



City of Smyrna

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

Meeting Minutes - Final Approved City Council

Monday, September 20, 2021

7:00 PM

Council Chambers

Roll Call

Present: 6 - Mayor Derek Norton, Councilmember Austin Wagner, Councilmember Travis Lindley, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Lewis Wheaton

Absent: 2 - Councilmember Glenn Pickens and Councilmember Charles Welch

Also Present: 1 - Jeffrey Tucker

Staff: 11 - Joe Bennett, Penny Mocer, Kristin Robinson, Heather Peacon-Corn, Jill Head, Jennifer Bennett, Dan Campbell, Brian Marcos, Frank Martin, Russell Martin and Joey Staubes

Call to Order

Mayor Derek Norton called to order the September 20, 2021 meeting of the Mayor and Council at 7:00 pm.

1. Invocation and Pledge:

Pastor Will Watts from Life Church Smyrna Assembly of God located at 4100 King Springs Rd. offered the invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no Agenda Changes.

3. Mayoral Report:

Mayor Norton made a few announcements:

- Councilmember Welch is not in attendance as he is traveling, and Councilmember Pickens is not in attendance because he became a new father just a few days ago. He offered his congratulations to Councilmember Pickens.

- The Hispanic Heritage Month Celebration will take place on October 2, 2021. There will be food trucks, a D.J., a movie, among other activities. Please find information on social media and radio advertisements.

- Thank you to the staff for organizing and attending the 9/11 ceremony.

- The Taste of Smyrna had to be canceled due to labor shortages. In its place the City kicked off "College Football Saturday." Ms. Jennifer Bennett on the City staff organized it on short notice. There was a large LED screen, a band at the fountain, and so far the feedback has been very positive. He anticipates having one or two more of these events this year and hopes to make it part of the normal rotation of events next year.

- The City of Smyrna Birthday Celebration is on October 9, 2021. Please come out to celebrate with Sister Hazel opening up for the Gin Blossoms. Reserve a table on the

website.

- The Downtown Redesign Detail is progressing. There have been two open houses and one more upcoming. Comments can be made through the end of the week when visiting the online pages for the design concepts. Thank you to all who have already attended those open houses and provided feedback.

- Progress is being made on the S Cobb Drive project. The City is working with DOT Commissioner McMurray, and because the City front loaded funds through a bond, the City has been able to fast forward the project ahead by a year. The project will include S Cobb Drive from Concord Road to Windy Hill Blvd.

A. [PRC2021-06](#)

Proclamation in Recognition of Constitution Week, September 17 - 23, 2021, Fielding Lewis Chapter, National Society Daughters of the American Revolution

The proclamation was presented to the representatives of the Fielding Lewis Chapter, National Society Daughters of the American Revolution:

Cynthia Simmons - Constitution Week Chairperson

Karen Kivette - Vice Regent

Carol Palmer

Mary Nisgerm

Emily Hewett

Jennifer Bennett

Councilmember/Mayor Pro Tem Tim Gould read and presented the proclamation.

B. [PRC2021-07](#)

Proclamation in Recognition of Hispanic Heritage Month

Ms. Veronica Maldonado Torres, President and CEO of the Georgia Chamber of Commerce, stated they are very honored for this recognition, and she thanked the Mayor and Council for celebrating Hispanic Heritage and the contribution of Hispanic-run small businesses and their economic impact throughout the community.

Mr. Jimmy McDonald (Miranda), General Counsel and Director of Government Affairs for the Georgia Hispanic Chamber of Commerce, expressed how very proud he is of this moment having been an 18-year resident of Smyrna. He believes being presented with this proclamation on the same night as the Proclamation in Recognition of Constitution Week is significant because many immigrants, particularly Hispanic immigrants, are chasing the concept of the Constitution as they do not have that beacon in their own countries. He mentioned that the Hispanic population is one of the fastest growing populations in the state of Georgia. He thanked the Mayor and Council for their recognition.

The proclamation was presented to Veronica Maldonado Torres, President and CEO of the Georgia Hispanic Chamber of Commerce and Jimmy McDonald, General Counsel and Director of Government Affairs for the Georgia Hispanic Chamber of Commerce.

Councilmember Lewis Wheaton read and presented the proclamation in English.

Smyrna Firefighter Marcos Barajas Barajas read and presented the proclamation in Spanish.

4. Land Issues/Zonings/Annexations:

A. [2021-343](#)

Public Hearing - Zoning Case Z21-010 - Allow rezoning from FC to R-10 Conditional for the development of four new single-family homes at a density of 3.77 units per acre on Land Lot 592, 0.06 acres located at 1587 Roswell Street by the applicant Brad Thompson.

