



City of Smyrna

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

Meeting Minutes - Preliminary City Council

Monday, December 5, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 7 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould and Councilmember Lewis Wheaton

Absent: 1 - Councilmember Travis Lindley

Also Present: 1 - Scott Cochran

Staff: 8 - Jennifer Bennett, Joe Bennett, Frank Carruba, Jill Head, Dat Luu, Russell Martin, Heather Peacon-Corn and Eric Randall

Call to Order

Mayor Derek Norton called to order the December 5, 2022 Mayor and Council Meeting held at A. Max Bacon City Hall in Council Chambers at 7:00 PM.

1. Invocation and Pledge:

The invocation and Pledge of Allegiance were led by Pastor Shell Osbon, Life Church Assembly of God (4100 King Springs Rd).

2. Agenda Changes:

3. Mayoral Report:

Mayor Norton reported on the following:

- The Good Kitchen is open. They are going to be great community partners.
- He commended the Finance Department who were recognized for Excellence in Financial Reporting.
- He recognized the Smyrna Youth Council who have been actively gathering clothing for those in need. They also had a booth at the Home for the Holidays event.
- The Home for the Holidays event was a special event. He thanked staff and public safety for all their efforts.
- College Football Saturday took place this past Saturday. More will occur next year.
- The first Faith Leaders Roundtable took place. Over 20 leaders attended and participated to share ideas. He looks forward to future meetings.

A. [2022-573](#)

Smyrna Education Foundation Report and Check Presentation from JRM Management

Bill Watson (JRM Management) thanked the Mayor and Council. The many City events

have been successful and robust. The company's matriarch, Faye Miller, was a teacher in Cobb County for 30 years. Education has always been at the forefront of the company's mind. Because of the many events, they were able to present a check for \$10,000.00 to the Smyrna Education Foundation. They also partnered with Atkins Park and received a percentage of their beverage sales. The total they were able to give in support with this partnership was \$2,133.90. Kevin Drawe of Atkins Park stated that he appreciates the foundation for allowing them to be a part of this.

Tracy Santos (representing the Smyrna Education Foundation) stated how much they appreciate the support from the City of Smyrna and the partnerships. She also thanked the Sharon Darby Foundation, Georgia Power Foundation, SouthState Bank, and Big Bear Sports for their contributions for grants toward the schools. There are about 12 schools that they support. They had an essay competition on "How Being Financially Responsible Today Will Effect your Future Endeavors." 60 students responded and they chose three winners. They have added a grant cycle in the fall to address Health & Wellness. They are growing their outreach to the community for more funding.

B. [2022-574](#)

Recognition of Campbell High School JROTC Lady Spartan Raiders and Male Spartan Raiders

Mayor Pro Tem/Councilmember Tim Gould read the following information and background:

Campbell High Lady Spartan Raiders Clinch Back-to-Back State Championships; Male Team Wins 3rd at State

On Oct 29, 2022, Campbell High School JROTC Lady Spartan Raiders captured the Tier 3 Georgia Raider State Championship for the second consecutive year. The competition was held at Spalding High School in Griffin, GA. The Male Raider team secured 3rd place at this year's competition. The Spartan Raider teams are to be commended for their tremendous resilience, grit, and determination on and off the field.

Campbell competed in Tier 3, the largest category of JROTC programs, and won against elite high school teams and military academies across the State of Georgia. This raider competition consists of five rigorous timed events that includes a team run, cross country rescue, raider fitness challenge, rope bridge, and tire flip.

Team Captain Maritza Medina said, "We really wanted a chance to defend our championship title. After seeing what we are capable of doing as a team, we came back hungry for more and motivated to do our very best. We knew it was going to be challenging because seven seniors graduated from our team, but we had a lot of new talent joining us this season. The key to our success this year was hard work, self-discipline, commitment, and teamwork. Together, we worked hard all year and now we can proudly say that we are back-to-back State Champions!"

Male Team Captain Foster Johnson said "I am very proud of all the hard work and determination that the team showed this year. We showed great improvement and resiliency as we made our second straight appearance at the state competition. Winning 3rd place at State against elite teams in the hardest category is a huge accomplishment and there's no better group of guys I could have asked to compete with."

