

City of Smyrna

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

Meeting Minutes - Final City Council

Monday, October 17, 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: 1 - Scott Cochran

Staff: 8 - Tyler Addison, Joe Bennett, Carson Early, Jill Head, Russell Martin, Penny

Moceri, Heather Peacon-Corn and Joey Staubes

Call to Order

Mayor Derek Norton called to order the October 17, 2022 Mayor and Council Meeting held at A. Max Bacon City Hall in Council Chambers at 7:00 PM.

1. Invocation and Pledge:

Councilmember Charles Welch led the invocation and Pledge of Allegiance.

2. Agenda Changes:

3. Mayoral Report:

Mayor Derek Norton expressed his appreciation for staff - Public Works, Parks & Recreation, Public Safety - and all they accomplished for the Smyrna 150th Birthday Celebration that took place on October 8, 2022. He stated that it was estimated between 30,000 - 40,000 people were in attendance, and by early the next morning, no one would have known there had just been a huge celebration the night before. He stated, "It was nothing short of magic."

Mayor Norton also said the October 15, 2022 second annual Hispanic Heritage Celebration was a great event attended by many.

A fundraiser took place in honor of fallen Smyrna Police Officer Mitchell Georgiana. A well-attended golf tournament in conjunction with a charity called Gotcha Covered which provides blankets for those in need took place this past Thursday, October 13, 2022.

Mayor Norton also mentioned Support Smyrna which has an expanding mission to help veterans and children. They have been able to help five veterans and their families as well as provide uniforms and medicines for children. More information can be found at SupportSmyrna.org.

A. 2022-463

Introduction and Presentation of the Smyrna Youth Council Program and its 2021-22 members.

Ward / Citywide

Carson Early, Administrative Coordinator, presented the 2022-2023 Smyrna Youth Council:

Good evening Mayor and Council, thank you for having us here tonight! I have the 2022-2023 Smyrna Youth Council here with me tonight to take their oath of office. We have a group of 15 very intelligent and passionate high school students that have an interest in learning about local government operations and being involved in their community. Through the Smyrna Youth Council, they will have the opportunity to further develop their leadership skills and connect with the community through volunteer opportunities, project planning and event planning. They are the youth voice for Smyrna residents.

Sophie Balzuweit, Mayor

Rachele Cece

Kiara Chery, Community Service Project Chair

Ebrahim Darbo

Shawn Freeman

Claire Gunderson, Treasurer

Caitlyn Hardaway

Coralie-Anne Hilaire

Kate Mazur

Fiona McDermott, Secretary

Rachel Odister, Mayor Pro tem

Dia Sashittal, Communications and Outreach Chair

Hailey Shah

Abigail Streger, School Outreach Chair

Mariah Tillman

Mayor Pro Tem Tim Gould alongside Councilmember Susan Wilkinson and Councilmember Lewis Wheaton, gave the oath of office to the members of the Smyrna Youth Council.

4. Land Issues/Zonings/Annexations:

A. Z22-005

<u>Public Hearing</u> - 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. *This item will be tabled indefinitely.*

Ward 1 / Councilmember Pickens

Councilmember Glenn Pickens made a motion to table indefinitely item Z22-005, 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; seconded by Councilmember Lewis Wheaton.

The motion to table indefinitely 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. Z22-009

<u>Public Hearing</u> - Z22-009 - Allow rezoning from RD to R-15 - Land Lots 553 & 554 - 0.05 acres - 1487 Spring Wood Drive - D&R Real Estate Solutions Inc & Kyle Vincent

Ward 6 / Mayor Pro Tem/Councilmember Gould

Joe Bennett, City Administrator, presented a brief background:

The applicant is requesting a rezoning of 0.05 acre segment from RD to R-15 at 1487 Spring Wood Drive. The 0.05 acres will be assembled with 3710 Ashwood Drive zoned R-15. A lot size reduction from 12,500 sq. ft. to 11,336 sq. ft. is required for the remainder of 1487 Spring Wood Drive. The Planning & Zoning Commission voted to approve by a vote of 6-1 at the September 12, 2022 meeting. Community Development recommends approval.

Joey Staubes, Planner II, provided a detailed background:

Kyle Vincent is requesting a rezoning of a 1,984 sq. ft. (0.05 acres) segment of 1487 Spring Wood Drive from RD (Residential Duplex) to assemble with 3710 Ashwood Drive zoned R-15 (Residential). The subject property is an undisturbed area along the side of the Spring Wood Drive property. The applicant plans to acquire the 0.05 acre area from the adjacent property to assemble in the rear yard of the Ashwood Drive property. The applicant plans to landscape the area which is currently overgrown. A rezoning from RD to R-15 is required for the assemblage to be consistent with the existing zoning of the Ashwood Drive property. Additionally, a variance is required for the Spring Wood Drive property to allow a lot size reduction from 12,500 sq. ft. to 11,336 sq. ft. in the RD zoning district.

