



City of Smyrna

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

Meeting Minutes - Final Approved City Council

Monday, July 19, 2021

7:00 PM

Council Chambers

Roll Call

Present: 7 - Councilmember Glenn Pickens, Councilmember Austin Wagner, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Lewis Wheaton

Also Present: 1 - Scott Cochran

Staff: 9 - Joe Bennett, Penny Mocer, Kristin Robinson, Heather Peacon-Corn, Lisa Collins, Jennifer Bennett, Dan Campbell, Russell Martin and Joey Staubes

Call to Order

Mayor Derek Norton called to order the July 19, 2021 meeting of the Mayor and Council at 7:00PM in the Council Chambers of A. Max Bacon City Hall.

1. Invocation and Pledge:

Deacon Erick Rucker, Int'l Gospel Outreach Church (1101 Windy Hill Rd) offered the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

- A. [2021-311](#) Add item 2021-310 to Formal Business regarding a Public Hearing for the 2021 Millage Rate.

Mayor Norton noted item 2021-310 would be added to Formal Business.

Mayor Pro Tem / Council member Tim Gould made a motion to approve item 2021-311 for an Agenda Change to add item 2021-210 regarding a Public Hearing for the FY2021 Millage Rate to the agenda; seconded by Councilmember Glenn Pickens.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

3. Mayoral Report:

Mayor Derek Norton announced Smyrna Little League 10U division went to August and won the state championship. Also the Smyrna Sharks, won the Cobb County West

Division, Gold Champion with 66 kids being sent to state Championships.

A task force has been appointed (Downtown Redevelopment Detail Task Force) to make recommendations as to the details of the project and public input would then be sought for final decisions as it relates to those details.

4. Land Issues/Zonings/Annexations:

A. [2021-297](#)

Public Hearing / NO VOTE ITEM: Zoning Request - Z21-002 - Allow annexation and rezoning from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project - 8.7 acres - Land Lot 880 & 881 - 2800 & 2810 Spring Rd - RASS Associates, LLC

Mayor Norton asked City Administrator Joseph Bennett to read aloud the background for this item. He reviewed the following:

The applicant is requesting annexation and rezoning of 2800 & 2810 Spring Road from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project with 300 multi-family units, 188 hotel rooms, and 37,500 sq. ft. of commercial at a density of 34.5 units per acre. The Planning & Zoning Board voted to recommend approval by a vote of 5-0 at the June 14, 2021 meeting.

Community Development recommends approval of the annexation and rezoning from NS & OI (County) to MU-Conditional on 8.7 acres for a 300-unit multi-family building at a density of 34.5 units per acre, hotel with 188 rooms, and 37,500 sq. ft. of commercial/retail. The rezoning meets many goals and policies in the Comprehensive Plan and Spring Road LCI, which serve to support housing diversity in the area and provide a catalyst to future development. Community Development recommends approval including those variances supported by staff as shown above, with conditions.

Community Development Director Russell Martin was called to the podium to review this item and give the additional background and detail as follows:

RASS Associates LLC is requesting to annex and rezone 8.7 acres at 2800 Spring Road from NS & OI (Cobb County) to MU-Conditional (Mixed Use) for the development of 300 multi-family units, 188 hotel rooms, and 37,500 sq. ft. of commercial at a density of 34.5 residential units per acre.

The proposed development will consist of 300 multi-family units spread across a 5-story building with basement levels. The building will include a mixture of studio, one-bedroom, two-bedroom, and three-bedroom units. There will be 53 studio units, 140 one-bedroom units, 91 two-bedroom units, and 16 three-bedroom units. The units will range in size from 567 sq. ft. to 1,350 sq. ft. at an average of 811 sq. ft. The multi-family building will include clubhouse/leasing area, a fitness room, and pool. There will be a seven-level parking deck with 546 spaces at a ratio of 1.82 spaces per unit.

The development includes a hotel with 188 rooms. The hotel will be a full-service eight-story building. The hotel will include a restaurant, conference room, roof-top terrace area, and a separate parking deck. The hotel parking deck will include 317 spaces.

The development will include at total of 37,500 sq. ft. of commercial/retail space. A 16,908 sq. ft. and 11,050 sq. ft. building will be adjacent to Spring Road. Both buildings will be oriented to face Spring Road and a central plaza area separating the two buildings. A separate 8,985 sq. ft. commercial building will be adjacent to the multi-family building, separated from the multi-family by a pocket park. A 600 sq. ft. jewel box commercial area will be oriented inside the pocket park. The commercial buildings adjacent to Spring Road will provide 61 parking spaces, and an additional 8

parallel spaces are adjacent to the multi-family building. In total, the development will provide 924 spaces.

The development proposal includes two right in/right out access drives on Spring Road with a right in/right-out access drive on the east and west drives, and a full-access drive on Spring Hill Parkway for vehicular access. A deceleration lane will be provided for the eastern drive on Spring Road.

