forward to review. She wants to see someone who specializes more in people planning spaces and architectural design and she has spoken to a person who feels so strongly about it they are willing to come forward and bring a plan they are offering for free.

Mayor Norton stated that POND created the B.O.L.D. plan and this has been a long time in the works along with Sizemore's review and input of the plan. She said she spoke with them as well and he told her something a lot different but she does not want to get into that at the moment,

Councilmember Wilkinson continued and stated this person she spoke to would be willing to offer other options and come to a work session to present and as a result, she would like to see us table this item. She does not understand the urgency since we are not going to make the Birthday Celebration deadline next year. Mayor Norton responded that we might make that deadline... "you never know".

She also wants to understand better the changes being made to the streets around the development. She doesn't think the public understands the impact of the Brewery to the area. She says we are making Village Green Circle in front of the town homes a dead end street. She feels like it messes up the network of streets and she wants us to be a little more open minded, like she was asked to be. She doesn't agree with putting tons of funds into the downtown when there are so many other areas that are an eyesore.

She doesn't understand some of the other visual things being done. She wants the Council to have more of an architectural designer give another look at it and talk to them about it.

Ms. Wilkinson also has questions about the brewery in regards to us selling the land in addition to the height of the building since it will be three stories. Mayor Norton stated that the collective met in Executive Session to discuss the terms of the sale as well as working out the details and she was present for the verbal okay to move forward. She does not recall a "vote" but does remember the conversation in Executive Session.

She wanted to ask about the plaza area / stage area and asked if we were building a stage. Mayor Norton said yes.

She has planned a Ward 5 meeting on Saturday June 19th at 2:00PM at the Community Center to discuss with her residents that may not have social media and may not have access to meeting notices.

Mayor Pro Tem Tim Gould stated he conceptually he likes the overall concept of providing more green space year round. He noted he likes the sketch Corkey sent via email because of the symmetry of the sketch. Having the roads there reduces the benefit of the open space. We need some fine tuning whether it be landscape architects, etc. Mayor Norton agreed this is just a concept and we cannot get into the details until we agree on the overall concept.

Councilmember Lewis Wheaton likes the idea of more green space and events that have room for participation and he thinks this is a reasonable move forward. He asked Greg Teague about the planning and process of this moving forward.

Mr. Teague stated this represents the B.O.L.D. study and fitting the recommendation into the actual downtown area. The splash pad is centrally located to the Community Center and the Library. The stage space will be a multi purpose use plaza. He also remarked that they worked very hard in connection and access. The arboretum has been a hidden jewel in the downtown area that now has more access via the concept.

To finish the project there are a lot of details down to the type of concrete for sidewalks, construction of the splash pad, etc., but there is still a tremendous amount of opportunity for Council input in the details. Once the general concept is approved then there is a lot more design work that would go into the details.

Councilmember Austin Wagner also likes the general idea and layout of the plan. He has a few concerns about the road and the crossover from the park to the splash pad. He would love to see what we do with this road to make it more user friendly. Maybe a one way road with pedestrian and bike access with material that makes it horrible for cars to drive on and would slow cars down. He wants us to reconsider what pedestrian friendly means.

Councilmember Wilkinson weighed back in that she would also like to see what material can be used.

Councilmember Wagner continued with noting other locations that have made this type of concept successful. He wants to make sure if the brewery wants food trucks where those would go, etc. He doesn't have an issue with cutting out the roundabout.

Councilmember Glenn Pickens feels this is a win to remove concrete and replace it with green space. Every time he is out here the current area is used by the public. He also sees the round about fountain area as an intrusion and separation to the downtown area.

Councilmember Travis Lindley, he doesn't feel the project is moving quickly as stated from across the table and noted the previous collective employed a pretty extensive study where there was a lot of resident feedback over many months. Councilmember Wilkinson interjected that "we" never adopted the B.O.L.D. plan and Councilmember Lindley noted that the professionals in creating plaza like environments we employed to gather the information from the citizens and all the information and suggestions were taken directly from that input of approximately 700 citizens. Councilmember Wilkinson stated she doesn't see 600 people saying take out the roundabout and Councilmember Lindley responded that it is like a poll of the overall responses.

She went on to say that it was during an election season and she noted that she was busy campaigning and she would venture to say that's how it was for others as well. She stated the first time we saw it was virtually and then in person, but it was just a concept. The next she heard of it was Croy's plan as presented on June 2. We didn't contract with Croy and it moved forward in 13 days. Mayor Norton asked how else we can move forward and stated we have noticed the Public Input sessions properly with electronic push as well as paper notice. He continued by saying that it wouldn't matter how much additional time we take for this plan, she would ask for more.

