



# City of Smyrna

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

## Meeting Minutes - Final City Council

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Monday, February 21, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

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### Roll Call

**Present:** 7 - Mayor Derek Norton, 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:** 8 - Penny Mocer, Kristin Robinson, Keith Zgonc, Russell Martin, Heather Peacon-Corn, Jill Head, Joey Staubes and Tyler Addison

### Call to Order

Mayor Derek Norton called to order the Mayor and Council Meeting held in A. Max Bacon City Hall Council Chambers at 7:02 PM.

### 1. Invocation and Pledge:

The invocation and Pledge of Allegiance were led by Dr. Harold Thomas III of Shiloh Seventh Day Adventist Church (810 Church St).

### 2. Agenda Changes:

There were no agenda changes.

### 3. Mayoral Report:

*Mayor Norton invited any candidates who are running for the special election for the Ward 2 Council seat to come forward and speak. Ms. Latonia P. Hines came forward. Ms. Hines stated that she is a 20-year resident of Smyrna and currently works at the Cobb County District Attorney's Office. She formerly worked in the Cobb County Solicitor's Office, she is a member of the Smyrna Optimist Club and the Cobb NAACP.*

*Heather K. Peacon-Corn, City Clerk, made an announcement about the special election for the Ward 2 Council seat:*

*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](http://www.sos.ga.gov) and will also be provided at the qualifying location.*

*Residents of the City of Smyrna who are qualified to register to vote, and are not currently registered, or who need to update their voter registration information, may do so through Monday, April 25, 2022. Residents may register to vote online at [www.mvp.sos.ga.gov](http://www.mvp.sos.ga.gov) or at any of the designated places for registering Cobb County residents. Residents who have moved into, out of, or within the city limits of Smyrna or Ward 2 and have not notified the Cobb Board of Elections and Registration, please do so no later than April 25, 2022.*

*Early In-Person Voting will be available beginning May 2, 2022; hours and locations will be available at [www.CobbElections.org](http://www.CobbElections.org).*

*Voters may apply to Vote-by-Mail by submitting an application between March 7, 2022 and May 13, 2022 to the Cobb County Elections Office at P.O. Box 649, Marietta, GA 30061-0649, or by faxing an application to 770/528-2458, or by emailing as an attachment to [absentee@cobbcounty.org](mailto:absentee@cobbcounty.org). Applications will be available at [www.CobbElections.org](http://www.CobbElections.org) on March 7, 2022. Voted absentee ballots must be received by Cobb Elections no later than 7:00 p.m. Tuesday, May 24, 2022 either through the mail or personally delivered to authorized drop-off locations.*

*City residents may call 770/528-2581 or 678/631-5303 for any questions regarding registration or voting.*

- Mayor Norton congratulated the Lady Spartans basketball team on their regional championship win. They will move onto the State tournament.*
- Mayor Norton also congratulated the Campbell Baseball team that has already started their season off 3-0.*
- Mayor Norton informed everyone the first meeting of the Committee to Honor Fanny Williams will be held February 22, 2022 and will be chaired by Mayor Pro Tem/Councilmember Tim Gould.*
- Thanked those who participated in the Racial Trust Building Initiative.*

#### **4. Land Issues/Zonings/Annexations:**

##### **A. [2021-132](#)**

**Public Hearing** - Zoning Request - Z21-004 - Allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office - 0.25 acres - Land Lot 485 - 1120 Concord Rd - Jeremy Robinson  
**Ward 3 / Councilmember Lindley**

*Joey Staubes, Planner II, presented the following background:*

*Jeremy Robinson is requesting a rezoning from FC (Future Commercial) to LC (Limited Commercial) for the ability to use the existing building as a professional office. The*

*subject property is zoned FC and was previously occupied as a residential structure. The property is occupied by an existing structure that will remain with improvements that allow it to operate as a commercial structure. The applicant is requesting to rezone the property to LC to permit the use as a professional office.*

*The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater management improvements are required for the site except for improvements to the access drives. There are no stream buffers affecting the property.*

*The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access. The applicant will be required to provide ADA parking and accessibility to the building.*

*Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the NAC (Neighborhood Activity Center) Future Land Use Designation.*

*Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a professional office. The proposed development meets all the zoning requirements for a professional office. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of FC to LC.*

*Community Development recommends approval of the rezoning from FC to LC at 1120 Concord Road with the following condition:*

*1. Approval of the subject property for the LC zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/18/2021 and created by TC3 Design Studio LLC.*

*Councilmember Travis Lindley asked what type of business is going into the space and what is the plan for signage. Mr. Staubes stated that the applicant is present and is an attorney; the space will be used as an attorney's office. The signage allowed a 40 sq ft wall sign. Applicant has not determined what he will do for signage.*

*Jeremy Robinson, applicant, was sworn in. He is a personal injury and criminal defense attorney.*

*A public hearing was called, and no one came forward in favor of or in opposition to this item.*

*Councilmember Travis Lindley made a motion to approve item 2021-132, a public hearing and zoning request (Z21-004) to allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office on 0.25 acres on land lot 485 located at 1120 Concord Rd by applicant Jeremy Robinson; seconded by Councilmember Glenn Pickens.*

*The motion to approve carried with the following vote:*

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

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**B. [2021-600](#)**

**Public Hearing** - Zoning Request - Z21-014 - Allow rezoning from GC to MU-Conditional for the development of 163 multi-family units, 20,409 sq.

ft. of commercial/restaurant space, and 7,700 sq. ft. clubhouse space at a density of 23.5 units per acre - 6.9 acres - Land Lot 751 & 752 - S Cobb Drive & Oakdale Road - Arris Holdings.

