



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, August 3, 2020

6:45 PM

Community Center Large Gym

**Smyrna Community Center Large Gym / 200 Village Green Circle SE
Parking and entrance to meeting on Powder Springs Street Side of Building
MASKS REQUIRED / TEMPERATURE WILL BE CHECKED**

If you wish to speak during the Public Hearing portion of this meeting and you are unable to attend the meeting due to health concerns with Covid 19, you may participate via telephone. To participate via telephone, you must register with the City Clerk's Office by emailing your name, address and telephone number to ClerksOffice@Smyrnaga.gov.

The deadline to register to speak via telephone is Monday, August 3, 2020 at 10:00AM

Everyone that attends the meeting in person, will have an opportunity to speak and will not have to register prior to the meeting. You will need to sign the Public Hearing /Citizen Input Sign Up Sheet at the City Clerk's desk prior to the start of the meeting at 6:45 PM. If you choose to speak via telephone, you must be available to receive a call between 7:00 PM and 9:00 PM. You will be notified on Monday, August 3 as to additional details of these procedures.

Thank you for your cooperation as we navigate new ways to encourage Public Comment.

Rollcall

Present: 8 - Mayor Derek Norton, 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: 8 - Tammi Saddler Jones, Heather Peacon-Corn, Kristin Robinson, Roy Acree, Jennifer Bennett, Landon O'Neal, Joey Staubes and Lisa Collins

Call to Order

Mayor Derek Norton called the August 3, meeting of the Mayor and Council to order at 6:45PM.

1. Invocation and Pledge:

Councilmember Charles "Corkey" Welch gave the invocation and led all in the Pledge of Allegiance in the absence of Pastor Bush.

2. Agenda Changes:

There were no Agenda Changes.

3. Mayoral Report:

Mayor Derek Norton gave the following Mayoral Report:

He spoke about the good that came out of the pandemic. The state of emergency has been extended until September 10, 2020 by Governor Brian Kemp.

Support Smyrna has raised over \$175,000 to help their fellow citizens. No City employees has been furloughed during this time, to which he is very proud, and he remarked that the staff has given extraordinary customer service throughout, with no lapse to the citizens. Had thoughtful, peaceful protests in our City, where in other City's that had not been the case. The PD has worked with them to provide these opportunities. We have provided 15,000 meals with the help of the Tillman House, Wade's, Atkins and Zuccas. He is very proud of this town. This weekend Love Street had a school supply drive that was overwhelming.

Facility updates include the opening of the Wolfe Center and the pool to the public by appointment and the Museum resumes tours by appointment as well.

4. Formal Business:**A. 2020-274** Public Hearing and adoption of the 2020 Millage rate.

A motion was made by Councilmember Charles "Corkey" Welch to approve item 2020-274, a Public Hearing and adoption of the 2020 Millage rate; seconded by Mayor Pro Tem Tim Gould.

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. ORD2020-06 Approval of Ordinance ORD2020-06, an amendment to the Code of Ordinances of the City of Smyrna, Georgia by adopting a new article 2, "Unlawful Discrimination" in Chapter 66, "Offenses and Miscellaneous Provisions" and for all other lawful purposes.

Mayor Derek Norton made the following statement:

"This is an issue that we have been talking about for months. This City government has been very clear that discrimination has no place in the City of Smyrna and that this is a place that welcomes everyone.

We held a Town Hall last month to receive input from the public in which we allowed citizens to participate not only in person but over the telephone for those who did not feel like they wanted to venture out in the pandemic environment. This is the first time in many years, if ever, that we have held a Town Hall to discuss a specific ordinance, because we wanted this to be fully vetted. We wanted to get this right and make sure that everyone had an opportunity to participate in the process. We also wanted to make sure that we avoided any unintended consequences. So with substantial input from all perspectives over several months I believe we have a strong ordinance and a very good process."

Attorney Scott Cochran gave the background for this item and the processes that he went through to provide the final version to be voted on this evening.

Councilmember Lewis Wheaton thanked the Mayor and City Attorney and members of the public for their thoughtful input. Additionally he thanked the other Councilmembers for their discussion and questions regarding same.

Councilmember Corkey Welch had a comment regarding his issue regarding the gender identity portion of this ordinance. He read aloud several news articles regarding the gender identity portion opening the door for individuals for abuse. He received an email from a constituent that hit home for him that read "...consider the end. The end is not tonight's vote, but down the road when there will be unintended consequence." He is unable to support this ordinance as written.