The Lady Spartans Raider team has won the State Championship for two consecutive years under the leadership of Coach SGM Shedina McCabe. SGM McCabe stated

"These young cadets make us proud with their perseverance, strength of character, and drive to succeed."

Coach McCabe and the Spartan Raider teams would like to thank all of the parents, the JROTC leadership, and school administration for their infinite support this season.

Mr. Gould stated that these groups of students are wonderful young leaders of our community. They often attend City events to help, and Cleanup Day at Campbell High School is organized by the JROTC.

4. Land Issues/Zonings/Annexations:

A. [2022-481](#)

Public Hearing - Appeal the denial by the License and Variance Board for Variance Request V22-055 - Allow encroachment into the 75-foot impervious surface area setback - Lot 696 - 1921 Sadler Drive - Eddie Karr by Wayne S. Melnick who resides at 1921 Sadler Drive SE, Smyrna, GA 30080 as filed with the City Clerk's office on September 1, 2022 at 4:12 PM via electronic email.

Ward 6 / Mayor Pro Tem/Councilmember Gould

Joe Bennett, City Administrator, provided the following background:

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious surface area setback to allow for the construction of a new swimming pool at 1921 Sadler Drive. The City's stream buffers are controlled by Chapter 46, Article VI.

The property was originally platted in 2006, after the Stream Buffer Ordinance was enacted in 2005 and no mitigation plan has been proposed for the property. The hardship is self-created, as the lot of record has existed after the Stream Buffer Protection Ordinance was adopted. Without a mitigation plan to offset any potential effects of the buffer encroachment, staff cannot assume that there would be no negative impacts to adjacent properties if approved.

Community Development recommended denial of the 75-foot impervious surface area setback encroachment. The variance requests were denied by a vote of 3-0 at the August 24, 2022 meeting of the License and Variance Board. The homeowner, Wayne S. Melnick of 1921 Sadler Drive, has appealed that decision.

Staff requests Mayor and Council hold a public hearing per Section 1400 of the Smyrna Code to review the Appeal as described.

Russell Martin, Community Development Director, provided further background on this item:

- Mr. Martin stated he believed the appeal hearing took place on October 5, 2022 (the appeal hearing took place on October 3, 2022) when discussion of possible mitigation plans took place. The request was tabled to allow staff and the homeowner and representatives to work through any potential plans.

- Since then, staff has met with the applicant's representatives twice - once with the pool contractor and once with the pool contractor and their engineer.

- Unfortunately, there were no mitigation measures that worked for this site that could satisfy the water quality requirements.

Mayor Pro Tem/Councilmember Gould asked if the buffer was in place when the neighborhood was annexed into the City of Smyrna. Mr. Martin answered that the neighborhood was rezoned in 2005 in Cobb County. It was later annexed into the City of Smyrna in 2006. The subdivision was built after the stream buffer ordinance was in place. Mr. Gould stated that from his experience with Community Development and Engineering, they always try to find a solution. Mr. Martin concurred and stated that the lot in question is long and narrow with a stream in the back of the property. The undisturbed portion of the stream buffer takes up almost half of the property. The 75-foot impervious surface setback takes up the majority of the rear yard. The house sits just outside of that setback. To build a pool, it would encroach into the impervious surface setback. If mitigation techniques are installed around the foundation of the house and pool, there is not enough room to space those appropriately around the foundation, so they could create issues for themselves in the future.

