



City of Smyrna

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

Meeting Minutes - Final Approved City Council

Monday, August 16, 2021

7:00 PM

Council Chambers

Roll Call

Present: 6 - Mayor Derek Norton, Councilmember Austin Wagner, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Lewis Wheaton

Absent: 2 - Councilmember Glenn Pickens and Councilmember Travis Lindley

Also Present: 1 - Scott Cochran

Staff: 6 - Joe Bennett, Penny Mocer, Heather Peacon-Corn, Lisa Collins, Russell Martin and Tyler Addison

Call to Order

Mayor Derek Norton called the August 16, 2021 meeting of the Mayor and Council held in the A. Max Bacon City Hall Council Chambers to order at 7:00PM.

1. Invocation and Pledge:

Pastor Harold Thomas III, Shiloh Seventh Day Adventist Church (810 Church St.) offered the invocation and Pledge of Allegiance.

2. Agenda Changes:

- A. [2021-375](#) **NO VOTE:** Announce agenda change for Item 2021-340 under Consent Agenda for the approval for the extended work hours and the road closure to thru traffic on Roswell Street from this Saturday, August 21, 2021 to the following Saturday, August 28, 2021 due to the potential for inclement weather. Hours will remain the same from 7:00AM - 7:00PM on August 28th.

Mayor Norton reviewed the Agenda Change item 2021-34 under consent and noted that due to weather, the road closure would be pushed to the following weekend.

3. Mayoral Report:

4. Land Issues/Zonings/Annexations:

- A. [2021-278](#) **Public Hearing** - Zoning Request - Z21-009 - Allow rezoning from R-15 to RDA Conditional for two single-family detached homes at a density of 5.18 units per acre - Land Lot 486 - 1084 Medlin Street - Kimberly Norwood Properties LLC.

Ward: 3 / Councilmember Travis Lindley

Councilmember Tim Gould made a motion to approve item 2021-278 for a Public Hearing and Zoning Request (Z21-009) to allow rezoning from R-15 to RDA Conditional for two single-family detached homes at a density of 5.18 units per acre on Land Lot 486 located at 1084 Medlin Street by the applicants Kimberly Norwood Properties LLC.; seconded by Councilmember Charles Welch.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

B. [2021-348](#)

Public Hearing - V21-081 - Reduce the required distance from a school from 600 feet to 220 feet for new wine and malt beverage pouring licenses - Lot 345 - 2579 South Cobb Drive - Kays Cuisine, LLC

Ward: 5 / Councilmember Susan Wilkinson

Councilmember Susan Wilkinson made a motion to approve item 2021-348 for a Public Hearing (V21-081) to reduce the required distance from a school from 600 feet to 220 feet for new wine and malt beverage pouring licenses on Lot 345 located at 2579 South Cobb Drive by the applicant Kay's Cuisine, LLC.; seconded by Councilmember Lewis Wheaton.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

C. [2021-336](#)

Public Hearing - Appeal the approval by the License and Variance for Variance Board Request - V21-058 - Reduce side setback from 12 feet to 7 feet for a detached garage - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson, appeal the approval of License and Variance Board request - V21-059 - Increase accessory building height from 15 feet to 18.8 feet - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson, and appeal the approval of the License and Variance Board request - V21-060 - Increase accessory building size from 25% to 41% - Lot 556 - 3393 Pretty Branch Drive - Bradley Craig Anderson by the adjacent neighbor Cheryl Miller who resides at 3405 Pretty Branch Drive SE, Smyrna, Ga. 30080 as filed with the City Clerk's office on Friday, July 23, 2021 at 6:57PM via electronic email.

Ward: 6 / Mayor Pro Tem - Councilmember Tim Gould

Councilmember Tim Gould made a motion to approve Variance V21-058 to reduce the side setback from 12 feet to 7 feet for a detached garage on Lot 556 located at 3393 Pretty Branch Drive by the applicant Bradley Craig Anderson; seconded by Councilmember Charles Welch.

The motion to approve V21-058 carried by the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Lindley

Councilmember/Mayor Pro Tem Tim Gould made a motion to deny item V21-059 to Increase accessory building height from 15 feet to 18.8 feet on Lot 556 located at 3393 Pretty Branch Drive by the applicant Bradley Craig Anderson; seconded by Councilmember Lewis Wheaton.