The development will provide access for pedestrian access by future elevated crossings across Spring Rd and I-285 in accordance with the LCI Plan. The two elevated crossings will have connectivity by a 10-12 ft. sidewalks internal to the development. Spring Road will have a 15 ft. sidewalk, grass strip, and an internal sidewalk to provide a buffer from Spring Rd and allow outdoor seating. The commercial/retail, hotel, and multi-family uses within the development will all be accessible by sidewalks and crosswalks internal to the development. A CobbLink connection already exists at the development on Spring Road with pedestrian access to the development.

Staff's comments are as follows:

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. The following provides the nine factors followed by an analysis of each factor in italics:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Applicant Response:

"The applicant proposes the redevelopment of the Subject Property for a Mixed-Use project consisting of Hotel, Retail, Apartments, and Professional Offices. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposal promotes the idea of a live, work, play and new urbanistic development which follows the recommendations of the Spring Road Corridor LCI Master Plan."

****The applicant's response above was not modified since the site plan has been revised to remove the professional offices.****

Staff Analysis:

The applicant is proposing the development of the subject property for 300-unit multi-family building, 188 hotel rooms, and 37,500 sq. ft. of commercial/retail at a density of 34.5 units per acre. The adjoining property to the east is zoned GC (Cobb County), NS (Smyrna), and is occupied by commercial uses. The adjoining property to the south is adjacent to I-285. The adjoining property to the west is zoned GC, OI, and TS and is occupied by a hotel and retail uses. The adjoining properties to the north are zoned GC and are occupied by commercial and retail uses. Given the description of the development patterns surrounding the subject property, the proposed use and development of the subject property will be suitable in view of use and development of adjacent and nearby properties. The proposed development will serve as an appropriate catalyst for redevelopment along the Spring Road Corridor.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

Applicant Response:

"The zoning proposal will not adversely impact the existing use or usability of adjacent or nearby properties. The proposed development is a unified Mixed-Use plan and is preferable to a multiplicity of separate uses and developments. The Annexation and Rezoning proposal incorporates appropriate uses adjacent to major transit corridors consisting of I-285, I-75, and Cobb Parkway."

Staff Analysis:

The proposed development is surrounded by hotel, and commercial uses, with access to several transit corridors. The zoning proposal will consolidate several parcels into one cohesive mixed-use development. The existing uses would not be negatively impacted by the proposed mixed-use development. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Applicant Response:

"The Subject Property does not have a reasonable economic use as currently zoned (NS in the city and OI in Cobb County). The Cobb County tract zoned O&I is a deteriorated and vacant office park (Emerson Center) which was built in 1972. 2800 Spring Road, which is the NS tract located in the City is a mostly vacant strip center built in 1982. The strip mall currently has two (2) tenants with month to month leases.

Staff Analysis:

The subject parcel has limited economic use as currently zoned. The property is an assemblage that currently retains the Cobb County zoning district of OI (Office Institutional) & NS (Neighborhood Shopping) in the city. To annex the county portion and assemble the properties for one mixed use development the rezoning is necessary.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Applicant Response:

"The proposed redevelopment is not expected to cause burden to the existing street network or transportation facilities. Based upon information provided by the Cobb County Water System adequate sewer capacities are available. In fact, the redevelopment of the Subject Property will not result in uses which will cause excessive or burdensome use of existing streets, transportation facilities, or schools."

Staff Analysis:

Based upon information provided by the City Engineer, the proposed development is not expected to cause a burden to the existing street network or transportation facilities.

Based upon information provided by the Public Works Director, adequate water capacities are available in the area to accommodate the development associated with the rezoning. Water is located within the right-of-way of Spring Hill Parkway.

Based upon information provided by the Public Works Director, sanitary sewer is available through the City's public sanitary sewer system within the right-of-way of Spring Hill Parkway.

The City has not received any information from the Cobb County School Board with respect to the impacts of the proposed development on the school system. The applicant believes the proposed development will have minimal impact on enrollment due to their market demographics. The applicant does believe the proposed project will have a positive impact on school tax revenue and school SPLOST revenue.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

Applicant Response:

"The Rezoning is in conformity with the City's Future Land Use Plan, which indicates the Subject Property has a future land use designation of Regional Activity Center (City & County). The proposed MU Zoning District is an appropriate use under the RAC

designation. There will be no change required to the FLUM for this Rezoning. Additionally, the proposal is consistent with the land use recommendations of the Spring Road LCI Master Plan for mixed-use along the southern portion of the Spring Road Corridor. Moreover, the Annexation and Rezoning proposal meets all of the components of mixed use developments by providing a plan which includes commercial, residential and office uses."

Staff Analysis:

The subject property is within the Cobb County RAC (Regional Activity Center) land use designation. The applicant is requesting to annex the property with a City land use designation of RAC (Regional Activity Center). The MU zoning district is an appropriate zoning district under the RAC future land use designation. There will be no change to the future land use designation required for this rezoning.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Applicant Response:

"The proposed design will allow for substantive interaction between uses. RASS's proposal constitutes suitable use of the Subject Property which will not adversely affect adjacent properties and which will be beneficial to the City of Smyrna. The redevelopment of the Subject Property will encourage other mixed use developments within this sub-area of the City and of Cobb County."

