



City of Smyrna

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

Meeting Minutes - Final City Council

Monday, March 7, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 6 - Councilmember Glenn Pickens, 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: 6 - Joe Bennett, Penny Mocer, Heather Peacon-Corn, Jill Head, Russell Martin and Dan Campbell

Call to Order

Mayor Derek Norton called the March 7, 2022 meeting of the Mayor and Council to order at 7:00 PM.

1. Invocation and Pledge:

Doug Stoner announced his candidacy to run for House District 40. He explained that the City of Smyrna has essentially been split in two - House District 42 and House District 40. His reason for running is his desire to serve his home community.

Latonia P. Hines announced her candidacy to run for the Ward 2 City Council seat. She expressed she is so excited to represent the citizens of Ward 2 as a person who can offer a perspective of diversity. She has been a public servant for 20 years.

Dr. Fun Fong announced his candidacy to run for House District 40. He is a 4th generation Chinese-American, an emergency room doctor, and a 25-year resident of the community. His reason for running is to nurture a healthy middle class, to support small businesses, and to allow children to have access to good public education.

Heather Corn, City Clerk, announced the election qualifying notice for Ward 2:

NOTICE is hereby given that a Special Election will be held on TUESDAY, May 24, 2022, in conjunction with the General Primary, to fill a vacancy in the office of Smyrna City Council, Ward 2, caused by the resignation of Mr. Austin Wagner. The polling place will be open from 7:00am to 7:00pm for the Ward 2 special election at the following location:

SMYRNA 2A: First Baptist Church of Smyrna, 1275 Church Street, Smyrna, GA 30080

Qualifying for candidates will be held in the Human Resources Room at the Smyrna City Hall, 2800 King St., Smyrna GA, beginning Tuesday, March 8, 2022 at 8:30am and ending on Thursday, March 10 at 12:30pm. The hours for qualifying shall be Tuesday and Wednesday from 8:30am until 4:30pm and closed for lunch each day from 12noon to 1pm, and Thursday from 8:30am until 12:30pm. The qualifying fee shall

be \$567.00 to be paid by cash, personal check, money order, or cashier's check made out to the City of Smyrna. Each candidate must meet the qualifications for office as prescribed by State Law and Municipal Code. Each candidate or his or her designee shall file a Notice of Candidacy and Affidavit, such form is available at www.sos.ga.gov and will also be provided at the qualifying location.

City residents may call 770/528-2581 or 770/631-5303 for any questions regarding registration or voting.

Pastor Dyke Verkerk of Life Church Smyrna Assembly of God (4100 King Springs Rd) led the invocation and Pledge of Allegiance.

2. Agenda Changes:

A. [2022-130](#)

Authorization to add an item to formal business to change the meeting time of the Committee of the Whole meeting to a start time of 6:30PM and to make this a permanent change.

Councilmember Travis Lindley made a motion to approve item 2022-130 to add an item to formal business to change the meeting time of the Committee of the Whole meeting to a start time of 6:30 PM and to make this a permanent change; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

3. Mayoral Report:

Mayor Norton thanked the students who participated in the Behind the Scenes Smyrna Tour where they ate lunch at Zuccas and toured different areas of the City including the fire station and City Hall:

Tyler Schulz (2nd grade), Theda Schulz (Kindergarten), Liam Khel (3rd grade), Tyler Khel (Kindergarten), Will Taylor (3rd grade), Grant Taylor (1st grade), Scott Taylor (parent chaperone)

A. [2022-112](#)

Introduction of the Smyrna Arts Council Spring Exhibit Artists:
The nine local artists featured are Aida Arias, Helen Dubiner, Justin Groom, @iLyiness, Becca McCoy, Juliette McKinley, Courtney Moyers, Veena Raj and Ashley L. Schick.

Ward / Citywide

4. Land Issues/Zonings/Annexations:

A. [ORD2022-05](#)

Public Hearing - Approval of Ordinance ORD2022-05 for a zoning code amendment to Section 501 of the Zoning Ordinance pertaining to accessory structures with an effective date of July 1, 2022 and authorize the Mayor to sign and execute any related documents.

Ward / Citywide

Councilmember Travis Lindley made a motion to table until the March 21, 2022 Mayor and Council meeting item ORD2022-05, a public hearing and ordinance (ORD2022-05) for a zoning code amendment to Section 501 of the Zoning Ordinance pertaining to accessory structures with an effective date of July 1, 2022 and authorize the Mayor to sign and execute any related documents; seconded by Mayor Pro Tem/Councilmember Tim Gould.

