



City of Smyrna

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

Action Summary - Preliminary City Council

Monday, August 15, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould and Councilmember Lewis Wheaton

Also Present: 2 - Scott Cochran and Phyllis Collins

Staff: 10 - Tyler Addison, Jennifer Bennett, Joe Bennett, Dustin Davey, Jill Head, Brian Marcos, Russell Martin, Penny Mocer, Heather Peacon-Corn and Keith Zgonc

Call to Order

Mayor Derek Norton called to order the August 15, 2022 Mayor and Council Meeting held at A. Max Bacon City Hall in Council Chambers at 7:01 PM.

1. Invocation and Pledge:

Pastor Jeff Pennington, Smyrna First Baptist (1275 Church Street), led the invocation and Pledge of Allegiance.

2. Agenda Changes:

3. Mayoral Report:

A. [2022-402](#) Recognize Smyrna Little League Blue All-Stars (11u) - GA State Champs

B. [2022-403](#) Recognize Smyrna Elite Track Sports Club

C. [2022-398](#) Authorization for the appointment and swearing in of Brian Marcos as Fire Chief for the City of Smyrna as a result of the retirement of Chief Roy Acree on July 29, 2022 and at the recommendation of the City Administrator, Joseph Bennett.

Councilmember Travis Lindley made a motion to approve item 2022-398, the appointment and swearing in of Brian Marcos as Fire Chief for the City of Smyrna as a result of the retirement of Chief Roy Acree on July 29, 2022 and at the recommendation of the City Administrator, Joseph Bennett; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

4. Land Issues/Zonings/Annexations:

- A. [2022-145](#) **Public Hearing** - Zoning Request - Z22-005 - Allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel - 3.115 acres - Land Lots 846, 880 & 881 - Mogar Farms Funding LLC - 2855 Spring Hill Pkwy & 2685 Spring Rd. - ***This item will be tabled to the September 19, 2022 meeting at the request of the applicant.***

Ward 1 / Councilmember Pickens

Councilmember Glenn Pickens made a motion to table item 2022-145, a public hearing and zoning request (Z22-005) to allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel on 3.115 acres on land lots 846, 880 & 881 located at 2855 Spring Hill Pkwy & 2685 Spring Rd. by applicant Mogar Farms Funding LLC to the September 19, 2022 Mayor and Council meeting; seconded by Councilmember Travis Lindley.

The motion to table this to the September 19, 2022 Mayor and Council meeting carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- B. [2022-347](#) **Plat Approval** - Approval for the subdivision of property at 2400 Lake Park Drive into two parcels. Land Lot 779, 780, 805 & 806 - 9.73 acres - 2400 Lake Park Drive - 2400 Lake Park Atlanta LLC

Ward 2 / Councilmember Hines

Councilmember Latonia P. Hines made a motion to approve item 2022-347, a plat approval for the subdivision of property at 2400 Lake Park Drive into two parcels on land lots 779, 780, 805 & 806 on 9.73 acres located at 2400 Lake Park Drive by applicant 2400 Lake Park Atlanta LLC; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- C. [RES2022-10](#) **Public Hearing:** Approval of Resolution RES2022-10 for a moratorium extension on the acceptance of rezoning and variance applications seeking to develop or otherwise use the property as a townhome or for a townhome development from September 15, 2022 to September 19, 2022 and authorize the Mayor to sign and execute all related documents. **Ward / Citywide**

Councilmember Travis Lindley made a motion to approve item RES2022-10, a public hearing and resolution (RES2022-10) for a moratorium extension on the acceptance of rezoning and variance applications seeking to develop or otherwise use the property as a townhome or for a townhome development from September 15, 2022 to September 19, 2022 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: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

D. [ORD2022-12](#)

Public Hearing: Approval of Ordinance ORD2022-12 - Annexation request (60% owners requesting annexation) - all tract or parcels as attached and defined in the issue and background section, of land lying and being in Land Lot 191, 242 and 243 of the 17th District, 2nd Section, Cobb County, Georgia; a subdivision known as Heritage Mill Subdivision to be effective September 1, 2022 and part of Ward 4 and authorizes the Mayor to sign and execute all related documents.