Ward 3 / Councilmember Travis Lindley

Joe Bennett, City Administrator, presented the background:

The applicant, Brad Thompson, is requesting a rezoning from FC to R-10-Conditional for the development of four (4) single-family detached units at a density of 3.77 units per acre. A land use change from Industrial Mixed Use to Moderate Density Residential is required for this rezoning. The Planning & Zoning Board recommended approval by a vote of 6-0 at the August 9, 2021 meeting. Community Development recommends approval of the rezoning from FC to R-10-Conditional for the development of four single-family units at a density of 3.77 units per acre with conditions.

Joey Staubes, Community Development Planner II, presented information and supporting powerpoint exhibit:

The property in question is located at 1587 Roswell Street for the development of four (4) single-family detached units, the initial proposal included front-entry garages, but the applicant is pursuing rear-entry garages which would require a 15 foot access easement so the houses could be shifted over. They will all have stormwater detention independently on each lot and sidewalks. Variance requests for a front setback reduction from 40' to 25' and a side setback reduction from 7.5' to 5' are staff recommended. Staff recommends approval with the following conditions (summarized):

- 1. The architecture and composition of the homes must use approved materials presented in the presentation.*
- 2. Utilities must be buried underground.*
- 3. They are responsible for any traffic improvements.*
- 4. No debris can be buried underground.*
- 5, 6 & 7. Must follow City tree ordinances, landscaping ordinances, and tree planting schedules.*
- 8. The setbacks must be maintained at: Front - 25', Side - 5', Rear - 25'.*
- 9. Minimum lot size of 10,712 sq. ft.*
- 10. Minimum lot width of 50 ft.*
- 11. Minimum driveway length at 22 ft. from building fact to back of sidewalk.*
- 12. Builder will place a 5 ft. sidewalk and 2 ft. grass strip on the frontage of property along Hawthorne Ave. and Roswell St.*
- 13. Maximum height of structures of 35'.*
- 14. Meet all fire access requirements.*
- 15. Developer is responsible for any water and sewer improvements.*
- 16. Developer is responsible for stormwater improvements.*
- 17 & 18. Requirements tied to the site plans and elevations submitted.*

Councilmember Wilkinson asked about the rear-entry garages. Applicant Brad Thompson came to the podium and explained that on the original plans the front-entry garages were only used as place holders, but their overall intent was to have rear-entry or side-entry garages depending on whether or not the rezoning and variance requests were approved. He further detailed that the design of the homes would be modern farmhouse, approximately 3,000 sq. ft. with a price point of high 500k's or low 600k's. Councilmember Wilkinson asked if he intended to have separate driveways. Mr.

Thompson stated that as long as the City approves the access to the easements, then their goal is to have separate driveways.

Councilmember Lindley thanked Mr. Thompson for meeting with him and some of the neighbors to discuss concerns and expectations.

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 2021-343 for a public hearing and zoning request (V21-010) to allow rezoning from FC to R-10 Conditional for the development of four new single-family homes at a density of 3.77 units per acre on land lot 592 on 0.06 acres located at 1587 Roswell Street by the applicant Brad Thompson; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Lindley, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Welch

B. [2021-344](#)

Public Hearing - Zoning Case Z21-011 - Allow rezoning from R-15 to RDA Conditional for the development of six single-family detached homes at a density of 2.26 units per acre - Land Lots 339 & 382 - 2.654 acres - 3562 & 3572 S Sherwood Road - Midtown Builders Group.

Ward 3 / Councilmember Travis Lindley

Joe Bennett, City Administrator, presented the background:

Midtown Builders Group is seeking approval of a rezoning for 3562 & 3572 S Sherwood Rd from R-15 to RDA-Conditional for the development of six (6) single-family detached residences at a density of 2.26 units per acre. The proposed lots will be between 10,005 and 11,146 sq. ft. The homes will face S Sherwood Rd and have front-entry garages. The Planning & Zoning Board recommended approval by a vote of 6-0 at the August 9, 2021 meeting. Community Development recommends approval of the rezoning from R-15 to RDA-Conditional for the development of six (6) single-family units at a density of 2.26 units per acre with conditions.

