

**Pre-Council Meeting Minutes – FINAL**  
**Admin. Conference Room @ A. Max Bacon City Hall**  
**August 16, 2021**  
**6:30 PM**

*Present:       Derek Norton               Charles “Corkey” Welch       Lewis Wheaton*  
*Susan Wilkinson       Tim Gould                       Austin Wagner*

*Absent         Travis Lindley           Glenn Pickens*

*Also Present: Scott Cochran (City Attorney)*

*Staff:         Joe Bennett (City Administrator), Penny Mocerri (Deputy City Administrator),  
                  Kristin Robinson (Asst City Administrator / Finance Director), Frank Martin  
                  (Public Works Director), Joey Staubes (Planner II, Community Development),  
                  Tyler Lewis (Senior Administrative Services Coordinator), and Heather K.  
                  Peacon-Corn (City Clerk)*

**Mayor Derek Norton called the August 16, 2021 Pre-Council Meeting to Order at 6:30 PM.**

Mayor Norton opened the discussion by reading through the Mayor and Council agenda for that evening.

Mayor Norton reviewed the Agenda Change item with the addition of the item to approve the request for the extended work hours and the road closure to thru traffic on Roswell Street on Saturday, August 28, 2021 from 7:00 AM through 7:00 PM (weather permitting) as requested by Llano Contractors for pouring of concrete for medians.

Item 4A.

Kimberly Norwood Properties LLC is seeking approval of a rezoning for 1084 Medlin Street from R-15 to RDA-Conditional for the development of two single-family detached residences at a density of 5.18 units per acre. The existing home will be removed for the construction of two new single-family detached homes. The proposed lots will be between 7,201 and 9,611 sq. ft. The homes will face Medlin Street and have front-entry garages. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home. Emerson Center Items will start with public hearing and discussion (no vote) and then the annexation vote and then the rezoning vote.

Item 4B.

The applicant is requesting to reduce the required distance from a school for new wine and malt beverage pouring licenses at 2579 South Cobb Drive. The previous Vittles restaurant is being remodeled for a new restaurant called Kay’s Cuisine. Section 6-118 of the City’s Code of Ordinances controls the minimum required distances for alcohol licenses. Community Development recommends approval. This item is in Councilmember Susan Wilkerson’s ward and although she has a few concerns with the proximity to the school. Two businesses down we had the same request from the BBQ place and approved the request.

City Attorney, Scott Cochran, reviewed some of the details of the property and discussed the license being tied to the business. He also reviewed the discussion with Community Development Director Russell Martin regarding the alcohol ordinance future proposed changes that would address with the license going with the business as well as a new business going to Mayor and Council instead of License and Variance.

The owner purchased as one tract with two income producers on it. This applicant has already leased the restaurant. And the other business can be future office space. Mayor Norton also noted this is a black owned business which the City has been working on attracting to the City overall.

Item 4C.

The requestor, Cheryl Miller of 3405 Pretty Branch Drive SE, Smyrna, Ga 33080 is seeking to appeal the approval at License and Variance Board of three variances to construct a detached 2-car garage in the rear of the 3393 Pretty Branch Drive: reduce the side setback from 12 feet to 7 feet, increase the accessory building height from 15 feet to 18.8 feet, and increase the accessory building size from 25% to 41% of the primary dwelling. The maximum accessory structure size and height is required based upon the standards associated with Section 501 of the Zoning Code whereas the 12-foot setback is associated with Section 801 of the Zoning Code.

The applicant, Bradley Craig Anderson, has requested and was approved to deviate from the development standards established by the City for the maximum accessory structure size of 25% of the main structure, the maximum accessory structure height of 15 feet, and the side setback of 12 feet. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the variances will not adversely affect surrounding residents; therefore, staff recommended **approval** of the requested variances with conditions.

Councilmember Austin Wagner asked about a potential future new owner utilizing the upper space above the garage for rental space. The City's ordinance does not allow for this already, however, Mr. Cochran replied that we are not adding more restrictions on the property unless the Short Term Ordinance is changed in the future to allow an accessory structure as a rental.

The applicant is in agreement with the conditions as proposed.

Item 5A.

This is the alcohol license portion of the rezoning item.

**Formal Business:**

Item 6A.