Ward 4 / Councilmember Welch

Councilmember Charles Welch made a motion to approve item ORD2022-12, a public hearing and ordinance (ORD2022-12) for the annexation request (60% owners requesting annexation) on all tract or parcels as attached and defined in the issue and background section, of land lying and being in land lot 191, 242 and 243 of the 17th District, 2nd Section, Cobb County, Georgia, a subdivision known as Heritage Mill Subdivision to be effective September 1, 2022 and part of Ward 4 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

E. [ORD2022-15](#)

Public Hearing: Approval of Ordinance ORD2022-15 - Annexation request (60% owners requesting annexation) - all tract or parcels as attached and defined in the issue and background of land lying and being in Land Lot 466 and 471 of the 17th District, 2nd Section, Cobb County, Georgia; a subdivision known as Vining Brooke Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

Ward 7 / Councilmember Wheaton

Councilmember Lewis Wheaton made a motion to approve item ORD2022-15, a public hearing and ordinance (ORD2022-15) for the annexation request (60% owners requesting annexation) on all tract or parcels as attached and defined in the issue and background of land lying and being in land lot 466 and 471 of the 17th District, 2nd Section, Cobb County, Georgia, a subdivision known as Vinings Brooke Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- F. [ORD2022-16](#) Approval of Ordinance ORD2022-16 - Annexation request (100% owners requesting annexation) - all tract or parcels as attached and defined in the issue and background of land lying and being in Land Lot 611 of the 17th District, 2nd Section, Cobb County, Georgia; a subdivision known as Buckland Oaks Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

Ward 7 / Councilmember Wheaton

Councilmember Lewis Wheaton made a motion to approve item ORD2022-16, an ordinance (ORD2022-16) for the annexation request (100% owners requesting annexation) on all tract or parcels as attached and defined in the issue and background of land lying and being in land lot 611 of the 17th District, 2nd Section, Cobb County, Georgia, a subdivision known as Buckland Oaks Subdivision to be effective September 1, 2022 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

5. Privilege Licenses:

- A. [LIC2022-10](#) Privilege License Request LIC2022-10 - Beer and Wine (retail package) - 3418 South Cobb Drive SE - Shah Kwik Mart, LLC dba Kwik Mart with Pathik Shah as agent.

Ward 3 / Councilmember Lindley

Councilmember Travis Lindley made a motion to approve item LIC2022-10, a privilege license request (LIC2022-10) for beer and wine (retail package) located at 3418 South Cobb Drive SE by applicant Shah Kwik Mart, LLC dba Kwik Mart with Pathik Shah as agent; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

6. Formal Business:

- A. [AGR2022-29](#) Approval of the proposed agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2022 SPLOST as

requested for the fiscal year 2023 in the amount of \$420,000.00 for the projects as outlined in the attached proposal and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Councilmember Charles Welch made a motion to approve item AGR2022-29, an agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2022 SPLOST as requested for the fiscal year 2023 in the amount of \$420,000.00 for the projects as outlined in the attached proposal 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: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

B. [AGR2022-30](#)

Approval of the proposed agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2016 SPLOST as requested for the fiscal year 2023 in the amount of \$108,000.00 for the projects as outlined in the attached proposal and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Councilmember Latonia P. Hines made a motion to approve item AGR2022-30, an agreement with Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga. 30062) for professional services for Program Management of the 2016 SPLOST as requested for the fiscal year 2023 in the amount of \$108,000.00 for the projects as outlined in the attached proposal 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: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

C. [CON2022-12](#)

Approval of the contract for Guaranteed Maximum Pricing between the City of Smyrna and Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, Georgia 30341) for the Downtown Improvements - Green Space as referenced and approved in the agreement AGR2022-07 authorized by Mayor and Council on April 18, 2022 and authorize the Mayor to sign and execute all related documents.