**Ward 7 / Councilmember Wheaton**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*Arris Holdings is requesting a rezoning from GC (General Commercial) to MU-Conditional (Mixed Use) for the ability to construct 163 multi-family units with 20,409 sq. ft. of commercial/restaurant and 7,700 sq. ft. clubhouse space. The subject property is zoned GC and has been used commercially along with several parcels that remain vacant. Any existing buildings will be demolished for the construction of a new mixed use development. The Planning & Zoning Board recommended approval by a vote of 4-1 at the December 13, 2021 meeting.*

*Russell Martin, Community Development Director presented the following background:*

*Arris Holdings is requesting a rezoning from GC (General Commercial) to MU-Conditional (Mixed Use) for the ability to construct 163 multi-family units with 20,409 sq. ft. of commercial/restaurant and 7,700 sq. ft. clubhouse space. The Planning & Zoning Board recommended approval by a vote of 4-1 at the December 13, 2021 meeting.*

*The proposed development will include a total of 163 multi-family units and 20,409 sq. ft. of commercial and 7,700 sq. ft. clubhouse area in three buildings. Building #1 will be 167,934 sq. ft., four-story building and consist of 132 multi-family units and 7,700 sq. ft. of clubhouse space and pool/amenity area, and 3,200 sq. ft. of commercial space on the ground level. Building #2 will be 52,978 sq. ft., four-story building, and consist of 31 multi-family units with 11,909 sq. ft. of commercial/retail space located on the ground level. The commercial space in Building #1 & #2 will consist of retail and restaurant space, which will be marketed to local restaurants and boutiques and integrated into the building at the main entrance of the development. This portion of the commercial space will serve as an amenity to residents of the development and in the immediate area. Additionally, the project will include a dog park and public lawn within the development, as well as greenspace and landscaping around the buildings, and the perimeter of the development.*

*Building #3 is a one-story 5,300 sq. ft. out-parcel developed and retained by the current property owner. This building will be marketed for retail, office and general commercial uses*

*The unit composition for the 163 multi-family units will consists of 64% one-bedroom units, 34% 2-bedroom units, and 2%-3-bedroom units with an average unit size of 940 sq. ft. The units will range in size from 751 sq. ft. to 1,442 sq. ft. 10% of the units will be affordable for household earnings between 80% to 100% of the MSA area median income and capped at 30% of monthly income. Amenities for the units will include fitness facilities, pool and clubhouse, yoga studio, media room, business center, and communal gathering places.*

*The proposed project will include 389 parking spaces within the development. Section 901 requires 460 parking spaces for the combined multi-family and commercial uses. However, the proposed multi-family buildings will consist of 64% one-bedroom units, and therefore a ratio of 1.75 spaces, as required in Section 901, per unit is unnecessary. The commercial uses within the development have parking supplied at*

*the ratios required in Section 901. A one-story parking deck will include 86 parking spaces, and 316 parking spaces will be surface level.*

*The development includes a full access drive on S Cobb Drive and a full access drive on Oakdale Road. The development will have one ingress lane entering the site and one egress lane exiting the site. The development will provide a 5-foot sidewalk along S Cobb Drive and along Oakdale Road.*

*The traffic impact study provides a future traffic analysis for horizon year 2033 for both the "No-build" and "Build" conditions. The "No-build" conditions provide an assessment on how traffic will operate in the study horizon year without the site being developed as proposed, with projected increases in through traffic volumes due to normal annual growth. The future "No-build" volumes consist of the existing traffic volumes plus increases for annual growth of through traffic. The annual growth in traffic volume was based on GDOT recorded traffic volumes for the last three years. The annual growth in traffic volume is also calculated in the "Build" scenario. Table 8 below provides the results of the future traffic analysis. The project is not projected to have any significant impact on Level of Service for the intersections studied.*

*The traffic impact study indicates that LOS (Level of Service) should not be impacted by the development. The eastbound approach of S Cobb Drive at Calibre Lake Parkway is projected to have a LOS of F in the AM and E in the PM in the 2033 Build or 2033 No-Build conditions. S Cobb Drive at Highlands Pkwy/Shell Driveway is projected to have a LOS of F in the AM and PM in the 2033 Build or 2033 No-Build conditions. The traffic impact study recommends the following system improvements at the intersection of S Cobb Drive and*

*Highlands Parkway to improve the intersection to LOS D for AM and PM:*

- 1. Install right-turn overlaps for the eastbound right-turn and southbound right-turn phases.*
- 2. Install an additional eastbound left-turn lane (via restriping or widening) so the approach provides two (2) exclusive left-turn lanes, one (1) shared left-turn/through lane, and one (1) right-turn lane. Sidewalks are proposed along S Cobb Drive and Oakdale Road.*

*Additionally, the westbound access drive at S Cobb Drive at Site Driveway A is projected to operate at a LOS F in the AM and E in the PM of the 2033 Build condition. The traffic impact study recommends constructing one ingress lane entering the site and one egress lane exiting the site at both entrances to the development. The traffic study also recommends extending the merge lane on S Cobb Drive to the proposed site driveway to become a right-turn lane into the site.*

*Finally, the traffic impact study indicates that the intersection at S Cobb Drive and Oakdale Road will continue to operate at LOS D for the 2033 Build Condition, and the development is projected to only add 5 seconds of delay to the signal. Table 9 below provides the results of the future traffic analysis.*

*The applicant will also pursue voluntary improvements with the appropriate Departments of Transportation to mitigate any impacts, such as providing a dedicated left-turn arrow for Church Road westbound and widening Kenwood Road eastbound to provide a left-turn lane, if there are no utility conflicts. The applicant has agreed to provide a right-turn lane on Oakdale Rd for northbound travel along S Cobb Drive.*

*Using the Trip Generation Manual, the traffic impact study compares the proposed project with 70,000 sq. ft. shopping center which is allowed by-right under the current GC zoning. The proposed project is expected to generate 1,350 total net trips. The*

shopping center would generate 2,110 total net trips; more than 760 additional trips daily compared to the trip generation of the proposed project. Due to the possible heavy traffic intensity of commercial centers, the proposed project could create significantly less traffic than other alternative uses, which are allowed by-right.

The proposed building will utilize cement fiber lap siding & panel, as well as brick for each facade. The applicant has provided architectural renderings with the zoning application for reference. The development will also incorporate a public art display area that will showcase local area artists and create a visual draw and aesthetic uniqueness to the property and area.

Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height, building separations, parking requirements, buffering and landscaping. The zoning proposal meets a majority of the zoning requirements of the MU zoning district. The applicant is seeking the following variances from Section 720 of the Zoning Ordinance:

- 1) A reduction in required parking from 460 spaces to 389 spaces (Section 901); (Staff Supports)
- 2) Eliminate the requirement to have a consistent building edge along a public sidewalk (Section 720.9(5)); (Staff Supports)
- 3) To allow off-street parking between the building and the right-of-way (Section 720.9(6)); (Staff Supports)
- 4) Allow front setback greater than 20 feet (Section 720.3 (c)(1); (Staff Supports)
- 5) Allow side setback greater than 20 feet (Section 720.3 (c) (2); (Staff Supports)

The City Engineer has reviewed the proposed rezoning with respect to transportation. The City Engineer has requested a sidewalk along S Cobb Drive and Oakdale Road for the length of the project, as well as connections to the buildings. The City Engineer believes the recommendations in the Traffic Study Analysis are appropriate and suggests the following traffic improvements:

1. A dedicated right turn lane/deceleration lane will be required for the entrance on SR 280. The turn lane will need to be off of the existing lanes on SR 280 and the three existing through lanes on SR 280 will need to be maintained, or as otherwise required by Georgia Department of Transportation.
2. An acceleration lane will be required for the exit on SR 280. The hatching on the recently submitted site plan will need to be removed. Please maintain the existing roadway geometry on SR 280, or as otherwise required by Georgia Department of Transportation.
3. A deceleration lane will be required for the entrance on Oakdale Road.
4. Tree removal will be required for any trees within the sight distance triangle on Oakdale Road.
5. A GDOT permit will be required before issuance of a Land Disturbance Permit.