Staff Analysis:

The City of Smyrna completed and adopted the Spring Road Livable Centers Initiative (LCI) in Spring of 2017. The LCI study lays out the City's vision for development patterns along the Spring Road Corridor. Additionally, the LCI study lays out the transportation projects and improvements to achieve these development patterns. The LCI study describes the future development of the subject property, as follows:

"The South Spring [area] will complement surrounding development with uses such as office, high density residential and local retail/services. Office is envisioned to front Cobb Parkway and I-285 for better visibility and exposure."

Per the description of the area around the subject property in the LCI study, the proposed development meets the stated land uses, development patterns, and housing types for the area.

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

Applicant Response:

"The proposed redevelopment of the Subject Property will enhance the architectural standards and aesthetics especially when considering the properties are primarily vacant and aged. The redevelopment of the Subject Property will precipitate additional and appropriate commercial, retail, restaurant, office and residential development in this area. The proposed development will be consistent with the attached architectural renderings/elevations."

Staff Analysis:

The proposed development of the subject property under the zoning proposal will enhance the architectural standards and aesthetics of the general neighborhood. The applicant has provided renderings of the proposed buildings with the rezoning application.

8. Under any proposed zoning classification, whether the use proposed may create a

nuisance or is incompatible with existing uses in the area.

Applicant Response:

"The proposed development will not create a nuisance or be incompatible with existing uses in the area. In fact, the uses as proposed are compatible with existing uses in the area; the RAC designations of the City and County; is consistent with the LCI Master Plan; and, are compatible with existing uses in the area particularly in consideration of Truist Park & the Battery and forthcoming enhancements to the Cumberland Center/Mall Area."

Staff Analysis:

The zoning proposal will not create a nuisance nor be incompatible with existing uses in the area. The zoning proposal is a mixed use development with residential and commercial uses in an area that is already dense with respect to residential and commercial development patterns. These uses are compatible with existing uses in the area.

Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

Applicant Response:

"The zoning proposal meets a majority of the rezoning requirements for the MU zoning district. The Applicant is seeking the following Variances: a reduction in the rear setback of the proposed residential area from the required 40 feet to 35 feet, an increase in building height from the maximum allowance of 66 feet and five stories to 95 feet and eight stories."

Staff Analysis:

The zoning proposal will positively affect the adjoining property, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal meets most of the zoning requirements of the MU zoning district, but not all of them. The applicant is seeking the following variances from the Zoning Ordinance:

- 1. Reduction of the rear setback from 100' to 35';*
- 2. Increase in building height from 66' to 95';*
- 3. Increase in density from 25 units per acre to 34.5 units per acre;*
- 4. Allow reduction of average unit size from 900 sq. ft. to 811 sq. ft.*

Zoning Review

Community Development has reviewed the proposed plan against the zoning requirements of the MU (Section 720 and Article X of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets a majority of the zoning requirements of the MU zoning district standards have been applied. Mixed Use Development of the zoning ordinance encourages the unified and harmonious development of land and buildings under a comprehensive plan, rather than under the conventional lot-by-lot regulations, in order to provide flexible building and land use arrangements; integrate various compatible uses; cluster development to minimize public facilities, utilities, and service costs; protect environmentally critical areas; and to preserve and secure needed open and recreational space.

Community Development has also reviewed the proposed plan against the zoning requirements of the Spring Road Corridor Design District (Section 717 of the Zoning Ordinance).

Traffic Study Review

The applicant has submitted a traffic impact study completed by Kimley Horn for the

proposed development that analyzes the impacts of the proposed development on surrounding transportation infrastructure. The development proposal includes two right in/right out access drives on Spring Road and a full-access drive on Spring Hill Parkway. The traffic impact study analyzed the impacts to the following intersections:

- *Spring Road at Campbell Road*
- *Spring Road at Sports Avenue*
- *Spring Road at Cumberland Boulevard*
- *Cobb Parkway at Spring Road*
- *Cumberland Boulevard at Spring Hill Parkway*

Stormwater Management Review

The applicant is proposing two below ground stormwater management facilities for the development. The City Engineer takes no exception to the stormwater management concept as shown. The design submitted during permitting will take into account site constraints such as topography, utilities, and tree/landscaping requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.

Environmental Review

The proposed site plan shows no streams or stream buffers on the site. The site does have typography challenges within the development. The project has been developed with those concerns in mind to maintain pedestrian connections between the separate uses without severe changes in grade.

Water and Sewer Review

Adequate water capacities are available in the area to accommodate the development associated with the rezoning; pressure is the responsibility of the developer. Water is located within the right-of-way of Spring Hill Pkwy.