Ward 3 / Councilmember Lindley

Councilmember Travis Lindley made a motion to approve item CON2022-12, the contract for Guaranteed Maximum Pricing between the City of Smyrna and Winter Construction Company (5616 Peachtree Road, Suite 100, Atlanta, Georgia 30341) for the Downtown Improvements - Green Space as referenced and approved in the agreement AGR2022-07 authorized by Mayor and Council on April 18, 2022 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 Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

D. [RES2022-11](#)

Approval of Resolution RES2022-11 for the City of Smyrna, Georgia adopting redistricting criteria for the redistricting of the City Council Ward's following the 2020 Census and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Councilmember Travis Lindley made a motion to approve item RES2022-11, a resolution (RES2022-11) for the City of Smyrna, Georgia adopting redistricting criteria for the redistricting of the City Council Wards following the 2020 Census and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

7. Commercial Building Permits:

8. Consent Agenda:

A motion was made by Councilmember Travis Lindley, seconded by Councilmember Latonia P. Hines, to approve the Consent Agenda. The motion carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

A. [MIN2022-53](#)

Approval of the July 28 , 2022 Committee of the Whole Meeting Minutes.

Ward / Citywide

These Minutes were Approved on the Consent Agenda.

B. [MIN2022-59](#)

Approval of the August 1, 2022 Special Called Meeting of the Mayor and Council.

Ward / Citywide

These Minutes were Approved on the Consent Agenda.

C. [MIN2022-54](#)

Approval of the August 1, 2022 Pre-Council Meeting Minutes.

Ward / Citywide

These Minutes were Approved on the Consent Agenda.

- D. [MIN2022-55](#) Approval of the August 1, 2022 Mayor and Council Meeting Minutes.
Ward / Citywide

These Minutes were Approved on the Consent Agenda.

- E. [2022-397](#) Approval to use Council Chambers for a joint Town Hall Meeting (Wards 1, 2 and 3), October 4, 2022, 7:00pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.

Ward 1 / Councilmember Pickens

Ward 2 / Councilmember Hines

Ward 3 / Councilmember Lindley

This Authorization was Approved on the Consent Agenda.

- F. [2022-401](#) Approval to use Council Chambers for a joint Town Hall Meeting (Wards 3 and 6), November 16, 2022, 7:00pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.

Ward 3 / Councilmember Lindley

Ward 6 / Mayor Pro Tem & Councilmember Gould

This Authorization was Approved on the Consent Agenda.

- G. [2022-422](#) Approval to use the Jonquil Room at the Smyrna Community Center for a Ward 2 Town Hall meeting on Tuesday, August 30, 2022 from 6:30PM - 8:00pm at 200 Village Green Circle SE, Smyrna, GA 30080.

Ward 2 / Councilmember Hines

This Authorization was Approved on the Consent Agenda.

- H. [2022-410](#) Approval to use Council Chambers for a Town Hall Meeting on the proposed townhome design standards on Tuesday, August 23, 2022, 6:30 pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.

Ward / Citywide

This Authorization was Approved on the Consent Agenda.

- I. [2022-411](#) Authorize the closing of downtown streets (managed by Smyrna PD) for the purpose of setup, facilitation and breakdown of the new Culture & Spirit Festival along with the 150th Birthday Celebration with Fireworks display to be held on Saturday, October 8, 2022 from 11:00 am until 10:00 pm with setup beginning as early as needed around City Hall and the Market Village - along with assets delivery and placement along various corridors - on Friday, October 7 and breakdown and removal of assets to begin at the conclusion of the festivities on Saturday, October 8 - streets opened early Sunday, October 9 am - with some assets to be collected on Monday, October 10 within open parking lots and along

open roadways.

Ward 3 / Councilmember Lindley

This Authorization was Approved on the Consent Agenda.

J. [2022-416](#)

Authorization for street closures and council approval to serve beer and wine in the lower Market Village around the pavilion (see map for proposed location) on Thursday, November 3, 2022 from 7:00 a.m. -11:00 p.m. for a Jazz Under the Gazebo private event of the Vineyard Wine Market in partnership with the Smyrna Public Safety Foundation.

Ward 3 / Councilmember Lindley

This Authorization was Approved on the Consent Agenda.

K. [2022-415](#)

Recommendation to appoint Jill Gordon-Evans by Ward 5 Councilmember Susan Wilkinson to serve on the Planning and Zoning Commission as the Ward 5 representative for a term to expire December 31, 2023.

Ward 5 / Councilmember Wilkinson

This Appointment was Approved on the Consent Agenda.

9. Ward / Committee Reports:

10. Show Cause Hearings:

11. Citizen Input:

12. Adjournment:

Mayor Derek Norton adjourned the August 15, 2022 Mayor and Council meeting at 8:34 PM.