The motion to table until the March 21, 2022 Mayor and Council meeting carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

B. [ORD2022-07](#)

Approval of Ordinance ORD2022-07 - Annexation request (100% owners requesting annexation) - all tract or parcel (Parcel #17034001010) of land lying and being in Land Lot 340 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.19 acre, being known as Common Area #3, Smyrna, GA 30080, will be effective April 1, 2022 and part of Ward 3 and authorizes the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

Joe Bennett, City Administrator, presented the following background:

The applicant, Eric Concord LLC, is seeking approval for annexation of approximately 0.19 acre, parcel number 17063200850 - all that tract or parcel of land lying and being in Land Lot 340 of the 17th District, 2nd Section, Cobb County, Georgia known as Common Area #3, Smyrna, GA 30080. Effective date April 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 October 22, 2021, November 2, 2022 and December 1, 2022. 30 days has expired with no objection and this property will be located in Ward 3.

Councilmember Travis Lindley made a motion to approve item ORD2022-07 an ordinance (ORD2022-07) - Annexation request (100% owners requesting annexation) - all tract or parcel (Parcel #17034001010) of land lying and being in Land Lot 340 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.19 acre, being known as Common Area #3, Smyrna, GA 30080, will be effective April 1, 2022 and part of Ward 3 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

C. [RES2022-07](#)

Approval of Resolution RES2022-07 for a continuance of the moratorium as previously approved (RES2021-06 - September 16, 2021 - March 15, 2022) 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 March 16, 2022 to September 15, 2022

and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, presented the following background:

The City Council has received complaints regarding the lack of development and architectural standards for townhome developments. The moratorium continues to 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 continue the previously approved moratorium (RES2021-06 - September 16, 2021 - March 15, 2022) on the acceptance of rezoning and variance applications for townhome developments starting March 16, 2022 and extending through and including September 15, 2022, unless the moratorium is terminated sooner by an act of the City Council.

Councilmember Travis Lindley made a motion to approve item RES2022-07 a resolution (RES2022-07) for a continuance of the moratorium as previously approved (RES2021-06 - September 16, 2021 - March 15, 2022) 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 March 16, 2022 to September 15, 2022 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

D. [RES2022-09](#)

Approval of Resolution RES2022-09 in support of the Cumberland CID (CCID) and Cobb County's submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant application to the U.S. Department of Transportation for the construction of the Cumberland Sweep planning project and authorize the Mayor to sign and execute all related documents.

Ward 1 / Councilmember Pickens

Joe Bennett, City Administrator, presented the following background:

The U.S. Department of Transportation (USDOT) announced a Fiscal Year 2022 call for projects on January 28, 2022, for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grants program. Applications are due April 14, 2022, and will be competitively selected for award based on merit criteria that includes safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness, state of good repair, partnership and collaboration, and innovation. Project selections will be announced no later than August 12, 2022.

The Cumberland Community Improvement District (CCID) seeks a RAISE "planning project" grant to advance innovative transportation initiatives in the Cumberland core area. The proposed "planning project" grant, also known as the Cumberland Sweep, is a consolidated initiative of enhancing various transportation modes and innovative technology that would advance preliminary engineering for the various segments of the Cumberland Sweep (Segments A, B, D, E & F) and for the Cobb Parkway (US41) Pedestrian Bridge North (a joint project with the City of Smyrna) as well as the Cobb

Pkwy (US41) Pedestrian Bridge South.

This project will provide a seamless 3-mile plus multi-modal loop around the core of the Cumberland District and a two pedestrian bridges across Cobb Parkway/US 41, a high volume 6-lane state route corridor. The addition of the Cumberland Sweep project will also enhance safety and minimize traffic congestion for motorists, pedestrians, and visitors, such as game-day goers traveling to, from, and around the core of the Cumberland area on a daily basis.

The total cost for the Cumberland Sweep, RAISE planning project for engineering design grant is \$8,815,000. Of this amount, federal monies requested in the RAISE Grant application will fund \$7,052,000 of the total cost, or approximately 80 percent. The required estimated local match of \$1,763,000 or approximately 20 percent, has been committed by the Cumberland CID. Though not providing any funding, the Cobb County Board of Commissioners will serve as the project sponsor for the application.

The City of Smyrna has been coordinating with Cobb County and the CCID on planning for the Cobb Parkway/US 41 pedestrian bridge. When completed it will create a grade separated pedestrian crossing from the west side (the Smyrna side) of Cobb Parkway to the east side (The Battery side) of Cobb Parkway. The project was previously identified in the Spring Road Corridor Study adopted by Mayor and Council (2017). The 2022 SPLOST, which was approved by voters in November 2020, allocated \$3,680,000.00 in City SPLOST funds for this project. It is a critical infrastructure project that will help stimulate future development and redevelopment of the block bounded by Cobb Parkway, Cumberland Boulevard and Spring Road.