Councilmember Austin Wagner remarked and expressed his thanks as well to Mayor, City Attorney and citizen input. He thinks this Non Discrimination Ordinance is important to speak to for the City of Smyrna. This ordinance does not speak to the situations as read aloud by Councilmember Welch. We have laws that cover that and this ordinance does not make it easier for someone to engage in this type of criminal activity. He thinks the insinuation that trans gender individuals would be more likely to commit these types of crimes in inappropriate and incorrect. This ordinance speaks to what our values are.

Mayor Pro Tem Tim Gould thanked the leadership for all the hard work on this ordinance. It takes a great deal of thought and consideration to do this right and we have done a good job of crafting an ordinance that is creative and moves the City forward. Concerns expressed are not inequitable, but rather to seek a prosperous future for the City of Smyrna. He supports this ordinance for a few key reasons. We all deserve the same rights, likewise no one should be treated any better or worse than anyone else. He has family and friends in these groups and it would hurt his heart to know any of them have been discriminated against. Someone told him recently, "We are all created equal in God's eyes", a quote from Thomas Jefferson.

Councilmember Susan Wilkinson spoke about her thankfulness for the hard work put into this ordinance. She is in support of this ordinance and has received several emails regarding this issue. She received a specific email from a Baptist Pastor who spoke about the pain in the LGBT community he has witnessed firsthand.

Councilmember Travis Lindley stated it has been a robust dialogue and debate and he is proud of the City for the way the City has stepped up and handled a tough subject in a productive manner. It provides safeguards for our religious institutions. He thanked Scott Cochran for his work and the Mayor for his leadership and shepherding the process forward.

Councilmember Glenn Pickens, thanked Scott COchran and Councilmember Lewis for their work on this item. They have done a good job figuring out the right version of this and he feels it would be good for the City.

A motion was made by Councilmember Lewis Wheaton to approve ORD2020-06 an amendment to the Code of Ordinances of the City of Smyrna, Georgia by adopting a new article 2, "Unlawful Discrimination" in Chapter 66, "Offenses and Miscellaneous Provisions" and for all other lawful purposes; seconded by Councilmember Austin Wagner.

The motion carried for approval by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Welch

C. 2020-285

Approval to purchase property from the First Baptist Church of Smyrna, Inc. consisting of approximately 0.607 acres located in Land Lot 522 of the 17th District, 2nd Section of Cobb County and being situated on Memorial Place, Smyrna GA at a purchase price of \$575,000.00 dollars and authorize the Mayor to sign a sales contact and all documents necessary to close the transaction.

Councilmember Travis Lindley made a motion to approve item 2020-285 for the approval to purchase property from the First Baptist Church of Smyrna, Inc. consisting of approximately 0.607 acres located in Land Lot 522 of the 17th District, 2nd Section of Cobb County and being situated on Memorial Place, Smyrna GA at a purchase price of \$575,000.00 dollars and authorize the Mayor to sign a sales contact and all documents necessary to close the transaction; seconded by Mayor Pro Tem Tim Gould.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

D. RES2020-07

Approval of Resolution 2020-07 for the City of Smyrna to be a subrecipient of the PY2020 Cobb County Community Development Block Grant - COVID 19 Program (CDBG-CV) program (Contract # CV20-V20S8-P) in the amount of \$187,352.00 to enter into an Agreement for Cobb County Georgia and the City of Smyrna and for the Mayor to execute any and all related documents.

A motion was made by Councilmember Susan Wilkinson to approve item RES2020-07 for the City of Smyrna to be a subrecipient of the PY2020 Cobb County Community Development Block Grant - COVID 19 Program (CDBG-CV) program (Contract # CV20-V20S8-P) in the amount of \$187,352.00 to enter into an Agreement for Cobb County Georgia and the City of Smyrna and for the Mayor to execute any and all related documents; seconded by Councilmember Charles "Corkey" Welch.

The motion carried for approval by the following vote:

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

E. AGR2020-03

Approval of the Intergovernmental Agreement between the City of Smyrna and Cobb County for CARES Act Funding in the amount of

\$2,968,559.10 for necessary expenditures incurred due to the COVID-19 pandemic and to allow the Mayor to execute all related documents.