Adequate sanitary sewer capacities are available in the area to accommodate the development associated with the rezoning; installation is the responsibility of the developer. Sanitary Sewer is located within the right-of-way of Spring Hill Pkwy.

Fire Marshal Review

The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access and building separation requirements. The applicant will have to provide a fire truck turn analysis during the permitting process to verify maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

Planning Review

Spring Road LCI Study

The City of Smyrna completed and adopted the LCI study in Spring of 2017. The LCI study lays out the City's vision for development patterns along the Spring Road Corridor. The subject property was specifically addressed in the LCI Study, as well as the Smyrna Plaza area to the north, and the Base Line pedestrian connection. The LCI study also lays out the transportation projects and improvements to achieve these development patterns. The LCI study describes the future development of the area as follows: "The South Spring [area] will complement surrounding development with uses such as office, high density residential and local retail/services. Office is envisioned to front Cobb Parkway and I-285 for better visibility and exposure. Development is recommended to follow transit oriented development (TOD) guidelines, high density and mixed use. A parking deck is incorporated in the center of the site, which could be shared between all uses and the transfer station."

The area to the north of the development referred to as Smyrna Plaza was also envisioned in the study and a grade separated pedestrian connection was proposed, referred to as The Base Line. The Base Line is described as “a seamless pedestrian/bicycle connection and potentially a transit loop that provides a grade separated bridge and plaza system that connects The Battery Atlanta, the Galleria Centre Convention Complex, Cumberland Mall, redevelopment areas on both the south side of Spring Road and on the north side of Spring Road (The Smyrna Plaza and The South Spring). This grade separated loop provides safe access for pedestrians/cyclist/shuttles by bridging over five major auto corridors, twice over I-285, twice over Cobb Parkway and once over Spring Road”.

The proposed plan has incorporated the Base Line into the development and will provide a connection point for a pedestrian overpass across Spring Road and a future overhead connection across I-285 at the parking garage level B2.

2040 Comprehensive Plan

In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

Housing

- Goal 1 – Protect and preserve established residential neighborhoods.
- Policy 1.1 Ensure adequate buffering and screening in order to protect residential neighborhoods from negative impacts of adjacent incompatible development.
- Policy 1.2 Ensure that infill housing development is compatible with surrounding established neighborhoods.
- Goal 3 – Encourage the development of a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.
- Policy 3.1 Encourage the construction of affordable and accessible housing in order to accommodate the growing senior population.
- Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.
- Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.
- Policy 3.7 Support equal housing opportunities for all persons.

Economic Development

- Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed-use center for residential, government, office, retail and entertainment activities.
- Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future Land Use Map.

Land Use

- Goal 8 – Protect natural resources and sensitive environmental features from encroachment by development.
- Policy 8.4 Consider environmental sensitivity of steep slopes and ridgelines when making land use and site plan decisions.
- Policy 8.6 Encourage opportunities for compact development supportive of open space preservation.
- Policy 8.7 Maintain development regulations that protect and preserve environmentally sensitive features.

- Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.
- Policy 13.1 Support a broad range of land uses within the city.
- Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Policy 13.6 Coordinate land use planning with transportation improvement programs.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
- Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.

Quality of Life

- Goal 20 – Provide lifestyle amenities that improve the “quality of life” in Smyrna.
- Policy 20.4 Provide a variety of recreational opportunities including both active, organized recreation, as well as areas for passive recreation (e.g. nature preserves, walking trails).
- Goal 21 – Ensure that community facilities and services are adapted to meet the changing needs of Smyrna’s diverse population.
- Provide facilities and services for the growing population of senior citizens.

The City and County’s Future Land Use Map designates the subject property as Regional Activity Center, which allows for the most intensive development. The proposed development is compatible with the Regional Activity Center future land use designation. The County has reviewed the annexation in accordance with House Bill 489 (Cobb County/City of Smyrna Intergovernmental Agreement) and has issued a letter of non-objection to the requested annexation and rezoning.

STAFF RECOMMENDATION

Community Development recommends approval of the annexation and rezoning from NS & OI (County) to MU-Conditional on 8.7 acres for a 300-unit multi-family building at a density of 34.5 units per acre, hotel with 188 rooms, and 37,500 sq. ft. of commercial/retail. The rezoning meets many goals and policies in the Comprehensive Plan and Spring Road LCI, which serve to support housing diversity in the area and provide a catalyst to future development. Community Development recommends approval including those variances supported by staff as shown above, with conditions as defined in the Community Development Memorandum and read aloud,

The site plan and elevations were shown to the Mayor and Council and public.

Mayor Norton asked if the roof top restaurant would be open to the public and the answer was yes it was understood that it would.

Councilmember Glenn Pickens asked for a visual comparison as to the size of the retail and Mr. Martin responded it would compare to Jonquil Village where Publix is currently located.

Mayor Pro Tem Gould, noted this project touches Economic Development, Housing and Quality of Life.

Councilmember Lindley asked about the baseline concept of the bridges as shown. What is the status? Mr. Martin responded that we are working currently on the bridge over CObb Parkway and have filed for grant approval to construct the bridge.