Emergency Management Systems adoption of the Cobb County Hazard Mitigation Plan.

Item 6B.

Approval of RES2021-06, a continuance of the moratorium as previously approved (RES2021-01 - March 15, - September 15, 2021) 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 16, 2021 to March 15, 2022 and authorize the Mayor to sign and execute all related documents.

Item 6C.

Approval of ORD2021-15, a code amendment to sections 6-2 and 6-85 of the City's Alcoholic Beverage Ordinance to increase the percentage of the alcohol sales for private dog parks from 25% to 50% of the gross revenue of the business. This particular item is to accommodate the new dog park proposed by Mr. Harry Schnaubel for a dog park with alcoholic beverage sales.

Item 6D.

Approval of Ordinance 2021-16, to amend the Code of Ordinances (Sec 86-1, 86-2.1, 86-2.2 and 86-2.3) as it relates to solid waste and authorize the Mayor to sign and execute all related documents. These amendments are intended to offer clarity to the City's Code of Ordinances regarding solid waste. This includes the addition of some definitions as well as services provided and fees for large item pick up.

Item 6E.

Approval of the Agreement between Cobb County and the City of Smyrna for Non-Exclusive Temporary Construction Easement to Construct Improvements within the Oakdale Road Right of Way and authorize the Mayor to sign and execute all related documents. The purpose of allowing the City to install six (6) medians within Oakdale Road right of way in areas owned by the county.

Item 6F.

Approval to enter into a contract on the Omnia Partners Cooperative with Mansfield Oil, Gainesville, Georgia, to provide the City with gasoline and diesel fuel and authorize the Mayor to sign and execute all related documents.

Item 6G.

Approval to award RFP 22-003 water/sewer system installations to lowest bidder, Ardito Construction Company Inc., 1290 Austell Road, Marietta, GA 30008 and secondary contractor K.M. Davis Contracting Co. Inc., 3259 Austell Road, Marietta, GA 30008.

Item 6H.

Adoption of the Smyrna Connects - Transit Analysis and Feasibility Study as presented to Mayor and Council on September 3, 2020 at the Committee of the Whole Meeting and authorize the Mayor to sign and execute all related documents. Mayor Norton clarified that this item would be defined as a menu of options for future and allows us to be eligible for state and federal funding. Additionally any proposals would go before the public prior to vote.

**Consent Agenda:**

8D.

Approval of the cancellation of the September 2, 2021 Committee of the Whole Meeting and the September 7, 2021 Pre-Council and Mayor and Council meeting due to a lack of a quorum.

8E.

Approve the request for the extended work hours and the road closure to thru traffic on Roswell Street on Saturday, August 28, 2021 from 7:00 AM through 7:00 PM (weather permitting) as requested by Llano Contractors for pouring of concrete for medians.

8F.

Approval to purchase a 2022 Ford F550 Chassis with Altec AT37G telescoping/articulating continuous rotation aerial device through Sourcewell Contract #012418-ALT Altec Industries, Inc., 210 Inverness Center Drive, Birmingham, AL 35242. Funded by the FY 22 CIP Vehicle Replacement Fund for a total cost of \$118,105.00 and authorize the Mayor to execute any related documents.

8G.

Approval to purchase 1 (one) 2021 Ford Explorer XLT (administrative use) from Wade Ford (3860 S Cobb Drive SE, Smyrna, GA 30080) and 1 (one) 2021 Ford Explorer Base (administrative use) from Jim Ellis Ford (7555 Roswell Road, Atlanta, GA 30350) for the Police Department as part of the FY22 Vehicle Replacement Fund at a total cost not to exceed of \$70,146.00 dollars and authorize the Mayor to sign and execute any related documents.

8H.

Approval to award the contract for RFQ 22-004 for concrete work to the primary contractor, Braswell Concrete LLC, 4620 Lost Mountain Drive, Powder Springs, GA 30127 and secondary contractor, Llano Contractors LLC, 4028 Townsend Lane, Atlanta, GA 30346.

City Administrator Joseph Bennett introduced City Engineer applicant to the Mayor and Council and reviewed his resume as well as discussed the interview process and potential start date.

**Mayor Norton adjourned the August 16, 2021 Pre-Council Meeting at 6:55 PM.**