Councilmember Glenn Pickens made a motion to approve item RES2022-09 a resolution (RES2022-09) in support of the Cumberland CID (CCID) and Cobb County's submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant application to the U.S. Department of Transportation for the construction of the Cumberland Sweep planning project 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: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

E. [2022-103](#)

Approval for the closing of parts of Village Green Circle and part of King Street beginning March 21, 2022 through March 14, 2023 for construction of the downtown redevelopment project and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

Councilmember Travis Lindley made a motion to approve item 2022-103 to close parts of Village Green Circle and part of King Street beginning March 21, 2022 through March 14, 2023 for construction of the downtown redevelopment project and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

- A. [ORD2022-03](#) Approval of Ordinance ORD2022-03, to amend Section V, an ordinance of the City of Smyrna Mayor and City Council, "FLOODS" of the code of Ordinances, as Amended, to delete Article V, Chapter 54 in its entirety, including any amendments thereto, and replace it with new Article V, Chapter 54 "FLOODPLAIN MANAGEMENT" to repeal conflicting provisions; and for other purposes and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, presented the following background:

The Georgia Environmental Protection Division (EPD) requires local jurisdictions with Municipal Separate Storm Sewer System (MS4) permits to adopt ordinances, or update existing ordinances when necessary, for compliance with their MS4 permit, in order to address development and redevelopment, and enforce post-construction controls.

A recent audit by EPD found that the revisions drafted in the model ordinance for floodplain management had not been incorporated into the City's ordinance to date. Changes to the ordinance include multiple citations of relevant CFR 40 regulations, Flood Insurance Rate Map references, provisions, referenced collective names, definitions, and various other revisions.

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item ORD2022-03, an ordinance (ORD2022-03) to amend Section V, an ordinance of the City of Smyrna Mayor and City Council, "FLOODS" of the code of Ordinances, as Amended, to delete Article V, Chapter 54 in its entirety, including any amendments thereto, and replace it with new Article V, Chapter 54 "FLOODPLAIN MANAGEMENT" to repeal conflicting provisions; and for other purposes 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 Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

- B. [ORD2022-04](#) Approval of Ordinance ORD2022-04, to amend Section V, an ordinance of the City of Smyrna Mayor and City Council, "STORMWATER MANAGEMENT" of the code of Ordinances, as Amended, to amend Article V, Section 46-148 (f) and (g), including any amendments thereto, and for other purposes, and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, presented the following background:

The Georgia Environmental Protection Division (EPD) requires local jurisdictions with Municipal Separate Storm Sewer System (MS4) permits to adopt ordinances, or update existing ordinances when necessary, for compliance with their MS4 permit, in order to address development and redevelopment, and enforce post-construction controls.

The Council recently approved an updated Post-Construction Stormwater Management ordinance (ORD2021-19) that adopted all the provisions of the Metropolitan North Georgia Water Planning District's model ordinance. However, the previous ordinance had a provision to reduce the peak flows from a stormwater detention facility by 10%; this provision was omitted from ORD2021-19. We request that council approve returning this performance standard to the Post-Construction Stormwater Management ordinance.

Councilmember Charles Welch made a motion to approve item ORD2022-04, an ordinance (ORD2022-04) to amend Section V, an ordinance of the City of Smyrna Mayor and City Council, "STORMWATER MANAGEMENT" of the code of Ordinances, as Amended, to amend Article V, Section 46-148 (f) and (g), including any amendments thereto, and for other purposes, and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

A motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

C. [2022-074](#)

Approval to purchase a Pierce 110' Aerial Fire Truck in the amount of \$1,179,656.00 to be purchased from Ten-8 Fire and Safety (1591 Collier Rd. Forsyth, Ga.) using the NPPgov cooperative contract, funded from the American Rescue Plan Act of 2021 (ARPA), and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Councilmember Charles Welch asked if it was possible to repair the older ladder truck. Joe Bennett, City Administrator, explained that the cost to repair outweighed the cost to replace.

Councilmember Travis Lindley made a motion to approve item 2022-074 to purchase a Pierce 110' Aerial Fire Truck in the amount of \$1,179,656.00 to be purchased from Ten-8 Fire and Safety (1591 Collier Rd. Forsyth, Ga.) using the NPPgov cooperative contract, funded from the American Rescue Plan Act of 2021 (ARPA), 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 Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

D. [2022-129](#)

Approval to change the meeting start time of the Committee of the Whole meeting from 6:00 PM start time to 6:30 PM and to make this a permanent time change for this meeting.