Councilmember Susan Wilkinson asked about the transit station and if it was on the

study and Mr. Martin responded that it was not previously. She was also asking about the connectivity to the already existing located at the Mall.

Mr. Garvis Sams was invited to the podium to speak on behalf of the applicant. He noted this is a highly anticipated development for the City, although it started shaky and we are in the final stages of approval.

He introduced the partners that are the applicants for this project. The Civil Engineer group were present also to answer questions.

He reviewed the background of this item and spoke about this being a true mixed use development. This will include a full service Hilton Hotel and the rooftop terrace will be open to the public. This will be a destination location in the City.

There will also be a pocket park included in this development.

There will be 53 studio apartments, 141 one bedroom units, 91 two bedroom units and 16 three bedroom units. The clubhouse will have fitness and pool and a seven level parking deck to serve the residents.

The request is to follow the Planning Commissions recommendation as well as staff's.

Mayor Norton asked about the traffic access and Mr. Sams reiterated the right in / right outs as well as the Spring Hill.

Councilmember Susan Wilkinson asked about the sq footage of the three bedrooms and they would be approximately 1400 sq ft.

Councilmember Lewis Wheaton asked about visitor / guest parking. Mr. Sams noted there would be sufficient visitor parking for the residents and the hotel will also have sufficient for guests. They are over-parked for the buildout.

Mayor Pro Tem Tim Gould had a constituent ask about the impact on the local schools. The market for this development is limited to 16 units for three bedroom and the school board has not received opposition.

Councilmember Lindley expressed thanks for the willingness to change the plan to accommodate the requests of the City staff and concerns of residents.

Public Hearing called on this item and no one came forward to speak for or against this item.

B. [ORD2021-02](#)

Approval of Annexation request ORD2021-02 (100% owners requesting annexation) - all tract or parcel (Parcel #17088000030) of land lying and being in Land Lots 880 and 881, of the 17th District, 2nd Section, Cobb County, Georgia, a total of 7.14 acres, being known as 2800 and 2810 Spring Road, Smyrna, Georgia, 30080, will be in effect August 1, 2021 and part of Ward 1 and authorize the Mayor to sign and execute all related documents.

B. A motion was made by Councilmember Glenn Pickens to approve item ORD2021-02 for the approval of Annexation request ORD2021-02 (100% owners requesting annexation) for all tract or parcel (Parcel #17088000030) of land lying and

being in Land Lots 880 and 881, of the 17th District, 2nd Section, Cobb County, Georgia, a total of 7.14 acres, being known as 2800 and 2810 Spring Road, Smyrna, Georgia, 30080, effective August 1, 2021 and part of Ward 1 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: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

C. [2021-007](#)

FINAL VOTE - Zoning Request - Z21-002 - Allow annexation and rezoning from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project - 8.7 acres - Land Lot 880 & 881 - 2800 & 2810 Spring Rd - RASS Associates, LLC

Councilmember Glenn Pickens thanked staff and Mr. Sams for their hard work on bringing this development to fruition for the city. He looks forward to having this addition to the landscape.

A motion was made by Councilmember Glenn Pickens to approve with conditions item 2021-007 for a FINAL VOTE and Zoning Request (Z21-002) to allow annexation and rezoning from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project on 8.7 acres for Land Lot 880 & 881 located at 2800 & 2810 Spring Rd by the applicant RASS Associates, LLC; seconded by Councilmember Austin Wagner.

The motion to approve with conditions carried by the following vote.

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

D. [2021-243](#)

Public Hearing - Zoning Request - Z21-008 - Rezoning from FC to R-8-Conditional for the subdivision of one lot into two lots at a density of up to 4.6 units per acre - Land Lot 561 - 2605 Old Roswell Road - Roselane LLC

Mr. Joseph Bennett was asked to read aloud the background:

The applicant is requesting a rezoning from FC to R-8-Conditional for the development of two (2) single-family detached units at a density of 4.6 units per acre. A land use change to Medium Density Residential is required for this rezoning. *The applicant is negotiating to acquire additional city owned property which would reduce density below 4.5 units per acre.*

Staff Recommendation:

Approval of the rezoning from FC to R-8-Conditional for two single-family detached units.

Planner II Joey Staubes was invited to the podium and reviewed the request further:

The elevations were shown as was the Site Plan. The Planning Board approved this item 5-0 at the June 14, 2021 meeting.

He read aloud the conditions as follows:

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.*
- 2. 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 landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
- 7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*
- 8. 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

- 9. The development shall maintain the R-8 setbacks:*

Front - 25'

Side - 5'

Rear - 25'

- 10. The minimum lot size shall be 8,812sq. ft.*
- 11. The minimum lot width shall be 50 feet.*
- 12. Driveway - 20' minimum length from building face to back of curb.*
- 13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Old Rowell Rd.*
- 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-8 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/14/2021 and created by Paul Lee Consulting and all zoning stipulations above.*
- 19. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 5/14/2021.*

Mayor and Council had no questions of staff.