Community Development has reviewed the zoning proposal against the City's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal from RD to R-15 should require a future land use change form MHDR (Medium/High Density Residential) to LDR (Low Density Residential). A lot size reduction for 1487 Spring Wood Drive from 12,500 sq. ft. to 11,336 sq. ft. is required to accompany the rezoning. Community Development recommends approval of the rezoning from RD to R-15 for the 0.05 acres and lot size reduction for the remainder of 1487 Spring Wood Drive to 11,336 sq. ft.

Kyle Vincent, applicant, stated he wants to create a more useable backyard for his kids. He thanked Community Development for their assistance.

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

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item Z22-009, a public hearing and rezoning (Z22-009) from RD to R-15 on land lots 553 & 554 on 0.05 acres located at 1487 Spring Wood Drive by applicant D&R Real Estate Solutions Inc & Kyle Vincent; 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

C. Z22-010

<u>Public Hearing</u> - Z22-010 - Allow rezoning from FC to R-10 for the development of two single-family homes - 0.49 acres - Land Lot 592 - 1577 Roswell Street - Brad Thompson

Ward 3 / Councilmember Lindley

Joe Bennett, City Administrator, presented a brief background:

The applicant is requesting a rezoning from FC to R-10 for two single-family detached lots at a density of 4.08 units per acre. The future land use designation is IMU and no future land use change is required for rezoning. The Planning & Zoning Board voted to approve by a vote of 7-0 at the September 12, 2022 meeting. The zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends approval.

Russell Martin, Community Development Director, provided a detailed background:

Brad Thompson is requesting a rezoning from FC (Future Commercial) to R-10 (Residential) for a two-lot single-family detached subdivision. The subject property is zoned FC and is occupied with a single-family home. The applicant plans to demolish the existing home and build two new single-family detached homes on two lots. Stormwater management for the homes will be provided by an infiltration facility on each lot. The minimum lot size will be 10,000 sq. ft. The proposed setbacks for the homes meet most of the requirements in the R-10 zoning district, however a variance is required for interior side setback reductions to accommodate the rear entry driveways. The proposed new homes will face Roswell Street with rear-entry garages on each house. The driveway for Lot 2 will share a driveway with the adjacent property to the east

Community Development has reviewed the zoning proposal against the City's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to R-10 maintains a future land use designation of IMU (Industrial Mixed Use). The proposed lot sizes and widths are in line with other nearby developments. Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The subdivision and construction of two new single-family home results in a density of 4.08 units per acre on the subject property. The applicant is requesting a rezoning from FC to R-10 and the proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan.

The zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends approval of the rezoning from FC to R-10 with a density of 4.08 units per acre at 1577 Roswell Street with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco.

No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.

- **Mr. Martin stated that the Williams Park neighborhood approached the developer to ask that the last sentence of this condition be eliminated to allow for some variation in facade materials that will be used on the two houses.
- All utilities within the development shall be underground.
- 3. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with city's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.
- 4. No debris may be buried on any lot or common area.
- 5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
- 6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
- 7. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

8. The development shall maintain the R-10 setbacks:

Front - 25'

Side - 5'

Rear - 25'

- 9. The minimum lot size shall be 10,000 sq. ft.
- 10. The minimum lot width shall be 50 feet.
- 11. Driveway 22' minimum length from building face to back of sidewalk.
- 12. Each home shall have a rear-entry garage.
- 13. A 5-foot sidewalk and 2-foot grass strip shall be replaced for the length of the property along Roswell Street.
- 14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
- 15. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
- 16. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
- 17. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
- 18. Approval of the subject property for the R-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 8/11/2022 and created by Vaughn & Melton Consulting Engineers Inc. and all zoning stipulations above.
- 19. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 8/11/22.

Brad Thompson, applicant, of Price McLane Homes came forward. Mr. Thompson stated the homes will be about 3,000 sq. ft. in size and approximately \$700K depending on the market. He met with Keith Bentley, Boardmember on the Planning and Zoning Commission, and they discussed that the neighborhood does not want to

see too many homes that look too similar to each other. The request to allow for different materials for the siding will help meet the goal to make the homes look as individual as possible. Mr. Thompson further requested that he be able to have the option to not have a shared driveway with the property to the east because shared driveways are not popular with homeowners.

Mr. Martin and Councilmember Lindley both stated they acquiesce to both the materials for siding request and the language for the shared driveway request.