The proposed site plan shows no streams or stream buffers on the site. The site does have typography challenges within the development.

The applicant is proposing 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.*

*The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.*

*Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to MU (Mixed Use) does not require a Land Use change from CAC (Community Activity Center).*

*The City's 2040 Future Land Use Map designates the subject property as CAC (Community Activity Center) which is an appropriate Land Use for the MU (Mixed Use) zoning. The property to the north currently designated NAC (Neighborhood Activity Center - County). The properties to the east are currently designated MDR (Medium Density Residential – County) and MEDR (Medium Density Residential – Smyrna). The property to the south is designated CAC (Community Activity Center – Smyrna). The property to the west is designated HDR (High Density Residential – County) IC (Industrial Compatible – County) and LDR (Low Density Residential – Smyrna). The proposed development is an appropriate buffer between the diverse land use designations. 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.*
  - o *Policy 1.1 Ensure adequate buffering and screening in order to protect residential neighborhoods from negative impacts of adjacent incompatible development.*
  - o *Policy 1.2 Ensure that infill housing development is compatible with surrounding established neighborhoods.*
- *Goal 2- Encourage redevelopment of older declining neighborhoods and apartment communities.*
  - o *Policy 2.1 Identify declining neighborhoods within planning studies and target these areas for revitalization efforts.*
  - o *Policy 2.5 Encourage adequate amounts, types and densities of housing needed to support desired mixed use redevelopment.*
- *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.*
  - o *Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.*
  - o *Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.*
  - o *Policy 3.5 Encourage opportunities for mixed use, live/work housing.*

*Economic Development*

- *Goal 5 – Promote revitalization of declining commercial & industrial areas.*
  - o *Policy 5.1 – Promote adaptive reuse and mixed use redevelopment of declining strip commercial centers.*
- *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.*
  - o *Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future Land Use Map.*

*Land Use*

- *Goal 13 – Encourage an efficient, equitable, and compatible distribution of land*

uses.

- o Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
- o Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
- o 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.

Community Development recommends approval of the rezoning from GC to MU-Conditional on 6.92 acres for a mixed use community, with 163 multi-family units, 20,409 sq. ft. of commercial, and 7,700 sq. ft. clubhouse space, at a density of 23.5 units per acre, including those variances supported by staff as shown above, with the following conditions:

#### Standard Conditions

Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the buildings in the development shall include a mixture of elements including; but not limited to: brick, stone, shake, Hardie Plank and stucco. No elevation shall be comprised of 100 percent Hardie Plank siding.
2. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a ten percent reduction in a 100-year storm event. The city engineer shall approve all plans.
3. All utilities within the development shall be underground.
4. 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 2' shall be provided between the back of curb and sidewalk.
5. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
6. No debris may be buried on any lot or common area.
7. The developer will install decorative streetlights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

#### Special Conditions

11. The development shall maintain the following building setbacks from the Mixed Use District:



*Minimum Setbacks:**Front – 20'**Side – 10'**Rear – 40'**Maximum Building Setbacks:**Front – 50'**Side – 70'*

12. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

13. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

15. The developer shall provide a 5' sidewalk with 2' grass strip along S Cobb Drive and Oakdale Road for the length of the development. There shall be sidewalk connection from the public sidewalk to each building.

16. Prior to the issuance of a Land Disturbance Permit the traffic study and site plan shall be reviewed by Georgia Department of Transportation (GDOT).

17. The development shall not be gated. The parking deck may use gates to control access.

18. A dedicated right turn lane/deceleration lane will be required for the entrance on SR 280. The right turn lane will need to be off the existing lanes on SR 280 and three existing through lanes on SR 280 will need to be maintained, or as otherwise required by Georgia Department of Transportation.

19. An acceleration lane will be required for the exit on SR 280. The hatching on the recently submitted site plan will need to be removed. Please maintain the existing roadway geometry on SR 280, or as otherwise required by Georgia Department of Transportation.

20. A deceleration lane will be required for the entrance on Oakdale Road.

21. A right-turn lane on Oakdale Rd at S Cobb Drive will be required.

22. install right-turn overlaps for the eastbound right-turn and southbound right-turn phases at the intersection of Highlands Pkwy and S Cobb Dr.

23. install an additional eastbound left-turn lane (via restriping or widening) so the approach provides two (2) exclusive left-turn lanes, one (1) shared left-turn/through lane, and one (1) right-turn lane at the intersection of Highlands Pkwy and S Cobb Dr.

24. Tree removal will be required for any trees within the sight distance triangle on Oakdale Road.

25. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 940 square feet. (Section 720.9(2) of the Zoning Ordinance).

26. The development will include a minimum of 389 parking spaces per the current density shown. A reduction in the residential units caused by unforeseen site constraints would cause a commensurate reduction in parking to be reviewed by the Director of Community Development.

27. Parking for the commercial, retail and apartments within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ "shared" parking among the respective components and will provide sufficient and adequate parking for the total development.

28. The parking deck shall provide a decorative brick exterior on the north, east, and south elevations.

29. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.

30. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.

31. The maximum number of residential units shall not exceed 163 Class A amenitized multi-family units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.

32. All apartment units shall be maintained in a Class A/First Class manner.

33. The multi-family units shall include the following interior finishes:

i. Minimum nine-foot (9') ceilings;

ii. Forty-two inch (42") upper cabinets in the kitchen;

iii. Pendant lighting shall be utilized in the in the kitchen area of the units and flush-mount LED can lighting shall be used in both the kitchen and dining areas of the units;

iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;

v. Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;

vi. Tile flooring shall be required in both the kitchen and bathrooms including luxury vinyl tile (i.e. not sheet vinyl or VCT);

vii. All bathrooms shall have tub/shower surrounds with an aesthetic similar to tile;

viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;

ix. All kitchen counter tops shall be horizon style counter tops; and

x. All kitchen sinks shall be under-mounted stainless-steel sinks.