Councilmember Travis Lindley made a motion to approve item 2022-129 to change the meeting start time of the Committee of the Whole (COW) meeting from 6:00 PM start time to 6:30 PM and to make this a permanent time change for this meeting; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

7. Commercial Building Permits:

- A. [2022-097](#) Approval of the issuance of a commercial building permit for construction of a new independent senior housing development - 685 Smyrna Hill Drive - Prestwick Construction Company and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

Councilmember Travis Lindley made a motion to approve item 2022-097 the issuance of a commercial building permit for construction of a new independent senior housing development - 685 Smyrna Hill Drive - Prestwick Construction Company and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould, Councilmember Wheaton and Councilmember Wilkinson

8. Consent Agenda:

A motion was made by Councilmember Lindley, seconded by Councilmember Pickens, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

- A. [MIN2022-13](#) Approval of the February 17, 2022 Committee of the Whole Meeting Minutes

Ward / Citywide

These minutes were approved.

- B. [MIN2022-11](#) Approval of the February 21, 2022 Pre-council Meeting Minutes.

Ward / Citywide

These minutes were approved.

- C. [MIN2022-14](#) Approval of the February 21, 2022 Mayor and Council Meeting Minutes.

Ward / Citywide

These minutes were approved.

- D. [AGR2022-03](#) Approval of the Lighting Services Agreement with Georgia Power for pedestrian lighting on Village Green Circle in the amount of \$252,360.00 to be paid out of 2022 SPLOST and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

This agreement was approved.

- E. [AGR2022-04](#) Approval of the Lighting Services Agreement with Georgia Power for pedestrian lighting on Windy Hill in the amount of \$71,631.00 to be paid out of 2016 SPLOST and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley**Ward 5 / Councilmember Wilkinson**

This agreement was approved.

- F. [2022-105](#) Approval of the Smyrna Little League Opening Day Parade on Saturday, March 19, 2022 at 7:30 am with rolling road closures and police presence following the attached route from Campbell Middle School to Brinkley Park.

Ward 3 / Councilmember Lindley**Ward 6 / Mayor Pro Tem / Councilmember Gould**

This item was approved.

- G. [2022-115](#) Approval of "No Parking" signs along Dunton Drive beginning at Concord Road and ending at South Sherwood Road.

Ward 3 / Councilmember Lindley

This item was approved.

- H. [2022-128](#) Authorize JRM Management to conduct and manage alcohol sales at the Spring Jonquil Festival taking place on Saturday, April 23, 2022 and Sunday, April 24, 2022 with active times on each day as follows: Saturday, April 23 from 10:00 am until 6:00 pm and Sunday, April 24 from noon until 5:00 pm, and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

Councilmember Charles Welch asked City Attorney Scott Cochran if it was okay for JRM to manage alcohol sales versus naming an individual to do so. Mr. Cochran stated that because this event is limited, it is not necessary to name an individual.

This item was approved.

9. Ward / Committee Reports:

Councilmember Susan Wilkinson reminded all that it is the beginning of Women's History Month, and tomorrow, March 8, is International Women's Day. She asked that everyone keep the women and children of Ukraine in their thoughts.

Mayor Pro Tem/Councilmember Tim Gould announced that the April 25 Campbell High School Education Foundation Golf outing. Mr. Gould also expressed appreciation for those who organized the Spartan Fun Run that he and Councilmember Wheaton attended. He thanked the residents of Forest Hills for their participation in the Adopt-A-Highway Program.

Councilmember Lewis Wheaton also stated that the Spartan Fun Run was a great experience. He also wanted to recognize the Campbell High School Education Foundation not only because his youngest child attends the school, but also because his wife is on the board. Dr. Wheaton also thanked those who reached out to him concerning the downed trees.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Maryline Blackburn - Smyrna resident - She stated she attended the Special Committee on Budget on Wednesday when they discussed the use of ARPA funds to upgrade Taylor-Browner Park and Durham Park, but no funds were allocated for the preservation of Aunt Fanny's Cabin. ARPA is to provide funds for reconciliation. She invited all to join a Zoom presentation about Fanny Williams on Thursday, March 10 at 6:30 PM. To receive the link, email saveauntfannyscabin@gmail.com.

Pat Burns - 10 Concord Rd - She stated that she stands with Fanny Williams and stands with the sharecropper's cabin.

Mayor Pro Tem/Councilmember Tim Gould gave an update about the recent meeting of the Committee to Honor Fanny Williams. The committee is made up of a diverse group of community members, ministers, and other stakeholders from Smyrna. The work in front of the committee is to understand and research Fanny Williams' accomplishments which is distantly separated from the cabin. Her accomplishments are far-reaching including the first Negro hospital in Marietta and fundraising for Wheat Street Baptist Church. The goal is to not only have a physical memorial, but also have some type of living program to provide teachable moments. The next meeting will be next week in Marietta to learn from the Historical Society there.

Councilmember Susan Wilkinson left the dais 7:37 PM.

12. Adjournment:

Mayor Derek Norton adjourned the March 7, 2022 meeting of the Mayor and Council at 7:38 PM.