Councilmember Lindley addressed Ms. Wilkinson by saying that although she may have been campaigning and weren't paying attention to the overall plan, as he heard her say, but the overwhelming response in Ward 3 was "what we have in downtown isn't working." Mayor Norton interjected that he went to 3000 doors and he heard the

same.

Councilmember Welch noted that everyone had something to say but not one spoke about the parking deck. Mayor Norton replied that he had spoken to all other members of Council and no one had an issue with the parking deck but he offered them to voice their opposition at this time. Councilmember Wilkinson expressed her continued disapproval to the parking deck and overall plan.

She asked Mayor Norton if it would not be better to have the collective work together to come up with a plan that everyone agrees on? Mayor Norton responded that there are six people who have worked together out of eight.

Councilmember Wilkinson she has seen the comments on social media about other areas that are still eyesores and Mayor Norton addressed the comments by stating the following:

He also has seen the comments and he understands South Cobb drive is an important area for her.

We have 13 million put in for the updates to South Cobb and the downtown area. In his mind that's 6 million for South Cobb and 6 million for downtown.

We have a significant amount of money to put towards South Cobb. We have met with the DCA Commissioner, the State Tolls and Road ways Commissioner, the Commissioner of the Department of Transportation to which Kash is assisting in this discussion, we were told we have a plan with possible transit and because of all that we not only got a project number, we have moved up in the cue.

We are looking at federal money, transit money; all kinds of stuff.

So to tell me we aren't working on other parts of the City when we are working on Ward 7, working on connecting Oakdale Road, etc.

People may say they do not know what we are doing, but in the state of the City next month he is going to lay it all out for the public to understand.

The argument that we are doing the downtown at the expense of other areas of the City does not sit well with him.

Councilmember Wilkinson stated that the Mayor was assuming she was only speaking of South Cobb Drive, which she states she is not. Mayor Norton asked her where specifically she was speaking of. She noted the Spring Road corridor as well. He stated that he specifically is working very, very hard on South Cobb Drive.

Item 6B:

Approval of Amendment No. 2 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD21-C21SA and CD21-C21SA-F for the increase in the City's grant award in the total amount of \$29,840.93. This increases the City's total amount to be received for the 2021 CDBG Allocation to \$308,480.00 and authorize the Mayor to sign and execute all related documents.

We will draft a resolution to accept the funds back originally taken back in May.

## Item 6C:

Approval to purchase a Hyperconverged Computer Infrastructure system from Dell Technologies, One Dell Way, Round Rock, TX 78682 for the replacement of the City's current server clusters and storage network for the amount of \$323,276 utilizing the State of Georgia Dept. of Administrative Services contract C000000355068 and authorize the Mayor to sign all related documents.

This is the item to update the servers that have continued to plague the City with issues over the past months.

## Item 6D:

Approval to amend the FY 2021 budget for unbudgeted items and to move funds into a CIP project.

Finance Director Kristin Robinson remarked that this goes along with the Approval of the Servers to adjust for their additional cost of approximately \$50,000.00. These servers will be delivered in August / September of this year.

## Item 6E:

Approval of Ordinance 2021-14, to amend Section 50-8 (Special use permit for consumer fireworks) in order to better regulate consumer fireworks to the extent allowed by state law and authorize the Mayor to sign and execute all related documents.

City Attorney Scott Cochran remarked that this Ordinance update is to cover the signage requirements as listed in the state law for Consumer Fireworks sellers. We can say we have done everything the state allows us to do. Specifying if anyone violates it is punishable in our Courts.

## Item 6F:

Approve Resolution RES2021-03 in Support of the Submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application for a Planning Project of the Cumberland Multi-Modal Network Development Program and to authorize the Mayor to sign and execute all related documents if necessary.

Economic Development Director Andrea Worthy spoke about this item to pay for the pedestrian bridge as discussed.

## Consent Agenda:

Approval of the renewal of the current Granicus agreement for a period of five years with website graphical refresh in 2021 including eligibility to request a graphical refresh after completion of year four, according to terms of the agreement and authorize the Mayor to sign and execute all related documents.

City Administrator Joe Bennett noted this included the site complete refresh as previously discussed with Council.

#### **4. Other Business (as needed)**

Assistant City Administrator Penny Mocerri noted there would be a light refreshment reception at 6:00pm in the lobby of City Hall for the artists whose art is on display in the Utility Services hallway, care of the Smyrna Arts Council.

City Administrator Joseph Bennett noted he would be attending a Conference the week

of June 14th but would be available by telephone as needed.

No other Councilmembers had items to speak on.

**5. Executive Session (as needed)**

**6. Adjournment**

The June 17, 2021 meeting of the Committee of the Whole was adjourned by Mayor Derek Norton at 7:11PM