34. The approximate mixture of unit types shall consist of the following: sixty-four percent (64%) one bedrooms, thirty-four percent (34%) two bedrooms, and two percent (2%) three bedrooms.

35. A minimum of 10% of the multi-family units will be designated as work-force housing affordable to households earning between 80% and 120% of the area median income, with rents capped at 30% of monthly income.

36. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted February 2, 2022 and created by Kimley-Horn and all zoning stipulations above.

37. The applicant shall be bound to the conceptual elevations submitted on December 3, 2021. Approval of any change to the elevations must be obtained from the Director of Community Development.

38. All structures on the subject property shall be demolished within nine (9) months of approval by the Mayor & Council.

Councilmember Lewis Wheaton mentioned the deceleration lane on S. Cobb and GDOT approval. He asked Mr. Martin to discuss what that means. Mr. Martin stated that the third outer most lane would be a deceleration lane that enters into the community. This idea was generated from discussions with GDOT during the approval process. The City made a request to have the deceleration lane on the outside of the existing lanes; however, it is not City right-of-way, it is GDOT right-of-way, and they said it was not an acceptable design which the City has to accept. Dr. Wheaton asked about stipulation 22 - install right-turn overlaps for the eastbound right-turn and southbound right-turn phases at the intersection of Highlands Pkwy and S Cobb Dr. Mr. Martin stated that signal phasing adjustments will be made in order to get better pacing of traffic and traffic movement. Dr. Wheaton asked what the approximate length of the extra lane on Oakdale is. Mr. Martin stated it is around 150 total linear feet, and the applicant has discussed possibly extending that.

Councilmember Charles Welch asked how many parking spaces there will be. Mr. Martin answered there will be 386 spaces. Mr. Welch stated that there are 215 beds and 20,000 sq ft of retail space. Mr. Martin stated that as there are mixed use spaces, the number of parking spaces decreases/changes. City ordinance does not contemplate mixed use ratios. Community Development attempts to make solid, rational decisions as to what is an acceptable level of parking. Further discussion took place concerning the left-hand turn lane on S. Cobb. Mr. Martin stated that with an extension of the right-hand turn lane, more people are able to get through.

Councilmember Glenn Pickens asked if the commercial aspect is tied into the residential development - will they be developed simultaneously? Mr. Martin stated they would be developed at the same time.

Mayor Pro Tem/Councilmember Tim Gould asked if there is one company managing the entire property or is that up to the property owner. Mr. Martin stated that is up to the property owner. For multi-family developments, the City has certain requirements that have to be met.

Parke Lammerts, Arris Holdings, came forward and was sworn in. Mr. Lammerts stated that the property is geared toward young professionals, ie. teachers, nurses, etc. The intent is to create an amenity for the area. They want restaurant space focused on local and regional restaurants, coffee shops, markets. They are willing to condition the zoning stipulation approval process to ensure quality, classic tenants. Mr. Lammerts stated that they can extend the lane on Oakdale Road. He humbly asked for Council approval.

Dr. Wheaton discussed the extension of the lane on Oakdale and confirmed that they are willing to extend that. Dr. Wheaton asked Mr. Lammerts to discuss the location of dumpsters and mailboxes. The mailboxes will be internal within the clubhouse. There will be no dumpsters on site. There will be a system of chutes for both residential and commercial units. Dr. Wheaton mentioned the concerns about commercial deliveries. Mr. Lammerts stated that they can contain all of the truck traffic onto S. Cobb Drive based on a preliminary truck turn radius study. Dr. Wheaton discussed the types of businesses they anticipate having and those that the City would like to exclude. The following are additional types of businesses that shall be prohibited:

- i. Billiard and pool halls. (Shall not preclude a brewery/restaurant/brew pub from having billiard tables provided that the billiard tables shall not exceed 35% of the gross floor area of the establishment)
- ii. Archery or gun range
- iii. Adult Novelty Shops
- iv. Adult Entertainment Establishments including but not limited to, Adult bookstore,
- v. Adult dancing establishment, Adult mini motion picture theater, Adult motion picture arcade, Adult motion picture theater, Adult video store, Erotic dance establishment and Escort bureau, as defined by the City of Smyrna's Code of Ordinances.
- vi. Gun Shops
- vii. Pawnshops and Check Cashing Establishments
- viii. Tattoo and Body Piercing Parlors
- ix. Massage Parlors
- x. Fast Food Restaurants with drive through windows
- xi. Vape, CBD and smoke shops
- xii. Barber shops and nail salons
- xiii. Liquor stores

- xiv. Arcades
- xv. Onsite dry cleaners

Councilmember Susan Wilkinson asked Mr. Lammerts to describe the retaining wall on Oakdale Road, and she asked if there are going to be elevators in the buildings. Mr. Lammerts stated that it is an internal retaining wall, and they will submit drawings prior to installation. And there will be elevators in the buildings.

Mayor Pro Tem/Councilmember Tim Gould asked Mr. Lammerts to discuss the property management of the whole site. Mr. Lammerts stated that the residential side will be managed by First Communities. Arris Holdings will manage the commercial portions. Discussion took place regarding balconies and the rules for those balconies. There are stipulations as to what can and cannot be placed on balconies, and those are part of the lease agreements. Mr. Gould asked for a description of landscaping, and Mr. Lammerts stated they will plant more mature trees, and they are willing to concede to landscape plan approval for visual appeal.

Mr. Lammerts stated they project rent for these units to be \$1,800.00-\$2,900.00.

A public hearing was called.

Mary Rose Barnes - Oakdale Community Association, 4756 Oakdale Rd - Ms. Barnes stated that this development is incompatible with the Oakdale Road area. Traffic congestion is a major concern, especially as more apartments are being added. She is against this development and respectfully asked the Council to deny this request.

William Schwartz - 2168 Oakdale Estates Ct - Mr. Schwartz stated he is adamantly opposed to this development because of the major traffic impact it will have on that intersection. He further stated that the area already has too many apartments, and with apartments there is no pride or sense of ownership. He asked the Council to deny the request.

Drue Robidoux - 2150 Oakdale Estates Ct - Ms. Robidoux stated that she was never notified of this development. The biggest concern and problem is traffic. Without the development, the traffic is already bad going north on Oakdale Road. She asked they not allow this to go forward and not put more traffic on the roadways.