Joey Staubes, Community Development Planner II, presented the information and supporting powerpoint exhibit:

The subject property consists of two parcels, 3562 and 3572 S Sherwood Road. There will be six lots that face S Sherwood Road. They will have RDA setbacks at: Front - 25', Side - 5', Rear - 25'. These units will have front-entry garages, the entire back area will be conserved, and there will be a common stormwater detention facility. A sidewalk will be installed. No variances have been requested. Staff recommends approval of rezoning from R-15 to RDA with the following conditions (summarized):

- 1. The architecture and composition of the homes must use approved materials presented in the presentation.*
- 2. The lots will have a stormwater detention pond with common HOA ownership.*
- 3. Utilities will be buried underground.*
- 4. Developer is responsible for traffic improvements.*

5. No debris is to be buried underground.
- 6, 7 & 8. Must follow City tree ordinances, landscaping ordinances, and tree planting schedules.
9. The setbacks must be maintained at: Front - 25', Side - 5', Rear - 25'.
10. Minimum lot size of 10,005 sq. ft.
11. Minimum lot width of 50 ft.
12. Minimum driveway length at 22 ft. from building fact to back of sidewalk.
13. Dedicate 5 ft. of right-of-way along S Sherwood Road.
14. Builder will place a 5 ft. sidewalk and 2 ft. grass strip on the frontage of property along S Sherwood Rd.
15. Maximum height of structures of 35'.
16. Meet all fire access requirements.
17. Developer is responsible for any water and sewer improvements.
18. Developer is responsible for stormwater maintenance and improvements.
- 19 & 20. Requirements tied to the site plans and elevations submitted.

Councilmember Wilkinson asked about the sewer easement and if it goes to the rear of the property into lot 6. Mr. Staubes confirmed it goes through the rear through all of the lots, from the northwest diagonally through all of the properties from lot 6 to lot 1, east to west.

Councilmemberr/Mayor Pro Tem Gould asked if the properties adjacent are also zoned RDA. Mr. Staubes confirmed both the properties to the east and west are zoned RDA.

The applicant, Jeff Cain of Midtown Builders Group, came to the podium. He described that the homes will be approximately 3,000 sq. ft., mostly brick and stone mix with the remainder being Hardie product or smith fiber. They will have front-entry garages, common fencing, interesting backyards, with a price point of high 600k's to 700k's.

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 2021-344 for a public hearing and zoning request (Z21-011) to allow rezoning from R-15 to RDA Conditional for the development of six-single family detached homes at a density of 2.26 units per acre on land lots 339 and 382 on 2.654 acres located at 3562 and 3572 S Sherwood Road by the applicant Midtown Builders Group; seconded by Councilmember/Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

C. [2021-406](#)

Public Hearing - Appeal the denial by the License and Variance Board for Variance Request V21-079 - Reduce the accessory structure rear set back from 5 feet to 3.8 feet - Land Lot 589 - 2674 Grady Street - Montrell Coleman by Montrell Coleman who resides at 2674 Grady Street SE, Smyrna, Ga. 30080 as filed with the City Clerk's office on Tuesday, August 17, 2021 at 4:32PM via electronic email.

Ward 3 / Councilmember Travis Lindley

Joe Bennett, City Administrator, presented the background:

The applicant is requesting two variances: to reduce the rear and side setback for an accessory structure at 2674 Grady Street. Section 501 of the City's Zoning Ordinance requires an accessory structure rear setback 5 feet. The side setback of 5 feet is required per the zoning stipulations associated with the Grady Street subdivision, platted in 2019.

This is a new home, completed in December 2020, on a graded lot that has no preexisting conditions that would create special circumstances nor extraordinary conditions to merit a required variance. The lot is a flat, rectangular lot with no lot geometry issues, topographical issues, nor environmental or site constraints. The hardship is self-created since the shed could easily be shifted over a couple feet to meet code. Strict application of the Zoning Code would not deprive any reasonable use of the property since a different location would allow for the shed that complies with the zoning requirements of the lot. Finally, the proposed variance is not the minimum variance needed because the shed can be moved to meet the minimum zoning requirements.

Community Development recommended denial of the rear and side setback requests. In addition, at the time of the original variance request, Community Development received two phone calls in opposition to the variance request.

The variance requests were denied by a vote of 3-0 at the August 11, 2021 meeting of the License and Variance Board. The applicant, Montrell Coleman of 2675 Grady Street, has appealed that decision.

Joey Staubes, Community Development Planner II, presented the details:

The item in question is a 160 sq. ft. shed. The City requires permits for sheds over 200 sq. ft., so this shed did not require a permit, however, a complaint was made to code enforcement that the shed was too close to the rear and side property lines. The requested variances were for a rear setback from 5' to 3'8" and a side set back from 5' to 2'8". Community Development recommended denial because there was no significant hardship for approval.