Wayne S. Melnick, 1921 Sadler Drive, stated he does not largely disagree with much of what was just said. At issue is 282 sq. ft. At the first meeting after the appeal hearing, multiple suggestions for possible mitigation plans were presented to the City planning department which were rejected because of the unique attributes of the lot. The permeable pavers that can be used in the backyard without encroaching too closely to the foundation would reduce the amount of unmitigated property to 230 sq. ft. Regardless, those 230 sq. ft. still do not allow for other mitigation solutions. Mr. Melnick stated he asked staff to tell him what can be done, and he stated that one suggestion was made that they could replace the driveway with permeable pavers. That plan was submitted, but it was also rejected. Mr. Melnick stated that Caitlin Crowe, Planner I, said that the City cannot approve of a mitigation plan if it does not account for the entire property. With regard to precedent, he found one other property that encroaches the 75-foot buffer at 1907 Sadler Drive. He spoke to Joey Staubes, Planner II, and asked of him if there were any complaints or flooding associated with that property. He suggested that Mr. Melnick contact Eric Randall, Public Works Director/City Engineer. Mr. Randall stated there were no complaints with 1907 Sadler Drive. He asked the Council to consider granting the appeal if they put the partial mitigation plan into action which would reduce the unmitigated area to 230 sq. ft.

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

Mayor Pro Tem/Councilmember Gould stated that what is evident is that both staff and Mr. Melnick worked diligently on this matter. He reiterated that staff has always tried to find a solution for variances, but it just does not seem there is one to be found in this instance. Mr. Gould said he does not feel that a denial of the appeal will create an undo hardship.

Councilmember Welch asked about the suggestion to make the driveway pervious. Eric Randall, Public Works Director/City Engineer, stated that he was not part of the original group that met with the applicant and his representatives. Assistant City Engineer Frank Carruba was in attendance, but the suggestion was made as a possible plan for mitigation; however, the grade of the driveway is too steep to foster infiltration per Georgia Stormwater measurements. Councilmember Welch stated that these encroachments seem fairly routine, and he wishes that there were some solution for this item.

Mayor Pro Tem/Councilmember Tim Gould made a motion to deny item 2022-481, a public hearing and appeal of the denial by the License and Variance Board for Variance Request V22-055 to allow encroachment into the 75-foot impervious surface area

setback on lot 696 located at 1921 Sadler Drive by applicant Eddie Karr by Wayne S. Melnick who resides at 1921 Sadler Drive SE, Smyrna, GA 30080 as filed with the City Clerk's office on September 1, 2022 at 4:12 PM via electronic email; seconded by Councilmember Lewis Wheaton.

The motion to deny carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

B. [2022-544](#)

Authorization to submit the Comprehensive Plan Update to Department of Community Affairs for review and authorize the Mayor to sign and execute all related documents.

Ward/ Citywide

Joe Bennett, City Administrator, provided a brief background:

The purpose of this hearing is to brief the community on the contents of the draft plan; provide an opportunity for residents to make final suggestions, additions, or revisions; and notify the community of when the plan will be submitted to the Atlanta Regional Commission (ARC) and Georgia Department of Community Affairs (DCA) for review. This plan serves as a relatively modest update to the major Comprehensive Plan prepared in 2017 by the firms Jacobs and Market Street Services. Feeding into this plan update was a public outreach effort that included an informational project website featuring a robust online survey, a public open house, and Steering Committee meetings and engagement.

Authorization to submit the Comprehensive Plan Update to Department of Community Affairs for review and authorize the Mayor to sign and execute all related documents.

Andrew Smith, Atlanta Regional Commission, presented the following information:

Background/ARC Comprehensive Planning:

- Prior to 2012

**ARC Primary Role: coordinate regional & state reviews*

**Major Updates: every 10 years, minor update at 5-year mark*

**Local planning rules complex, data-heavy, one size fits all*

- After 2012

**ARC Roles:*

-Coordinate regional & state reviews

-Provide direct assistance if asked

**Updates every 5 years, but updates are simpler*

**Flexibility, customization, usability:*

-Required elements + menu of optional elements

Simplified deliverable

Process/Elements Requiring Update Every 5 Years

Per DCA rules at Ch. 110-12-1-.03

-Needs and Opportunities

-Broadband

-Land Use

-Report of Accomplishments (ROA) – Provides status for every project in

existing/previous Community Work Program (CWP)

-New CWP – Includes projects noted as Underway or Postponed in ROA, plus any brand-new items, covering next 5 years

Process/Elements RCs Are Required to Help With

Per DCA rules at Ch. 110-12-1-.03(7)(b)