Glenn Perich - 2159 Oakdale Estates Ct - Mr. Perich stated he is a 15-year resident. Oakdale Road traffic increases year after year. He is unable to make a left-hand turn out of his subdivision. He stated that only three cars are able to get through the traffic light. He stated that he is vehemently against this development.

Chris Zweifel - 3289 Lee St - He stated he supports this development because more housing is needed in the area and in the country as a whole. He quoted statistics that the United States is 7 million houses in the hole. ARC forecasted that metro-Atlanta prices are up 22% from one year ago. Lack of housing is bad for Smyrna and Cobb County.

Dr. Wheaton asked Mr. Martin to discuss the timing of the light sequence. Mr. Martin stated that engineering has to coordinate with GDOT because it is State right-of-way. The balance is trying to align the City's goals with GDOT's goals. Mr. Gould reiterated that the City cannot unilaterally make a traffic light timing change because it is out of Smyrna's control.

Councilmember Lewis Wheaton made a motion to approve item 2021-600, a public

hearing and zoning request (Z21-014) to allow rezoning from GC to MU-Conditional for the development of 163 multi-family units, 20,409 sq. ft. of commercial/restaurant space, and 7,700 sq. ft. clubhouse space at a density of 23.5 units per acre on 6.9 acres on land lots 751 and 725 located at S. Cobb Drive and Oakdale Road by applicant Arris Holdings with the following additional conditions/prohibitions:

The following uses shall be prohibited within the development:

- i. Billiard and pool halls. (Shall not preclude a brewery/restaurant/brew pub from having billiard tables provided that the billiard tables shall not exceed 35% of the gross floor area of the establishment)
- ii. Archery or gun range
- iii. Adult Novelty Shops
- iv. Adult Entertainment Establishments including but not limited to, Adult bookstore,
- v. Adult dancing establishment, Adult mini motion picture theater, Adult motion picture arcade, Adult motion picture theater, Adult video store, Erotic dance establishment and Escort bureau, as defined by the City of Smyrna's Code of Ordinances.
- vi. Gun Shops
- vii. Pawnshops and Check Cashing Establishments
- viii. Tattoo and Body Piercing Parlors
- ix. Massage Parlors
- x. Fast Food Restaurants with drive through windows
- xi. Vape, CBD and smoke shops
- xii. Barber shops and nail salons
- xiii. Liquor stores
- xiv. Arcades
- xv. Onsite dry cleaners;

seconded by Mayor Pro Tem/Councilmember Tim Gould.

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

**C. [RES2022-08](#)**

Approval of Resolution RES2022-08 for the funding and submittal of an application to the Atlanta Regional Commission (ARC) for participation in the 2022 Livable Centers Initiative grant program for the development of a South Cobb Drive corridor study in the amount of \$40,000.00, which is a 20% local match by the City, and authorize the Mayor to sign and execute all related documents.

***Ward / Citywide***

*Penny Mocer, Deputy City Administrator, provided the following background:*

*The Community Development Department is seeking approval for a funding resolution in the amount of \$40,000 to submit an application to the Atlanta Regional Commission to participate in the 2022 Livable Centers Initiative grant program for the development of the South Cobb Drive corridor study. The proposed study area would encompass parcels along or near South Cobb Drive from Oakdale Drive / Lake Court to Pat Mell Road. The study is intended to create a master plan to advance affordable housing, creative place making, transit, green infrastructure and smart city technology.*

*Community Development is applying for a total grant amount of \$200,000 for the study.*

*Participation in the grant program would require a local match of 20% by the city for a total match amount of \$40,000.*

*Community Development recommends approval of Resolution RES2022-08 for the funding and submittal of an application to the Atlanta Regional Commission (ARC) for participation in the 2022 Livable Centers Initiative (LCI) Grant Program for the development of a South Cobb Drive corridor study in the amount of \$40,000.00, which is a 20% local match by the City, and authorize the Mayor to sign and execute all related documents.*

Councilmember Travis Lindley made a motion to approve item RES2022-08 a resolution (RES2022-08) for the funding and submittal of an application to the Atlanta Regional Commission (ARC) for participation in the 2022 Livable Centers Initiative grant program for the development of a S. Cobb Drive corridor study in the amount of \$40,000.00, which is a 20% local match by the City, 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:

**5. Privilege Licenses:**

**6. Formal Business:**

- A. [RES2022-06](#) Approval of Resolution RES2022-06 calling for a Special Election for the Ward 2 Council seat, setting qualifying dates, setting a qualifying fee of \$567.00, approval for the City to enter into a Contract with Cobb County Board of Elections for the Primary Election May 24, 2022 and authorize the Mayor to sign and execute all related documents.

***Ward 2***

*Penny Mocer, Deputy City Administrator, provided the following background:*

*Mr. Austin Wagner announced at the February 3, 2022 Committee of the Whole Meeting that effective immediately he would be stepping down from his Ward 2 Council seat to serve in a position under Atlanta Mayor Andre Dickens. He forwarded an email to the City Clerk's Office tendering his resignation effective February 3, 2022.*

*The Cobb County Board of Elections will contract with the City to hold and supervise the Special Election for the City of Smyrna during the State Primary Election May 24, 2022. Qualifying dates will be March 8, 2022 and March 9, 2022; 8:30 AM - 4:30 PM with an hour for lunch 12:00 PM - 1:00 PM and March 10, 2022; 8:30 AM - 12:30 PM. The Qualifying Fee will be set at \$567.00 which is 3% of the gross salary of the office and posted for Public Notice by Cobb Elections.*

Councilmember Travis Lindley made a motion to approve item RES2022-06, a resolution (RES2022-06) calling for a Special Election for the Ward 2 Council seat, setting qualifying dates, setting a qualifying fee of \$567.00, approval for the City to enter into a Contract with Cobb County Board of Elections for the Primary Election May 24, 2022 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:** 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**B.** [2021-569](#)

Approval to award RFP 22-017 to TSW Design (1447 Peachtree Street NE, Suite 850, Atlanta, GA 30309), to provide design, documentation, and construction administration services for renovation of the library's existing five public restrooms using \$49,950.00 of Smyrna CDBG Public Facilities balance and authorize the Mayor to sign and execute all related documents.