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

Councilmember Travis Lindley made a motion to approve item Z22-010, a public hearing and rezoning (Z22-010) from FC to R-10 for the development of two single-family homes on 0.49 acres on land lot 592 located at 1577 Roswell Street by applicant Brad Thompson; 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

D. 2022-452

<u>Plat Approval</u> - Approval for a two lot subdivision under the GC zoning requirements - 3.3 acres - Land Lot 444 - 912 Daniell Drive - GFAC Logistics LLC

Ward 5 / Councilmember Wilkinson

Joe Bennett, City Administrator, presented a brief background:

The applicant is requesting approval to subdivide property at 912 Daniell Drive into two commercial lots. The subject property is 3.3 acres with one commercial structure. The applicant plans to subdivide the property within the requirements of the GC zoning district, so no rezoning is required. The proposed subdivision will result in two lots with each being 1.66 acres and 1.63 acres in size. The Planning & Zoning Commission recommended approval by a vote of 6-0 at the October 10, 2022 meeting.

Russell Martin, Community Development Director, provided a detailed background:

The applicant is requesting approval to subdivide property at 912 Daniell Drive into two commercial lots. The subject property is 3.3 acres with one commercial structure at 10,000 sq. ft. Previously three additional residential structures were located on the lot but they were recently demolished. The applicant plans to subdivide the property within the requirements of the GC zoning district, so no rezoning is required. The proposed subdivision will result in two lots with each being 1.66 acres and 1.63 acres in size.

Community Development has reviewed the proposed subdivision against the requirements of the GC zoning district. Staff believes the proposed subdivision meets the intent of the requirements of the GC zoning district. Community Development recommends approval of the requested land subdivision.

Councilmember Susan Wilkinson made a motion to approve item 2022-452, a plat approval for a two lot subdivision under the GC zoning requirements on 3.3 acres on land lot 444 located at 912 Daniell Drive by applicant GFAC Logistics LLC; 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

5. Privilege Licenses:

6. Formal Business:

A. 2022-504

Approve site furnishings, shade sail components and custom shade structures for the downtown green space redevelopment project as recommended by Pond and Co and the Downtown Redesign Task Force.

Ward 3 / Councilmember Lindley

Joe Bennett, City Administrator, presented the following background:

The Downtown Redesign Details Task Force met on October 6, and considered redesign details for the downtown greenspace redevelopment project. After touring the project area and considering recommendations from Pond & Co., the task force recommends that the Mayor and Council approve the Site Furnishings, Shade Sail Components and Custom Shade Structures that are shown on the attachment.

Councilmember Travis Lindley stated that the task force had a site visit a few weeks prior. They were all pleased with the progress and the recommended selections. Mayor Norton added that everyone was struck by how large a space the site is, and all are looking forward to the end results.

Councilmember Travis Lindley made a motion to approve item 2022-504, the approval of the site furnishings, shade sail components and custom shade structures for the downtown green space redevelopment project as recommended by Pond and Co and the Downtown Redesign Task Force; 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

B. 2022-514

Approval of FY 2022 final budget amendment.

Ward / Citywide

Joe Bennett, City Administrator, presented the following background:

Negative variances on the budget to actual for departmental expenditures need to be eliminated. An annual audit of the City's financial statements is required at the conclusion of the fiscal year. In order to close out the year and finalize the financial statements, final adjustments to the budget need to be made to account for various transactions that were not originally budgeted. The City does not need to show negative budget variances for expenditure accounts. Some revenue line items were under-budgeted, so they will be increased to offset the additional expenditure budget need to eliminate the negative variances.

Councilmember Lindley thanked Kristin Robinson, Assistant City

Administrator/Finance Director, and her whole finance team for managing the City's finances to the penny.

Councilmember Travis Lindley made a motion to approve item 2022-514, the amendment of the FY 2022 final budget; seconded by Mayor Pro Tem/Councilmember Tim Gould.

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. 2022-515 Approval of the Preferred Parking Deck 1 Concept Design and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

Councilmember Travis Lindley made a motion to approve item 2022-514, the approval of the Preferred Parking Deck 1 Concept Design 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

D. 2022-516 Authorization to terminate the contract with Integrated Construction Nobility, Inc. and authorize the City Administrator to send notice of termination.

Ward 7 / Councilmember Wheaton

Joe Bennett, City Administrator, presented the following background:

Section 13.03 of the contract between the City and Integrated Construction Nobility, Inc. deals with Termination for Convenience and provides that the City may terminate the contract with or without cause by sending written notice to the contractor. The City elects to exercise this right.

Councilmember Lewis Wheaton made a motion to approve item 2022-516 to authorize to terminate the contract with Integrated Construction Nobility, Inc. and authorize the City Administrator to send notice of termination; 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

7. Commercial Building Permits:

8. Consent Agenda:

Mayor Derek Norton invited Youth Council Mayor Sophie Balzuweit to act as Mayor during the Consent Agenda items. Youth Council Mayor Sophie Balzuweit asked City

Administrator Joe Bennett to read the Consent Agenda.