Mr. Garvis Sams represents the applicant and came to the podium to review the item for final vote.

Mayor Pro Tem Tim Gould asked the price point and Mr. Sams replied it would be \$500,000 and up.

Councilmember Wilkinson asked about the look of the new construction and the existing home.

The Public Hearing was called and no one came forward to speak for or against this item.

A motion was made by Councilmember Travis Lindley to approve with conditions item 2021-243, a Public Hearing and Zoning Request (Z21-008) for the Rezoning from FC to R-8-Conditional for the subdivision of one lot into two lots at a density of up to 4.6 units per acre on Land Lot 561 located at 2605 Old Roswell Road by the applicant Roselane LLC; seconded by Councilmember Charles Welch.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

- A. [RES2021-04](#) Approve RES2021-04 to accept the Coronavirus State and Local Fiscal Recovery funds and ratify funds already received in the amount \$3,997,773.00 from the United States Department of Treasury and all future allocations and to authorize the Mayor to sign and execute all related documents. These funds allocated from the American Rescue Plans Act provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery.

City Administrator Joseph Bennett read aloud the background for this item:

The American Rescue plan (2021) which was passed by Congress on March 10, 2021 and signed into law on March 11, 2021, continues many of the programs start by the CARES Act (2020) and the Consolidated Appropriation Act (2021) by adding new phases, new allocations, and new guidance to address issues related to the continuation of the COVID-19 pandemic. Further, through the Department of Treasury it established the Coronavirus State and Local Fiscal Recovery Funds for eligible state, local and territorial, and Tribal governments.

The total amount of funds allocated to the City of Smyrna is \$7,995,546.00. The City

accepted the first tranche on June 14, 2021, and a second tranche will be paid twelve months after the first payment. The Coronavirus State and Local Fiscal Recovery funds may be used to:

-Support public health expenditures, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain health and safety staff

-Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector

-Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic

-Provide premium pay for essential workers, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors

-Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Recipients have until December 31, 2024 to encumber funds; and until December 31, 2026 to spend allocated funding.

Staff recommends approval of RES2021-04 to accept the Coronavirus State and Local Fiscal Recovery funds and ratify funds already received in the amount \$3,997,773.00 from the United States Department of Treasury and all future allocations and to authorize the Mayor to sign and execute all related documents.

Mayor Norton remarked that the City has received half of the total \$7.9 million dollars with the balance to be paid in three years. The City has very specific guidelines provided as to the areas to be spent.

There was no further discussion.

A motion was made by Councilmember Charles Wlech to approve item RES2021-04 for the approval of RES2021-07 to ratify the acceptance of Coronavirus State and Local Fiscal Recovery funds received in the amount \$3,997,773.00 from the United States Department of Treasury and all future allocations and to authorize the Mayor to sign and execute all related documents. These funds allocated from the American Rescue Plans Act provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

B. [2021-275](#)

Request for a name change for 23Thirty Cobb Apartments located at 2330 Cobb Parkway to 2330 Cobb Pkwy, LLC dba Elevate at The Battery.

Mr. Joseph Bennett, City Administrator read aloud the following background:

There has been an ownership change of the apartment complex located at 2330 Cobb Parkway and a name change has been requested. The requested name change would be from 23Thirty Residences LLC dba 23Thirty Cobb Apartments to 2330 Cobb Pkwy

LLC dba Elevate at The Battery. Tabitha Huber is the Applicant.

The name change has been approved by the Fire Marshal, Building Inspector, City Engineer, 911 Communications, Water Department, and City Marshal.

Staff recommends approval of the request for a name change for 23Thirty Cobb Apartments located at 2330 Cobb Parkway to 2330 Cobb Pkwy, LLC dba Elevate at The Battery.

A motion was made by Councilmember Glenn Pickens to approve item 2021-275, a request for a name change for 23Thirty Cobb Apartments located at 2330 Cobb Parkway to 2330 Cobb Pkwy, LLC dba Elevate at The Battery; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

C. [2021-276](#)

Approval of the City of Smyrna Resurfacing through the sole source contract with Donelson Construction Company, LLC, 1075 Wise Hill Road, Clever, MO 65631, in the amount of \$921,313.85 (\$425,936.37 LMIG and \$495,377.48 SPLOST) for paving and resurfacing of City Streets and authorize the Mayor to execute all related documents.

City Administrator Joseph Bennett read aloud the background for this item:

Originally project was put out to bid with qualified bid came in at \$1,700,000.00 which was well over budget. Public works has researched alternative methods to do more with less funding. With this new method it will allow the Public Works department to pave all streets on the resurfacing list this year through the sole source contract with Donelson Construction Company LLC.