**Ward 3 / Councilmember Lindley**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*The City of Smyrna requested qualifications and cost proposals from firms to provide design, documentation, and construction administration services for renovation of the library's existing five public restrooms. The proposed work includes energy-efficient design for two men's, two women's, and one family restroom to bring the facilities up to code and in compliance with ADA regulations. This project is funded by the Community Development Block Grant (CDBG). Three (3) firms submitted, and the proposals were ranked by selected City staff. Based on the scores of the firm's proposal and qualifications it is our recommendation to award this project to TSW.*

*Smyrna Library and Purchasing recommend approval to award TSW Design (1447 Peachtree Street NE, Suite 850, Atlanta, GA 30309) to provide design, documentation, and construction administration services for renovation of the library's existing five public restrooms using \$49,950.00 of Smyrna CDBG Public Facilities balance and authorize the Mayor to sign and execute all related documents.*

Councilmember Travis Lindley made a motion to approve item 2021-569 to award RFP 22-017 to TSW Design (1447 Peachtree Street NE, Suite 850, Atlanta, GA 30309), to provide design, documentation, and construction administration services for renovation of the library's existing five public restrooms using \$49,950.00 of Smyrna CDBG Public Facilities balance 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, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**C.** [2022-070](#)

Approval to award RFP22-018 for Rebuilding Together-Atlanta (3060 Peachtree Road NW, Suite 1810 Atlanta, GA 30305) for program development, administration, case management, construction management and other services necessary to establish and maintain the City's Community Development Block Grant (CDBG) Home Repair Grant program using \$62,500 which includes grant funds and administration fee from CDBG Public Facilities balance and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*The City of Smyrna requested proposals for program development, administration, case management, construction management and other services necessary to establish and maintain the City's CDBG Home Repair Grant program. The City has allocated \$50,000 in Community Development Block Grant funds to assist qualified homeowners with grants for home repairs and administration. Three (3) firms submitted, and our recommendation is to award this project to Rebuilding Together-Atlanta. Rebuilding Together-Atlanta has experience managing similar projects for City of Atlanta and Veterans at Home Program. The administration fee of the program would be \$12,500, bringing the project total to \$62,500.*

Councilmember Charles Welch made a motion to approve item 2022-070 to award RFP22-018 for Rebuilding Together-Atlanta (3060 Peachtree Road NW, Suite 1810, Atlanta, GA 30305) for program development, administration, case management, construction management, and other services necessary to establish and maintain the City's Community Development Block Grant (CDBG) Home Repair Grant program using \$62,500.00 which includes grant funds and administration fee from CDBG Public Facilities balance 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, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**D. [2022-049](#)**

Approval to authorize Croy Engineering for FY 2022 Waterline Design and Engineering Services in the amount of \$148,800.00 for Doeskin and Green Forest area, Lake Court area, and Spring Road area.

***Ward / Citywide***

*Penny Mocer, Deputy City Administrator, provided the following background:*

*Public Works budgeted \$150,000 .00 for water/sewer design projects to achieve the goal of upgrading all water and sewer lines. Croy Engineering has submitted proposals for design and engineering services for the following areas:*

*Doeskin and Green Forest area \$50,000.00*

*Lake Court area \$47,300.00*

*Spring Road area \$51,500.00*

*TOTAL \$148,800.00*

*It is the recommendation of Purchasing and Public Works that this project be awarded to Croy Engineering in the amount of \$148,800.00.*

Councilmember Charles Welch made a motion to approve item 2022-049 to authorize Croy Engineering for FY 2022 Waterline Design and Engineering Services in the amount of \$148,800.00 for Doeskin and Green Forest area., Lake Court area, and Spring Road area; seconded by Mayor Pro Tem/Councilmember Tim Gould.

The motion to approve carried with the following vote:

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



**E. [2022-079](#)**

Authorization for the City or Downtown Development Authority to enter into a yearly lease agreement (with a three year renewal option) with Glock at Highland Overlook for 6,400 sq ft of space located at 1100 Wilson Way, Suite 400, Smyrna, GA 30082 for the purpose of creating a law enforcement training facility with an annual lease cost of \$85,000.00 and an initial estimated upfront cost to renovate the facility of \$100,000.00 and authorize the Mayor to sign and execute all related documents. Additionally, authorization of a budget amendment to the adopted FY 2022 budget in the amount of \$30,000 taken from General Fund reserves and added to Police Admin Rental of Buildings to cover the lease and operational costs for the remainder of FY 2022 and an amendment to establish a project in the ARPA fund in the amount of \$67,000 to fund the upfront renovation costs (\$33,000 of renovation will be covered using police forfeiture funds) and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*The police department will have a critical need for a facility to conduct law enforcement training once the existing structure has been removed on Atlanta Road. 1100 Wilson Way, Suite 400 has been offered as a possible solution to create a new and improved law enforcement training center. The building located off of Highlands Parkway on the south end of the city has 6,400 square feet of usable space.*

*It incorporates four (4) offices, a room for the firearms training simulator (FATS), a forty (40) student classroom, and 3,400 square feet of unfinished warehouse space. This can be used for defensive tactics training and other simulated training needed to maintain a highly competent and well trained work force. Additionally, this venue creates a footprint for law enforcement on the south end of the city. Officers training and utilizing this space places officers in strategic locations for a variety of service needs (presence, response times, handling local criminal issues confined to the south end, etc). Additionally, it can be used as a marketing effort to attract and recruit new workforce talent and serve as a south precinct if needed.*

*The facility will need some upgrades for security, internet, door access, paint, flooring, furniture and HVAC. Total build cost to move in, \$100,000.00. Annual cost, \$85,000.00 and it is available for lease up to 3 years.*

- Rent: \$5,000.00 monthly
- Furniture (office furniture, classroom tables/chairs, media): \$5,000.00
- Paint and flooring: \$33,000.00
- Internet connection (includes door access, security camera installation, firewall, rack, computer, and video conferencing): \$27,000.00
- Room preparation for FATS simulator: \$3,000.00
- Utilities (lights, HVAC, internet, water): \$1300.00 monthly

*Mayor Norton noted that the funds used to make facility improvements will actually be backed out of the lease amount.*

*Councilmember Lewis Wheaton asked Chief Zgonc to explain the type of training that will take place in this facility. Chief Zgonc stated that it will be used for a firearms*

*simulator (scenario based training), the Citizens' Police Academy, and defensive tactics training like Brazilian jiu jitsu*