Councilmember Lindley asked if there was a picture of the shed in question. Mr. Staubes stated the picture is in the memo, but it is not in this presentation.

A public hearing was called. Applicant and resident, Mr. Montrell Coleman (2674 Grady Street), came forward to speak in favor of the appeal and was sworn in by City Attorney Jeffrey Tucker. Mr. Coleman detailed that when he spoke to the builder who was still building their next door neighbor's house, the builder explained that there were trees that had to be removed in the backyard, but they had to be replanted at a different location. When Mr. Coleman purchased his shed, he leveled the ground and laid gravel down, and there was just enough clearance for the doors of the shed to open. There are plants next to the shed that are, in some reports, referred to as bushes but are, in fact, trees. He could not remove those trees to accommodate the shed because then he would be in violation of the City's Tree Ordinance. He stated it is not an eye sore, there are several in the neighborhood that are similar and similarly placed. He is asking that the shed remain where it currently sits.

Councilmember Lindley asked if there was anyone present to speak in opposition to the appeal. No one came forward.

Councilmember Travis Lindley made a motion to approve the appeal (item 2021-406) made by applicant and homeowner Montrell Coleman and overturn the denial from the License and Variance Board to reduce the accessory structure rear set back from 5 feet to 3.8 feet on land lot 589 located at 2674 Grady Street; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Lindley, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Welch

D. [2021-408](#)

Public Hearing - Appeal the denial by the License and Variance Board for Variance Request V21-080 - Reduce the side set back from 5 feet to 2.8 feet - Land Lot 589 - 2674 Grady Street - Montrell Coleman by Montrell Coleman who resides at 2674 Grady Street SE, Smyrna, Ga. 30080 as filed with the City Clerk's office on Tuesday, August 17, 2021 at 4:32PM via electronic email.

Ward 3 / Councilmember Travis Lindley

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 the appeal (item 2021-408) made by applicant and homeowner Montrell Coleman and overturn the denial by the License and Variance Board to reduce the side set back from 5 feet to 2.8 feet on land lot 589 located at 2674 Grady Street; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Lindley, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Welch

E. [2021-405](#)

Approval of a 8' by 60' (480 sq. ft.) wall mural and dumpster enclosure on the northern side of the restaurant adjacent to Dickson Plaza on Land Lot 412, 0.82 acres located at 3326 S Cobb Drive by the applicant Monterrey of Smyrna Restaurant.

Ward 3 / Councilmember Travis Lindley

Councilmember Travis Lindley made a motion to table item 2021-405, an approval of an 8 foot by 60 foot (480 sq. ft.) wall mural and dumpster enclosure on the northern side of the restaurant adjacent to Dickson Plaza on land lot 412 on 0.82 acres located at 3326 S Cobb Drive by the applicant Monterrey of Smyrna Restaurant; seconded by Councilmember/Mayor Pro Tem Tim Gould.

Motion to table carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

F. [RES2021-07](#)

Approval to adopt Resolution 2021-07 designating 1650 Spring Road, 1639 Corn Road, 2930 Jonquil Road, 2938 Jonquil Road, 2948 Jonquil Road, 2958 Jonquil Road, and 2968 Jonquil Road, to be known as "The Quad" as a Restaurant District and authorize the Mayor to sign and execute all related documents.

Ward 2 / Councilmember Austin Wagner

Joe Bennett, City Administrator, presented the background:

As defined in the amendment to Sec 6-46 "Carry-in prohibited" of the City of Smyrna Code of Ordinances, the carry-out of alcoholic beverages is only authorized in areas that are designated as a Restaurant District by a resolution from Mayor and Council. The applicant is requesting to designate the "The Quad" as a Restaurant District. The Quad is located at the intersection of Spring Road and Jonquil Drive and will consist of several restaurants and open space. The Quad area is a mixed-use development that represents a future center of commerce and pedestrian activity. The extension of the Restaurant District will enable the development to attract additional destination-based retailers and restaurants to the area.

This resolution would designate 1650 Spring Road, 1639 Corn Road, 2930 Jonquil Road, 2938 Jonquil Road, 2948 Jonquil Road, 2958 Jonquil Road, and 2968 Jonquil Road as a Restaurant District. Community Development staff recommends approval.