Public Works recommends approval of the City of Smyrna Resurfacing through the sole source contract with Donelson Construction Company, LLC, 1075 Wise Hill Road, Clever, MO 65631, in the amount of \$921,313.85 (\$425,936.37 LMIG and \$495,377.48 SPLOST) for paving and resurfacing of City Streets and authorize the Mayor to execute all related documents.

There was no further discussion.

A motion was made by Councilmember Charles Welch to approve item 2021-276 for the approval of the City of Smyrna Resurfacing through the sole source contract with Donelson Construction Company, LLC, 1075 Wise Hill Road, Clever, MO 65631, in the amount of \$921,313.85 (\$425,936.37 LMIG and \$495,377.48 SPLOST) for paving and resurfacing of City Streets and authorize the Mayor to execute all related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

D. [2021-302](#)

Award RFP 21-014 Door Locking System for Parks Restrooms to the

lowest qualified bidder LMI Systems for \$54,686.11 and authorize the Mayor to execute any related documents

City Administrator Joseph Bennett read the following background:

Parks and Recreation requested proposals for the upgrading of the automatic door locking system on park restroom doors in the parks system. Two proposals were submitted as follows:

<i>LMI Systems</i>	<i>\$54,686.11</i>
<i>Compass Security Systems</i>	<i>\$58,490.99</i>

Parks and Recreation and Purchasing have reviewed the proposals and recommend award of RFP 21-014 Door Locking System to the lowest qualified bidder, LMI Systems and to authorize the Mayor to execute any related documents

A motion was made by Councilmember Glenn Pickens for the approval of item 2021-302 to award RFP 21-014 for the Door Locking System for Parks Restrooms to the lowest qualified bidder LMI Systems for \$54,686.11 and authorize the Mayor to execute any related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

E. [2021-307](#)

Approval of the scheduled VRF/CIP replacement of two vehicles (#3079 and 3087) Ford Explorers from the Fire Marshall's Office, utilizing the City of Atlanta Contract #10590-WS from Wade Ford, 3860 S Cobb Dr SE, Smyrna, GA 30080, for a cost of \$69,619.00 and authorize the Mayor to sign and execute any related documents.

Mr. Joseph Bennett, City Administrator read aloud the following background:

The Fire Department has budgeted, through the Vehicle Replacement/CIP, for the replacement of vehicles #3079 & #3087- 2006 Ford Explorers. The new vehicles will be purchased from Wade Ford utilizing the City of Atlanta contract #10590-WS for a cost of \$34,808.00 each. Total cost of \$69,616.00

Staff requests approval of the scheduled VRF/CIP replacement of two vehicles (#3079 and 3087) Ford Explorers from the Fire Marshall's Office, utilizing the City of Atlanta Contract #10590-WS from Wade Ford, 3860 S Cobb Dr SE, Smyrna, GA 30080, for a cost of \$69,619.00 and authorize the Mayor to sign and execute any related documents.

A motion was made by Councilmember Charles Welch to approve item 2021-307 for the approval of the scheduled VRF/CIP replacement of two vehicles (#3079 and 3087) Ford Explorers from the Fire Marshall's Office, utilizing the City of Atlanta Contract #10590-WS from Wade Ford, 3860 S Cobb Dr SE, Smyrna, GA 30080, for a cost of \$69,619.00 and authorize the Mayor to sign and execute any related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

F. [2021-308](#)

Approval to purchase 6 (six) equipped Ford Police Interceptor Explorers for the Police Department as part of the FY22 Vehicle Replacement Fund at a total cost not to exceed of \$296,000.00 dollars through Phil Brannen Ford of Perry - 2010 Us Highway 41 South Perry, GA 31069 and authorize the Mayor to sign and execute any related documents.

Mr. Joseph Bennett, City Administrator read aloud the following background:

A total of 6 (six) police fleet vehicles have been or will be taken out of service in FY22. The replacement vehicles were included in the FY22 Vehicle Replacement Fund. The Police Department is authorized \$296,000.00 dollars in the FY22 Vehicle Replacement Fund for the replacement of 6 (six) Uniform Patrol vehicles. The vehicles are needed to replace fleet vehicles taken out of service as a result of damage sustained in accidents, age and/or mileage, as well as guidance from the Fleet Manager. The vehicles and equipment will be purchased using State/County contracts and competitive bids through cooperative pricing. Vehicle decals will be purchased from "Grafix Shoppe", a single source provider who solely owns the decal artwork. All vehicles will be purchased from Phil Brannen Ford of Perry (2010 Us Highway 41 South Perry, GA 31069) and all necessary equipment from Insight Public Sector, Grafix Shoppe, Dell EMC, and ProLogic ITS.

The Chief of Police, Staff, and the Finance Department recommend approval to purchase 6 (six) equipped Ford Police Interceptor Explorers for the Police Department as part of the FY22 Vehicle Replacement Fund at a total cost not to exceed of \$296,000.00 dollars through Phil Brannen Ford of Perry - 2010 Us Highway 41 South Perry, GA 31069 and authorize the Mayor to sign and execute any related documents.