Councilmember Lewis Wheaton made a motion to approve item 2022-079, an authorization for the City of Downtown Development Authority to enter into a yearly lease agreement (with a three year renewal option) with Glock at Highland Overlook for 6,400 sq. ft. of space located at 1100 Wilson Way, Suite 400, Smyrna, GA 30082 for the purpose of creating a law enforcement training facility with an annual lease cost of \$85,000.00 and an initial estimated upfront cost to renovate the facility of \$100,000.00 and authorize the Mayor to sign and execute all related documents. Additionally, authorization of a budget amendment to the adopted FY 2022 budget in the amount of \$30,000 taken from General Fund reserves and added to Police Admin Rental of Buildings to cover the lease and operational costs for the remainder of FY 2022 and an amendment to establish a project in the ARPA fund in the amount of \$67,000 to fund the upfront renovation costs (\$33,000 of renovation will be covered using police forfeiture funds) 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, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**F. [2022-084](#)**

Approval to award RFP 21-015 Full-Service Janitorial Contract to the 2nd bidder General Building Maintenance, Inc. of 3835 Presidential Pkwy #200, Atlanta, GA 30340 in the amount of \$175,823.40 and authorize the Mayor to sign and execute all related documents.

***Ward / Citywide***

*Penny Mocer, Deputy City Administrator, provided the following background:*

*This request for proposal for the full-service janitorial contract was initially awarded to American Facility Services in July 2021 with a start date of August 1, 2021. This janitorial contract is a full-service agreement that provides janitorial services for City Hall, Library, Police Administration, Brawner Hall, Fire Station #1, Recycling Center, Wolfe Center, and Community Center. The review team ranked American Facility Services as the highest ranking firm based on providing comparable services to many public agencies. General Building Maintenance, Inc. was ranked second during that process.*

*Since the start of the contract with American Facility, there have been constant issues due to staffing and GCIC compliance. On Feb 14, 2022, the contractually required 30-day notice was given to terminate the contract. City purchasing staff began negotiations with the 2nd bidder, General Building Maintenance, Inc. about taking over janitorial services. General Building Maintenance will begin services March 21, 2022. The contract amount will be \$175,823.40.*

*Building and Grounds and Purchasing recommend approval to award RFP21-015 Full-Service Janitorial Contract to the 2nd bidder General Building Maintenance, Inc. of 3835 Presidential Pkwy #200, Atlanta, GA 30340 in the amount of \$175,823.40 and authorize the Mayor to sign and execute all related documents.*

Councilmember Travis Lindley made a motion to approve item 2022-084 to award RFP 21-015 Full-Service Janitorial Contract to the 2nd bidder General Building Maintenance,

Inc. of 3835 Presidential Pkwy #200, Atlanta, GA 30340 in the amount of \$175,823.40 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:** 6 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**G. [ORD2022-02](#)**

Approval of Ordinance ORD2022-02 for the amendment to Sec. 102-58 Hydrant Obstruction, Maintenance and Testing, providing for the operating procedures for private fire hydrants and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*This is a request from public works to create & add an ordinance covering Standard operating procedures for "Private Fire Hydrants". The proposed ordinance includes the specifications and other requirements as well as the maintenance and testing requirements for Private Fire Hydrants.*

*Public Works staff recommends approval of Ordinance ORD2022-02 for the amendment to Sec. 102-58 Hydrant Obstruction, Maintenance and Testing, providing for the operating procedures for private fire hydrants and authorize the Mayor to sign and execute all related documents.*

Councilmember Susan Wilkinson made a motion to approve item ORD2022-02, an ordinance (ORD2022-02) for the amendment to Sec. 102-58 Hydrant Obstruction, Maintenance and Testing, providing for the operating procedures for private fire hydrants 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, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**H. [ORD2022-06](#)**

Approval of Ordinance ORD2022-06 for the amendment to Appendix D, Section 5 (i) to increase the minimum size for continuous copper tubing for service lines from ¾ inch to 1 inch and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Penny Mocer, Deputy City Administrator, provided the following background:*

*This is a request from public works to amend existing ordinances. Currently Appendix D, Section 5 (i) provides that service lines must be a minimum of ¾ inch type K continuous copper tubing. Public works has requested that this be changed to require an increased size of 1 inch. All remaining provisions remain unchanged.*

*Public Works staff recommends the approval of Ordinance ORD2022-06 for the amendment to Appendix D, Section 5 (i) to increase the minimum size for continuous*

*copper tubing for service lines from ¾ inch to 1 inch and authorize the Mayor to sign and execute all related documents.*

Councilmember Charles Welch made a motion to approve item ORD2022-06, and ordinance (ORD2022-06) for the amendment to Appendix D, Section 5 (i) to increase the minimum size for continuous copper tubing for service lines from 3/4 inch to 1 inch 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, Councilmember Wilkinson, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**I. [2022-090](#)**

Authorization to enter into a contractual agreement with Butler Snow LLP (1020 Highland Colony Parkway, Suite 1400, Ridgeland, Mississippi 39157) for the performance of Legal Services related to the upcoming redistricting plan for the seven wards of Smyrna, Ga., and authorize the Mayor to sign and execute all related documents.

***Ward / Citywide***

*Penny Mocer, Deputy City Administrator, provided the following background:*

*The 2020 census will require redistricting in the City of Smyrna. The City wishes to contract with Butler Snow LLP to conduct these services as outlined below and in the attached Contractual Agreement.*

*I. SCOPE OF SERVICES: Butler Snow will provide special legal services to the City as follows:*

- (1) advise Council on current legal issues and related law pertaining to redistricting;*
- (2) review and analyze current redistricting plan for the Council, and advise as to related legal issues and develop benchmark plan for same;*
- (3) prepare and draw draft map for the Council and hold a minimum of one (1) public hearing to obtain input from public of proposed map or maps;*
- (4) present final map to Council for adoption; and*
- (5) generally render all legal advice necessary for the proper preparation, adoption and approval of any redistricting plan(s), including the ability to hire consulting experts if needed, the preparation of legal descriptions, and any related litigation.*

*II. PERIOD OF PERFORMANCE: The term of this Agreement shall commence on the date it is approved by the Council and executed by the Mayor and shall expire when Butler Snow completes its scope of services.*

*III. RELATIONSHIP OF PARTIES: It is expressly understood and agreed that Butler Snow is an independent contractor and that the purchase of legal services is not based on an employer-employee relationship.*

Councilmember Travis Lindley made a motion to approve item 2022-090, an authorization to enter into a contractual agreement with Butler Snow LLP (1020 Highland Colony Parkway, Suite 1400, Ridgeland, Mississippi 39157) for the performance of Legal Services related to the upcoming redistricting plan for the seven wards of Smyrna, GA, 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:** 5 - Councilmember Pickens, Councilmember Lindley, Councilmember Welch, Mayor pro tem / Councilmember Gould and Councilmember Wheaton

**Nay:** 1 - Councilmember Wilkinson

## 7. Commercial Building Permits:

There were no commercial building permits.