Russell Martin, Community Development Director, presented further information:

The properties in question are across the street from Rev Coffee and the Christmas Tree lot. The plan is for the developer to turn that area into different restaurants that overlook a shared greenspace. Creating a restaurant district in this location will allow for the restaurants to intermingle and allow for patrons to dine and carry alcoholic beverages from location to location. Mr. Martin played a flyover video provided by the developer. If this item is approved by the Council, it will allow Mr. Woodbury to move forward with finding candidates for these spaces. Community Development has reviewed distance requirements with respect to alcohol. Everything meets the City's and State's requirements.

Councilmember/Mayor Pro Tem Gould asked about access to restrooms. Mr. Martin stated that Mr. Woodbury would be able to address that question better.

David Woodbury, Woodbury Group, stated that he wanted to incorporate the buildings that were already on-site. He stated that Smyrna seemed to be lacking gathering spots for families. The concept would mean incorporating a common space/greenspace area where people could get food from one restaurant and drinks from another restaurant and still gather together on the deck of one restaurant or in the oversized common area.

Councilmember Lindley asked what the timeline on the project is. Mr. Woodbury stated that it could begin as soon as January or February, weather permitting.

Councilmember Lindley and Councilmember/Mayor Pro Tem Gould both expressed what a positive feature this will be for the City of Smyrna. Councilmember Gould asked Mr. Woodbury to address the access to bathrooms question. Mr. Woodbury stated that the "Cantrell building" will have restrooms that are accessible to all in that common area, and each building will have its own restrooms as well.

Councilmember Austin Wagner expressed how important it is to have these gathering areas for the community which seem to be lacking in the City of Smyrna. He sees this as a good opportunity for this project to be a catalyst for the promotion of other future projects of this nature.

Councilmember Austin Wagner made a motion to approve item RES2021-07 to adopt Resolution 2021-07 designating 1650 Spring Road, 1639 Corn Road, 2930 Jonquil Road, 2938 Jonquil Road, 2948 Jonquil Road, 2958 Jonquil Road, and 2968 Jonquil Road, to be known as "The Quad" as a Restaurant District 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: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

G. [CVY2021-01](#)

Approval of abandonment of public right-of-way approximately 20'x 555' (or 11,100 sq. ft.). between Church Street and Concord Road to First United Methodist Church of Smyrna.

Ward 3 / Councilmember Travis Lindley

Joe Bennett, City Administrator, presented the background:

The First United Methodist Church of Smyrna is requesting the abandonment of an old alleyway that bisects their property from Church Street to Concord Road. The alleyway is approximately 20'x 555' (or 11,100 sq. ft.). The church intends to consolidate all of its property into one property if the abandonment is approved.

Community Development has reviewed the request and could not locate any future plans or projects for the subject property. Public Works has reviewed the request and there are no utilities in the alleyway.

Community Development recommends approval of the requested right-of-way abandonment to First United Methodist Church of Smyrna.

Councilmember Travis Lindley made a motion to approve item CVY2021-01 to abandon the public right-of-way approximately 20'x 555' (or 11,100 sq. ft.). between Church Street and Concord Road to First United Methodist Church of Smyrna; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

H. [ORD2021-18](#)

Public Hearing - Approval of ORD2021-18 for a code amendment to

Section 602 of the Zoning Ordinance and the adoption of the city's updated Zoning Map - City of Smyrna.

Ward: City Wide

Mayor Norton stated that this item addresses updating the zoning map and future land use map of all items approved over the past few years by the City.

A public hearing was called. Ms. Shawn Martin, 2884 Anderson Circle, came forward to ask if there were any changes to the land use map other than dates. Mr. Russell Martin answered that these changes are just a reflection of any changes from Cobb County or rezonings enacted by the City over the past few years; it is simply to allow those updates to be reflected.

Councilmember Travis Lindley made a motion to approve item 2021-394 for a code amendment to Section 602 of the Zoning Ordinance and the adoption of the City of Smyrna's updated zoning map; seconded by Councilmember/Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

I. [2021-403](#)

Public Hearing - Adoption of the city's updated Future Land Use Map - City of Smyrna.

Ward: City Wide

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 2021-403 for the adoption of the City's updated Future Land Use Map for the City of Smyrna; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

5. **Privilege Licenses:**

There were no Privilege Licenses.

6. **Formal Business:**

A. [AGR2021-02](#)

Approval of the Lighting Services Agreement with Georgia Power for pedestrian lighting on Windy Hill Blvd in the amount of \$767,385.00 to be paid out of 2016 SPLOST and authorize the Mayor to sign and execute all related documents.

Ward 3 - Councilmember Travis Lindley and Ward 5 -

Councilmember Susan Wilkinson

Mayor Norton explained items 6A & 6B are part of the Windy Hill project, and the City is at that stage when they are approving items in detail that are from the 2016 SPLOST.