A motion was made by Councilmember Travis Lindley, seconded by Councilmember Glenn Pickens, 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. MIN2022-72 Approval of the September 29, 2022 Committee of the Whole Meeting Minutes

Ward / Citywide

These Minutes were Approved on the Consent Agenda.

B. MIN2022-73 Approval of the October 3, 2022 Pre-Council Meeting Minutes *Ward / Citywide*

These Minutes were Approved on the Consent Agenda.

C. MIN2022-74 Approval of the October 3, 2022 Mayor and Council Meeting Minutes

Ward /Citywide

These Minutes were Approved on the Consent Agenda.

D. AGR2022-31 Approval of the 2023 City's Wellness Program renewal in the amount of \$125,000.00 with Corporate Health Partners (CHP) and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

This Agreement was Approved on the Consent Agenda.

E. 2022-505

Approval to allow Belmont Hills Elementary School to host a Character Parade on October 28, 2022 from 9:00 - 9:20 AM, utilizing a temporary road closure of Glendale Place (272 feet).

Ward 5 / Councilmember Wilkinson

This Authorization was Approved on the Consent Agenda.

F. 2022-507 Authorize temporary closure Oak Drive at South Cobb Drive for construction of median island as part of the Oakdale Road traffic calming SPLOST project on October 24th and 25th.

Ward 7 / Councilmember Wheaton

This Authorization was Approved on the Consent Agenda.

G. 2022-508

Approval for the removal and replacement of the Energy Recovery Unit (ERU) at City Hall by MaxAir Mechanical (814 Livingston Court, Marietta, GA, 30067) in the amount of \$36,968.00 which will be paid for out of the Green Energy Fund.

Ward 3 / Councilmember Lindley

This Authorization was Approved on the Consent Agenda.

9. Ward / Committee Reports:

Councilmember Glenn Pickens - Thanked staff for their hard work during the 150th Birthday Celebration and Hispanic Heritage Celebration. He reminded all about the joint Wards 1, 2, & 3 Town Hall meeting taking place on October 18, 2022 at 7:00 PM.

Councilmember Latonia P. Hines - She also thanked staff, especially Public Safety staff, for their presence and work during the 150th Birthday Celebration. She stated the Hispanic Heritage Celebration was a fantastic event. This past Saturday, a neighborhood fall festival took place in Rose Garden, and it was a great event. She also reminded all about the joint Wards 1, 2, & 3 Town Hall taking place on October 18, 2022 in Council Chambers at 7:00 PM.

Councilmember Travis Lindley - Stated the Herculean effort of staff during the 150th Birthday Celebration deserves a lot of thanks. It was a fun and historic night.

Councilmember Charles Welch - Thanked staff for their great job for the cleanup after the 150th Birthday Celebration. He reminded all about Bulky Trash Amnesty Day on October 22, 2022. All large items will be accepted except those items with hazardous materials and Freon.

Councilmember Susan Wilkinson - She stated the 150th Birthday Celebration was fabulous, and City staff did a great job. She thanked the citizens that came out for the Hispanic Heritage Celebration. She mentioned the low rider cars and how fun the event was. She also announced the Arts Council's Secrets of Smyrna tours.

Mayor Pro Tem/Councilmember Tim Gould - Announced a website his neighbor, Todd DeFeo, started. The website, www.railfanning.org, is celebrating its 20th anniversary. It tells the story of railways both past and present and communities that the railways have shaped. On November 16, 2022 in Council Chambers, there will be a joint Wards 3 & 6 Town Hall. And on Saturday, October 22, 2022 at Taylor- Brawner, 'Que & Brew will be taking place in conjunction with LiveSafe Resources, an organization that provides safety and healing to those impacted by domestic violence, sexual abuse, and elderly abuse.

Councilmember Lewis Wheaton - Echoed the sentiments of his fellow Councilmembers and thanked staff for their work for all of the events that took place the past few weeks. He stated that it is great to see people getting out and enjoying themselves, enjoying the events, and supporting the City.

Mayor Derek Norton - Announced that on October 29 & 30, 2022, there will be the Crafts & Drafts event (formerly Fall Jonquil Festival) in downtown. There will be vendors and music. He also stated he and Councilmember Wheaton hosted the Girl Scouts from Nickajack Elementary last week and gave them a tour of City Hall.

City Administrator Joe Bennett - Thanked Penny Moceri, Deputy City Administrator, for taking the lead on these events that have taken place these past few weeks, and he thanked staff for all of their hard work.

10. Show Cause Hearings:

11. Citizen Input:

12. Adjournment:

Mayor Derek Norton adjourned the October 17, 2022 Mayor and Council Meeting at 7:50 PM.

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