-Goals

-Needs and Opportunities

-Broadband

-CWP

ARC's scope covered more than the above requirements

-Goal: incorporate feedback wherever appropriate, not just in required areas

Key Takeaways

Structure from 2017 plan largely unchanged

Nearly all issues from 2017 still important, including but not limited to:

-Focus on priority development nodes and corridors

-Leveraging location within metro region

-Context-sensitive development and balance of old/new character

-Congestion, infrastructure, bike/ped, transit, connectivity

-Leveraging positive impacts of Battery/Truist Park growth

-Natural resources, historic assets, parks/recreation/greenspace

Most changes were to Ch. 1: Smyrna Today

-Updated community engagement summary

-Updated data and discussion re: population, land use and development, transportation, housing, economic development, broadband

-Updated list of supporting plans and studies

Updated Needs & Opportunities

-Revised many existing items

**Challenges to address or assets to build on, rather than aspirational statements*

**Added more detail and emphasis based on feedback received in 2022*

-Some new points of emphasis:

**Single family neighborhoods*

**Civic/volunteer engagement*

**Gateways and beautification*

**Historic character*

**Tree canopy and streams*

**Chattahoochee River area*

Ch. 2: Smyrna Tomorrow largely reaffirmed and unchanged

-Goals & Policies

-Policy Map

-Future Land Use Map and Narrative

Ch. 3: Achieving the Vision

-Updated 2017-2021 Report of Accomplishments (moved from Addendum)

-Updated 2022-2026 Community Work Program

-Policies/Actions, 100-Day Action Plan, etc. unchanged

Next Steps

Refine draft plan based on:

-Any comments emailed to City staff

-Any comments received tonight from the public or Council

-Minor changes identified by ARC and City staff

**Page numbering, Table of Contents, graphics, formatting, etc.*

**Add information re: tonight's hearing to addendum*

- More work on linkages between Needs/Opportunities and Goals/Policies
- Georgia DCA review and approval
- City of Smyrna local adoption process

Councilmember Latonia P. Hines made a motion to approve item 2022-544, an authorization to submit the Comprehensive Plan Update to the Department of Community Affairs for review 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 Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

C. [Z22-011](#)

Public Hearing - Zoning Request - Z22-011 - Allow a rezoning from R-15 to NS for an 8,000 sq. ft. retail business - 0.91 acres - Land Lot 700 - 3410 Atlanta Road - Grow Smyrna.

This item will be tabled to the January 17, 2023 Mayor and Council meeting at the request of staff.

Ward 6 / Mayor Pro Tem/Councilmember Gould

Councilmember Latonia P. Hines made a motion to table to the January 17, 2023 Mayor and Council Meeting at the request of staff item Z22-011, a public hearing and zoning request (Z22-011) to allow rezoning from R-15 to NS for an 8,000 sq. ft. retail business on 0.91 acres on land lot 700 located at 3410 Atlanta Road by applicant Grow Smyrna; seconded by Councilmember Glenn Pickens.

The motion to table to the January 17, 2023 Mayor and Council Meeting carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

5. **Privilege Licenses:**

6. **Formal Business:**

A. [RES2023-02](#)

Approval of Resolution RES2023-02 imposing a **911** charge on postpaid wireline, wireless, and voice over internet protocol (V.O.I.P.) telephone service at the answering point at the rate of \$1.50 per month received by a municipality and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, authorizes counties and cities that operate a 9-1-1 public safety answering point to

impose a 9-1-1 charge on the postpaid wireline, wireless, and V.O.I.P. telephone bill; and pursuant to Code Section 46-5-134 of the Official Code of Georgia Annotated, such charges shall be imposed at the rate of \$1.50 per month; and revenues received by a county or municipality from such charges must be deposited in the emergency telephone system fund maintained by the county or municipality. Imposition of the monthly charge is contingent upon the enactment of an ordinance or resolution of the county or municipality; and the City of Smyrna operates a 9-1-1 public safety answering point; and the City Council does now deem it in the best interest of the citizens of the City of Smyrna to impose such a charge.