## 8. Consent Agenda:

A motion was made by Mayor Pro Tem / Councilmember Gould, seconded by Councilmember Lindley, to approve the Consent Agenda. The motion carried with the following vote:

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

- A. [MIN2022-07](#) Approval of the February 3, 2022 Committee of the Whole Meeting Minutes.  
**Ward / Citywide**  
This item was approved on the Consent Agenda.
- B. [MIN2022-08](#) Approval of the February 7, 2022 Pre-Council Meeting Minutes.  
**Ward / Citywide**  
This item was approved on the Consent Agenda.
- C. [MIN2022-09](#) Approval of the February 7, 2022 Mayor and Council Meeting Minutes.  
**Ward / Citywide**  
This item was approved on the Consent Agenda.
- D. [2022-082](#) Ratify and approve a road closure on Windy Hill Road at Burbank Circle for the revised dates of February 14 - 16, 2022 for the construction of the Windy Hill Boulevard Improvements.  
**Ward / Councilmember Wilkinson**  
This item was approved on the Consent Agenda.
- E. [2022-083](#) Approval for Atkins Park and Zucca through Redbird Events to hold the 19th Annual St. Patrick's Day Celebration(s) - three days of festival - in the Market Village taking place in 2022 on Thursday, March 17 from 4:00 p.m. until 11:00 p.m. (outdoor music ending at 10:00 p.m.), Friday, March 18 from 4:00 p.m. until 11:00 p.m. (outdoor music ending at 10:00 p.m.) and Saturday, March 19 from 11:00 a.m. until 11:00 p.m. (outdoor music ending at 10:00 p.m.) - with setup beginning on the afternoon of Wednesday, March 16 and all event/festival items removed or out of sight

by midnight, Saturday, March 19 for pickup on Sunday, March 20, 2022.

**Ward 3 / Councilmember Lindley**

This item was approved on the Consent Agenda.

**F. [2022-022](#)**

Approval for the purchase of a SCBA cascade air system for the Fire Department from Municipal Emergency Services (MES), 6710-C North Park Blvd., Charlotte, NC. 28216, in the amount of \$53,980.71, to be funded from the FY22 Capital Improvement Projects (CIP) and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

This item was approved on the Consent Agenda.

**G. [2022-039](#)**

Approval to award RFQ 22-020 site Improvements at Durham Park and Taylor Brawner Park to the lowest bidder Ashford Gardeners located at 16040 Birmingham Highway, Milton, GA 30004 for \$169,188.00 and to authorize the Mayor to execute any related documents. Additionally, authorization to amend the FY 2022 adopted budget to establish a project in the ARPA fund in the amount of \$102,000 to fund the project (remaining project costs to be funded by two projects previously established in the CIP fund) and to authorize the Mayor to execute any related documents.

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

**Ward 3 / Councilmember Lindley**

This item was approved on the Consent Agenda.

**H. [POL2022-01](#)**

Approval of the ARTery policy as presented at the February 3, 2022 Committee of the Whole Meeting.

**Ward / Citywide**

This item was approved on the Consent Agenda.

**I. [2022-094](#)**

Approval of a retroactive road closure on Ward Street for Saturday, February 19, 2022 from 9:00AM to 6:00PM as part of the work on the Windy Hill Project.

**Ward 3 / Councilmember Lindley**

**Ward 5 / Councilmember Wilkinson**

This item was approved on the Consent Agenda.

**9. Ward / Committee Reports:**

*Councilmember Travis Lindley thanked staff and others that participated in the rededication of Mt. Zion Cemetery. He stated it was a proud moment.*

*Councilmember Susan Wilkinson stated that previous council added a line-item to the budget for Black History Month and Hispanic History Celebration. She also addressed Aunt Fanny's Cabin and its disrepair. She stated that it is wrong to imply that the previous council were remiss in their duties for the upkeep of that building.*

*Mayor Pro Tem/Councilmember Tim Gould thanked staff and Councilmember Lindley for the Mt. Zion rededication ceremony. It was a symbolic change for the City. Mr. Gould also discussed that they had just completed the Racial Trust Building Initiative and hope to roll that out to the community with the goal of building familiarity and trust for different communities of different ethnicities. Mr. Gould reminded everyone that the Committee to Honor Fanny Williams will meet on February 22, 2022.*

*Councilmember Lewis Wheaton stated that because of Covid, many Black History Month celebrations will be moved appropriately to Juneteenth. A lecture will be given by Erica Armstrong Dunbar about her book "She Came To Slay" about Harriett Tubman. Dr. Wheaton congratulated highschoolers and middle schoolers who are moving on to magnet programs and colleges. He also mentioned downed trees in Ward 7 and conversations with Commissioner Sheffield and the railroads.*

## **10. Show Cause Hearings:**

There were no show cause hearings.

## **11. Citizen Input:**

*- Pat Burns - 10 Concord Road - She is opposed to the demolition of Aunt Fanny's Cabin. She stated that in 2019 then Councilmembers Norton and Gould cast nay votes opposing a Black History event. A full copy of her statement can be found in the agenda packet.*

*\*Mayor Norton stated that he and Mr. Gould did not vote against a Black History event. He stated that it was a budget and timing consideration for the Hispanic Heritage Celebration.*

*\*Councilmember Travis Lindley stated that the prior regime sponsored and restored the Reed House. This was not an action of the current government. Facts matter.*

*- Lisa Castleberry - 2600 Moore Rd - thanked the Council for the Mt. Zion Cemetery celebration. Ms. Castleberry stated that she wants the City to honor Fanny Williams with respect and dignity. She used to work at the restaurant and it was like working on a plantation where people were called derogatory names and treated very poorly. She stated that building was not put there to honor Fanny Williams.*

*- Maryline Blackburn - Smyrna resident - thanked Council for the Mt. Zion Cemetery rededication. She stated that is one of only two Black historical places in Smyrna, the other being Aunt Fanny's Cabin. She is opposed to the demolition of Aunt Fanny's Cabin.*

## **12. Adjournment:**

Mayor Derek Norton adjourned the February 21, 2022 Mayor and Council Meeting at 8:54 AM.