A motion was made by Councilmember Charles Welch to approve item 2021-308 for the approval to purchase 6 (six) equipped Ford Police Interceptor Explorers for the Police Department as part of the FY22 Vehicle Replacement Fund at a total cost not to exceed of \$296,000.00 dollars through Phil Brannen Ford of Perry - 2010 Us Highway 41 South Perry, GA 31069 and authorize the Mayor to sign and execute any related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

G. [2021-310](#)

Public Hearing for the 2021 Millage rate; there will be no vote on this date.

Mayor Norton reviewed the following background and called the Public Hearing.

The FY22 budget approved by council included revenue projections based on 8.99 mills. This is the first of three required public hearings before the formal adoption of the 8.99 millage rate. Tax information was received from Cobb County on June 24, 2021. Per the information provided, the City would need to roll back the millage rate to

8.468 to not advertise a tax increase. In comparison, last year's millage rollback was calculated at 8.728.

The official notice, and all required information, was posted in the Marietta Daily Journal on July 9th. It will be posted again on July 23rd. A press release was sent to the Marietta Daily Journal on July 6th. It has also been posted on our City website. This is the first required public hearing. Additional hearings will be held at 10 am and 6:45 pm on Aug 2nd. The adoption of the millage rate will be an agenda item on the 6:45 meeting on Aug 2nd.

This is the first of three public hearings on the 2020 millage rate adoption.

No one came forward to speak in favor of or against this item.

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

City Administrator Joseph Bennett read aloud the Consent Agenda for Council approval.

A. [MIN2021-44](#) Approval of the July 1, 2021 Committee of the Whole Meeting Minutes.

A motion was made by Mayor Pro Tem Tim Gould to approve the Consent Agenda as read aloud; seconded by Councilmember Glenn Pickens.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

B. [MIN2021-45](#) Approval of the July 6, 2021 Pre-Council Meeting Minutes.

A motion was made by Mayor Pro Tem Tim Gould to approve the Consent Agenda as read aloud; seconded by Councilmember Glenn Pickens.

The motion to approve carried by the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

C. [MIN2021-46](#) Approval of the July 6, 2021 Mayor and Council Meeting Minutes.

A motion was made by Mayor Pro Tem Tim Gould to approve the Consent Agenda as read aloud; seconded by Councilmember Glenn Pickens.

The motion to approve carried by the following vote:

Aye: 7- Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould

and Councilmember Wheaton

- D. [2021-309](#) Approval of the extension of the termination date to be December 31, 2021 for the following Community Development Block Grant Sub Recipient Agreements: Contract No: CV20-V20S8, Amendment No. 1 to be effective July 16, 2021; Contract No. CD20-C20SA-A and CD20-C20S8-F, Amendment No. 4 to be effective August 1, 2021; Contract No. CD19-C19S8, Amendment No. 4 to be effective August 1, 2021; and authorize the Mayor to sign and execute all related documents.

A motion was made by Mayor Pro Tem Tim Gould to approve the Consent Agenda as read aloud; seconded by Councilmember Glenn Pickens.

The motion to approve carried by the following vote:

Aye: 7- Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

9. Ward / Committee Reports:

Ward 1 - Councilmember Glenn Pickens expressed his thanks for attendance and staff assistance with the joint Ward meeting.

Ward 2 - Councilmember Austin Wagner also expressed his appreciation.

Ward 3 - Councilmember Travis Lindley echoed the same thanks and also to the participation at Sundays Ward meeting.

Ward 4 - Councilmember Corkey Welch had no report.

Ward 5 - Councilmember Susan Wilkinson had no report.

Ward 6 - Councilmember Tim Gould noted attendance at two Ward meetings and expressed appreciation to staff. He noted Campbell Road would be closed this week to allow for installation of the new cross walk at the Middle School.

Ward 7 - Councilmember Lewis Wheaton remarked that the Ward 7 newsletter would be out soon to residents. He also spoke about some upcoming neighborhood walks. He encouraged residents to get vaccinated if they have not already.

Mayor Derek Norton - Gave the information for his State of the City on Wednesday, July 28th at 5:30PM in the Large Gym at the Smyrna Community Center.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

*Ginny Bartee - 4094 Laurel Springs Road, Smyrna, Ga.
Spoke about temperature in Council Chambers. Also has heard discussion regarding*

transit. There are no shelters over the bus shelters and this is unfair to the residents using the facilities. It is inhumane to have people exposed to the elements and no benches to sit upon.

Thanked Mayor and Council for Ward meetings. Would like to have seen more public input regarding the Downtown Redesign.

She would like to see another location for the brewery.

Joan Mayfield - 2814 Hillside Road, Smyrna, Ga

Interested in the idea of the brewery as it relates to the Community Center. The center is for kids and the kids don't need to come out and see a brewery there.

12. Adjournment:

Mayor Derek Norton adjourned the July 19, 2021 meeting of the Mayor and Council at 8:18PM in the Council Chambers of A. Max Bacon City Hall.