Councilmember Travis Lindley made a motion to approve item AGR2021-02 to approve the Lighting Services Agreement with Georgia Power for pedestrian lighting on Windy Hill Blvd in the amount of \$767,385.00 to be paid out of 2016 SPLOST and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

B. [AGR2021-03](#)

Approval of the Lighting Services Agreement with Georgia Power for tunnel lighting on Windy Hill Blvd in the amount of \$443,926.00 to be paid out of 2016 SPLOST and authorize the Mayor to execute any related documents.

Ward 3 - Councilmember Travis Lindley and Ward 5 - Councilmember Susan Wilkinson

Councilmember Travis Lindley made a motion to approve item AGR2021-03 for the lighting Services Agreement with Georgia Power for tunnel lighting on Windy Hill Blvd in the amount of \$443,926.00 to be paid out of 2016 SPLOST and authorize the Mayor to execute any related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Wagner, Councilmember Lindley, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Pickens and Councilmember Welch

C. [AGR2021-04](#)

Approval to purchase 126- Motorola 800 MHz portable radios, 123- Motorola 800 MHz mobile radios, 15- RF control station radios, and 3- desktop console radios, as well as all peripheral equipment for Police and Fire at a 27% overall discount off of state contract pricing at a total cost of \$1,511,391.00 and installation through Motorola at a total cost of \$22,091.00 for a total purchase price \$1,533,482.00 to be paid from SPLOST funding, and authorize the Mayor to sign and execute all related documents.

Ward: City Wide

Joe Bennett, City Administrator, presented the background:

The City of Smyrna is scheduled to purchase Motorola 800 MHz radios in order to remain in compliance with Cobb County's 800 MHz radio system. The City has entered

into an inter-governmental agreement with Cobb County to purchase the 800 MHz radios as part of a lease agreement whereas the City purchases compliant radios as per the contract. Current radios are at their "End of Life" cycle in July 2023. This means after that date, maintenance services/repairs for this current model radio will begin to reduce based on repair parts and supply. This can be further affected by supply chain shortages for parts. To remain in compliance with our agreement with Cobb, the City should purchase this equipment by October 29, 2021. Purchasing the equipment by October 29, 2021, the City will receive the 27% state contract/NASPO discount (-\$741,955.00) and the COVID-19 Economic Recovery discount (-\$494,636.00) to realize an overall 45% savings.

Councilmember Austin Wagner made a motion to approve item AGR2021-04 for the purchase of 126 Motorola 800 MHz portable radios, 123 Motorola 800 MHz mobile radios, 15 RF control station radios, and 3 desktop console radios, as well as all peripheral equipment for Police and Fire at a 27% overall discount off of state contract pricing at a total cost of \$1,511,391.00 and installation through Motorola at a total cost of \$22,091.00 for a total purchase price \$1,533,482.00 to be paid from SPLOST funding, and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

D. [AGR2021-05](#)

Approval of Access and Use Easement Agreement with Smyrna Restaurant Concepts, LLC, for access to maintenance facilities at 1043 Concord Road, Smyrna, Georgia 30080 and authorize the Mayor to execute any related documents.

Ward 3 / Councilmember Travis Lindley

Joe Bennett, City Administrator, presented the background:

The restaurant property owned by Smyrna Restaurant Concepts, LLC, at 1061 Concord Road uses garbage collection facilities and a grease trap which are located on adjacent City-owned property at 1043 Concord Road. Smyrna Restaurant Concepts has contracted to sell its property to a new owner for a different restaurant concept. The new owner and its lender are requesting a formal easement from the City onto 1043 Concord Road in order to access and use the garbage-collection unit and the grease trap in the same manner as the current owner has done since 2016. The proposed easement will run to any successors-in-interest to the property at 1061 Concord Road only so long as that property is being used as a restaurant and so long as the owner keeps the garbage area and grease trap properly serviced and maintained.

Staff recommends approval.

Councilmember Travis Lindley made a motion to approve item AGR2021-05 for the approval of the Access and Use Easement Agreement with Smyrna Restaurant Concepts, LLC for access to maintenance facilities at 1043 Concord Road, Smyrna, Georgia 30080 and authorize the Mayor to execute any related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

E. [2021-426](#)

Approval to hire Mr. Eric Randall as the City Engineer.