A motion was made by Mayor Pro Tem Tim Gould to approve item AGR2020-03 for the approval of the Intergovernmental Agreement between the City of Smyrna and Cobb County for CARES Act Funding in the amount of \$2,968,559.10 for necessary expenditures incurred due to the COVID-19 pandemic and to allow the Mayor to execute all related documents; seconded by Councilmember Susan Wilkinson.

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. 2020-295

Approval of the first expenditure listing and amendment to the FY21 budget for CARES Act Funding for an amount not to exceed \$780,290 for necessary expenditures incurred and/ or planned due to the COVID-19 pandemic.

A motion was made by Councilmember Charles "Corkey" Welch to approve item 2020-295 for the approval of the first expenditure listing and amendment to the FY21 budget for CARES Act Funding for an amount not to exceed \$780,290 for necessary expenditures incurred and/ or planned due to the COVID-19 pandemic; seconded by Councilmember Susan Wilkinson.

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. Land Issues/Zonings/Annexations:

A. 2020-236

Public Hearing - Zoning Request - Z20-007 - Rezoning from GC to R-8 for the development of 3 single-family detached homes at a density of 4.89 units per acre - 0.613 acres - Land Lot 559 - 1424 Spring Street, - Alexandio Properties LLC

Councilmember Travis Lindley made a motion to approve item 2020-236 for the Public Hearing, Zoning Request, Z20-007 for a Rezoning from GC to R-8 for the development of 3 single-family detached homes at a density of 4.89 units per acre on 0.613 acres, on Land Lot 559 located at 1424 Spring Street by the applicant Alexandio Properties LLC; 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

6. Commercial Building Permits:

7. Privilege Licenses:**8. Consent Agenda:**

A motion was made by Councilmember Charles "Corkey" Welch to approve the Consent agenda as read aloud; seconded by Mayor Pro Tem Tim Gould.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

- A.** [2020-284](#) Approval of the July 16, 2020 Committee of the Whole Meeting Minutes.
- B.** [2020-280](#) Approval of the July 20, 2020 Pre-Council Meeting minutes.
- C.** [2020-281](#) Approval of the July 20, 2020 Mayor and Council Meeting minutes.
- D.** [2020-272](#) Approve the closing of the following streets for the Smyrna Parks and Recreation's One Spooky Smyrna Night: King Street from Bank Street to Village Green Circle, entire Village Green Circle from Atlanta Rd. and including up to the library parking lot, from 4:00 p.m. - 10:00 p.m. on Friday, October 16, 2020.
- E.** [2020-275](#) Approval of a contract from Fox Environmental located at 262 Forkner Drive, Decatur, GA 30030 in the amount of \$64,400 to provide technical support services for MS4 Permit Compliance and to authorize the Mayor to execute any related documents.
- F.** [2020-279](#) Approval to award proposal in the amount of \$83,673.50 to provide services during the construction phase for the Windy Hill Boulevard Project to ARCADIS U.S Inc 2839 Paces Ferry Road Atlanta Georgia 30339 and to authorize the Mayor to execute any related documents.

9. Ward / Committee Reports:

Councilmember Glenn Pickens had no report.

Councilmember Austin Wagner thanked everyone again for the hard work on the NDO and remarked about the upcoming Runoff election on August 11, 2020.

Councilmember Travis Lindley spoke about the Zoom meeting with stakeholders and the developer regarding Mt. Zion Cemetery on Hawthorne Avenue. The historical African American cemetery. 178 Souls located in the cemetery and continuing down the path to restoration.

Councilmember Corkey Welch had no report.

Councilmember Welch made an announcement for the library congratulating the Adult Summer Reading Prize Drawing winners.

Mayor Pro Tem Tim Gould spoke about the upcoming ideas for CARES funds creative ideas to help impact local students.

Councilmember Lewis Wheaton spoke about the continued COVID pandemic and the vigilance of people to continue to wear masks, socially distance and staying safe.

Mayor Norton expressed his thanks to City Attorney Scott Cochran for his hard work on the NDO.

10. Show Cause Hearings:

11. Citizen Input:

Candidate Trina Griffis came forward to speak about the runoff election for Cobb County State Court Judge.

Candidate Greg Shenton, a candidate for Superior Court Judge, came forward to speak.

George Maccuris applauded the Council for the passing of the NDO and thanked the Council for their tolerance and respect.

12. Adjournment:

The August 3, 2020 meeting of the Mayor and Council was adjourned by Mayor Derek Norton at 8:15 PM.