The motion to deny carried by the following vote:

Aye: 3 - Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Nay: 2 - Councilmember Wagner and Councilmember Welch

Absent: 2 - Councilmember Pickens and Councilmember Lindley

Councilmember Tim Gould made a motion to approve item V21-060 to Increase accessory building size from 25% to 41% on Lot 556 located at 3393 Pretty Branch Drive by the applicant Bradley Craig Anderson; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Lindley

5. Privilege Licenses:

- A. [LIC2021-07](#) Privilege License Request LIC 2021-07 - Beer and Wine (retail pouring) - 2579 South Cobb Drive SE - Kay's Cuisine - Kevwe Adidi is the owner and agent applicant.

Ward: 5 / Councilmember Susan Wilkinson

Councilmember Susan Wilkinson made a motion to approve item LIC2021-07 for a Privilege License Request (LIC 2021-07) for Beer and Wine (retail pouring) at 2579 South Cobb Drive SE, business name Kay's Cuisine by the applicant Kevwe Adidi as the owner and agent applicant; seconded by Councilmember Lewis Wheaton.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

6. Formal Business:

- A. [RES2021-05](#) Resolution to adopt the Hazard Mitigation Plan (HMP) as attached and authorize the Mayor to sign and execute all related documents.

Ward: City Wide

Councilmember Austin Wagner made a motion to approve item RES2021-05 for a Resolution to adopt the Hazard Mitigation Plan (HMP) as attached and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

- B. [RES2021-06](#) **Public Hearing** - 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.

Ward: City wide

Councilmember Tim Gould made a motion to approve item RES2021-06 for a Public Hearing for the 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; seconded by Councilmember Susan Wilkinson.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wagner

Absent: 2 - Councilmember Pickens and Councilmember Lindley

- C. [ORD2021-15](#) **Public Hearing** - 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.

Ward: City wide

Councilmember Austin Wagner made a motion to approve item ORD2021-15 for a Public Hearing for the 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; seconded by Councilmember Charles Welch.

The motion to approve carried by the following vote.

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

- D. [ORD2021-16](#) Public Hearing - 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.

Ward: City wide

Councilmember Tim Gould made a motion to approve item ORD2021-16 for a Public Hearing for the 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; seconded by Councilmember Lewis Wheaton.

The motion to approve carried by the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Lindley

- E. [AGR2021-01](#) 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.

Ward: 7 / Councilmember Lewis Wheaton

Councilmember Lewis Wheaton made a motion to approve item AGR2021-01 for the 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; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

- F. [CON2021-09](#) 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.

Ward: City wide

Councilmember Lewis Wheaton made a motion to approve item CON2021-09 for the 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; seconded by Councilmember Tim Gould.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

G. [2021-355](#)

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.

Ward: City wide

Councilmember Charles Welch made a motion to approve item 2021-355 for the 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; seconded by Councilmember Lewis Wheaton.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

H. [2021-372](#)

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.

Ward: City wide

Councilmember Lewis Wheaton made a motion to approve item 2021-372 for the adoption of the Smyrna Connects, the 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; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 3 - Mayor Norton, Councilmember Pickens and Councilmember Lindley

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

Councilmember Lewis Wheaton made a motion to approve the Consent Agenda as read aloud; seconded by Councilmember Tim Gould.

The motion to approve the Consent Agenda carried by the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Lindley

- A. [MIN2021-57](#) Approval of the July 15, 2021 Committee of the Whole Meeting Minutes.
These minutes were approved.
- B. [MIN2021-55](#) Approval of the August 2, 2021 Pre-Council Meeting Minutes.
These minutes were approved.
- C. [MIN2021-56](#) Approval of the August 2, 2021 Mayor and Council Meeting Minutes.
These minutes were approved.
- D. [2021-338](#) 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.
Ward: City wide
This approval of the cancellation of meetings was approved.
- E. [2021-340](#) 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.
Ward 3 / Councilmember Travis Lindley
This authorization for extended work hours was approved.
- F. [2021-339](#) 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.
Ward: City wide
This Bid/RFP award for purchase was approved.
- G. [2021-366](#) 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.

Ward: City wide

This authorization to purchase was approved.

H. [2021-353](#)

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.

Ward: City wide

This Bid/RFP Award for purchase was approved.

9. **Ward / Committee Reports:**

10. **Show Cause Hearings:**

There were no Show Cause Hearings.

11. **Citizen Input:**

12. **Adjournment:**

Mayor Derek Norton adjourned the August 16, 2021 meeting of the Mayor and Council held in the A. Max Bacon City Hall Council Chambers at 9:04 PM.