Ward: City Wide

Joe Bennett, City Administrator, presented the background:

With the departure of former City Engineer Kevin Moore, the position of City Engineer is vacant. A search was conducted, after receipt of one application and interviewing of that applicant, Mr. Eric Randall, previous City of Smyrna City Engineer, Eric Randall was the sole applicant and interviewee.

City Administrator, Joseph Bennett, submits for Mayor and Council's consideration, the recommendation of Mr. Eric Randall as the City Engineer.

Mr. Eric Randall expressed that he appreciates their consideration. He is looking forward to coming back to Smyrna.

Councilmember Susan Wilkinson stated that she looks forward to working with Mr. Randall.

Councilmember Susan Wilkinson made a motion to approve item 2021-426 to hire Mr. Eric Randall as the City Engineer; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

F. [2021-429](#)

Approval of FY 2021 final budget amendment.

Ward: City Wide

Joe Bennett, City Administrator, presented the background:

Negative variances on the budget to actual for expenditures need to be eliminated for report presentation. In addition, the City needs to amend the budget for the reclassification on both CARES and ARPA funds received in FY 2021.

An annual audit of the City's financial statements is required at the conclusion of the fiscal year. In order to close out the year and finalize the financial statements, final adjustments to the budget need to be made to account for various transactions that were not originally budgeted. The City does not need to show negative budget variances for expenditure accounts. Some revenue line items were under-budgeted, so they will be increased to offset the additional expenditure budget need to eliminate the negative variances.

Councilmember/Mayor Pro Tem Tim Gould made a motion to approve item 2021-429 for the approval of the FY 2021 final budget amendment; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

G. [2021-428](#)

Approval of the FY 2022 staff merit increases and an adjustment to the pay grades of 4%.

Ward: City Wide

Joe Bennett, City Administrator, presented the background:

As part of the annual budget, funds were set aside to conduct a classification and compensation study. Over the last several months leading up to this study, staff has been looking at ways to recruit and retain employees pending the results of the study. The study with the University of Georgia-Carl Vinson Institute of Government is currently in process.

The last study was done in 2018 and included plan management recommendations for annual maintenance; annual maintenance was supposed to be based on CPI or the Employment Cost Index. The maintenance to the plan was not done which has placed the City in the position of being below the market. Based on the Employment Cost Index for state and local governments, there has been a cumulative increase of 6.8% since 2018.

The City is experiencing difficulty hiring and retaining employees that can be tied to our pay grades and the lack of maintenance over the last several years. In an effort to recruit new employees and retain our current employees while we are conducting the compensation study, we are requesting that merit raises be given effective October 1, 2021 and that we make an adjustment to the pay grades to increase them by 4%. We anticipate additional adjustment to the pay grades after the conclusion of the study.

Merit raises on January 1, 2022 were included in the contingency in the FY 2022 budget at \$264,000 to give these raises on October 1, 2021, including FICA, the amount would be approximately \$422,000. There is an additional \$172,000 in unallocated contingency that will assist in providing these raises. Staff is still finalizing these amounts and will bring a formal budget amendment to Council at a subsequent meeting.

Mayor Norton expressed that this item and the next item are critical to take care of the current staff and to attract future applicants.

Councilmember/Mayor Pro Tem Tim Gould made a motion to approve item 2021-428 for the approval of the FY 2022 staff merit increases and an adjustment to the pay grades of 4%; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

H. [2021-427](#)

Authorization to pay incentive pay of \$25/ day to any employee of public

works serving as a driver or crew worker on sanitation and recycling trucks until the City considers those departments to be back to full staff and able to operate effectively.

Ward: City Wide

Mayor Norton expressed that the City is at a critical stage with residential sanitation, and approval of this item will allow the City to provide support so the City does not have to outsource.

Joe Bennett, City Administrator, summarized the background:

There are 5 sanitation trucks and 3 recycling trucks. Each truck has a driver and 2 crew workers. There are a total of 24 personnel on the trucks. 24 people at \$25/ day is \$600. \$600/ day for the week is \$3,000 a week.

Mayor Norton stated that \$25/day brings the hourly wage up to \$20/hour which is competitive to a commercial sanitation worker's wage.

Councilmember/Mayor Pro Tem Gould stated that sanitation workers make our lives easier, so the Council is happy to do this to make things easier for everyone and to bring in prospective employees.

Councilmember/Mayor Pro Tem Tim Gould made a motion to approve item 2021-427 for authorization to pay incentive pay of \$25/day to any employee of public works serving as a driver or crew worker on sanitation and recycling trucks until the City considers those departments to be back to full staff and be able to operate effectively; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

Councilmember Travis Lindley made a motion to approve the Consent Agenda; seconded by Councilmember/Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Wagner, Councilmember Lindley, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

Absent: 2 - Councilmember Pickens and Councilmember Welch

A. [MIN2021-61](#)

Approval of the August 16, 2021 Pre-Council Meeting Minutes.

The August 16, 2021 Pre-Council Meeting Minutes were approved.

- B. [MIN2021-62](#) Approval of the August 16, 2021 Mayor and Council Meeting Minutes.
The August 16, 2021 Mayor and Council Meeting Minutes were approved.
- C. [2021-393](#) Approval of Street Closings for October 2, 2021 Hispanic Heritage Month Celebration from 8:00am until 11:59pm at all entry points to Village Green Circle SE, along with King Street from Spring Street to Village Green Circle and from Bank Street from Village Walk to King Street.
Ward 3 / Councilmember Lindley
The street closings for the October 2, 2021 Hispanic Heritage Month Celebration from 8:00 am until 11:59 pm at all entry points to Village Green Circle SE along with King Street from Spring Street to Village Green Circle and from Bank Street from Village Walk to King Street were approved.
- D. [2021-407](#) Authorize Atkins Park (Tavern) Restaurant & Bar to operate a beer trailer/station at the following approved events: Hispanic Heritage Month Celebration - October 2, City Birthday Celebration - October 9, and Fall Jonquil Festival - October 23 & 24, 2021.
Ward 3 / Councilmember Travis Lindley
The authorization of Atkins Park (Tavern) Restaurant & Bar to operate a beer trailer/station at the following events: Hispanic Heritage Month Celebration on October 2, 2021, the City Birthday Celebration on October 9, 2021, and the Fall Jonquil Festival on October 13 and 24, 2021 was approved.
- E. [2021-409](#) Retroactive approval of the closing of the Market Village upper area around the fountain, including blocking vehicle access from Atlanta Road for the purpose of a special event on Saturday, September 18 titled "College Football Saturday in Smyrna."
Ward 3 / Councilmember Travis Lindley
The retroactive closing of the Market Village upper area around the fountain including blocking vehicle access from Atlanta Road for the purpose of a special event on Saturday, September 18, 2021 titled "College Football Saturday in Smyrna" was approved.
- F. [2021-415](#) Approval to use Council Chambers for Heritage at Vinings HOA Meeting, Tuesday, January 11, 2022 from 7:00pm - 8:30pm.
Ward 6 / Councilmember Tim Gould
The use of Council Chambers for the Heritage at Vinings HOA meeting to be held on January 11, 2022 from 7:00 pm - 8:30 pm was approved.

9. **Ward / Committee Reports:**

Councilmember Lewis Wheaton:

- Recognize the hard work of Campbell Middle School and Nickajack Elementary School and their school foundations. He expressed this is a great opportunity for residents to support their local schools, and it provides great resources for the kids.
- Resume Ward Walks: upcoming Saturday at 11:00 am at Oak Hills subdivision. This will provide residents with an opportunity to voice concerns.

Councilmember/Mayor Pro Tem Tim Gould:

- Highlight this past Saturday's ribbon cutting for the new sign at the entrance to the Creatwood neighborhood. He thanked residents Sally Knox and Ramona Curtis for their hard work and Smyrna's Public Works staff for helping with landscaping and the removal of old utility poles.

Councilmember Susan Wilkinson:

- No report.

Councilmember Travis Lindley:

- The final open house for the Downtown Redesign will be tomorrow from 4:00 - 7:00. Comments can also be made online.

Councilmember Austin Wagner:

- Reiterated the excitement of The Quad restaurant venture because it will be a great asset to the community.

Mayor Derek Norton:

- Thanked the community for supporting the Support Smyrna endeavors, placing signs in yards, etc. Support Smyrna is applying for 501(c)(3) status, and Mayor Norton's wife, Laura Norton, will chair that board.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Ms. Shawn Martin, 2884 Anderson Circle, stated that she has not seen in the past the language written on the agendas that states "approval with authorization" and for the Mayor to "sign and execute all related documents." She wanted to recommend that whenever that needs to be stated on the agenda that the words "in accordance with Georgia Sunshine Law HB 397" be added.

Mayor Norton stated that the language Ms. Martin questioned has been on every agenda that he can remember and that he, as the Executive of this City, always signs within accordance of the Georgia Sunshine Laws.

12. Adjournment:

Mayor Derek Norton adjourned the September 20, 2021 meeting of the Mayor and Council held in the A. Max Bacon City Hall Council Chambers at 8:30 pm.