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item RES2023-02, a resolution (RES2023-02) imposing a 911 charge on postpaid wireline, wireless, and voice over internet protocol (V.O.I.P.) telephone service at the answering point at the rate of \$1.50 per month received by a municipality and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Susan Wilkinson.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

B. [RES2023-03](#)

Approval of Resolution RES2023-03 imposing a **911** charge on prepaid wireless service at the retail point of sale at the rate of \$1.50 per retail transaction and revenues received by a municipality and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Councilmember Lewis Wheaton made a motion to approve item RES2023-03, a resolution (RES2023-03) imposing a 911 charge on prepaid wireless service at the retail point of sale at the rate of \$1.50 per retail transaction and revenues received by a municipality 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: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

C. [RES2023-04](#)

Approval of Resolution RES2023-04 reaffirms the necessity for the \$1.50 **911** charge on telephone subscribers served by the enhanced **911** system for the fiscal year.

Ward / Citywide

Councilmember Lewis Wheaton made a motion to approve item RES2023-04, a resolution (RES2023-04) that reaffirms the necessity for the \$1.50 911 charge on telephone subscribers served by the enhanced 911 system for the fiscal year; seconded by Mayor Pro Tem/Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

D. [2022-585](#)

Approval of the FY 2023 staff merit increases, cost of living adjustment (COLA), an adjustment to the pay bands, and an additional supplement for certified public safety positions effective the first payroll subsequent to January 1, 2023.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

As part of the annual budgeting process an estimate for annual merit increases effective January 1 was included. The merit amount was included in contingency line item in the General Government and Allocations department pending Council approval of a budget amendment to move funds into the various departmental budgeted salary and FICA line items.

A part of the classification and compensation study conducted by the University of Georgia-Carl Vinson Institute of Government that was adopted by Council was the maintenance of the pay bands annually. When these pay bands were adopted, Council stressed they did not want to end up in the same situation where the pay bands were falling behind the market rates. The study recommended annual adjustments to the pay bands based on one of two factors, Employment Cost Index (ECI) or Consumer Price Index (CPI).

The ECI at September 30, 2022 is 4.6% and CPI is 8.2%. Staff is recommending adjustment to the bands based on the ECI rate for 2023. Since this is the first year of adjustment under the new plan and because of the large growth in the inflation rate, staff feels the ECI would be a better rate to set the precedent of adjustment on. We recommend supplementing the ECI with annual merit increases at the rates utilized in the past.

Merit raises at January 1, 2023 were included in the contingencies lines items in each of the individual funds. Initial amounts budgeted totaled \$367,383.00. These budgeted amounts were decreased by \$43,784.92 in July 2022 due to incorrect pay grade placement for several positions that were identified after initial adoption. Remaining amount in contingencies for merit is \$323,598.08.

The City is experiencing difficulty hiring and retaining employees in the certified public safety positions with the constant changes occurring recently in other jurisdictions. In an effort to recruit new employees and retain our current employees, staff is recommending an additional \$2,000 pay increase for these positions.

The estimated total for a 4.6% COLA, merit raises at 1.5% (performance rating of 2), 2.5% (performance rating of 3), and 3.5% (performance ratings of 4 and 5), and the \$2,000 additional increase for certified public safety positions totals \$1.3 million at January 1, 2023, including FICA. There is an additional \$226,521 in unallocated contingency in the General Fund that will assist in providing these raises. This leaves a budgeted deficit of approximately \$750,000 which will be funded by savings from vacant positions and expenditure savings this fiscal year.

At the Budget Committee meeting held on November 21, 2022, the committee agreed to cover the remaining amount with a onetime use of ARPA funds for the remainder of FY 2023. If revenues for FY 2023 outpace the estimated amounts, the City will utilize those amounts in lieu of use of ARPA funds. The Committee does not want to utilize the ARPA funds to maintain these new pay bands in the FY 2024 budget; they want to ensure they are funded by operational revenues so they are sustainable. The Committee agreed that during the FY 2024 budget process areas of cost savings would be analyzed and utilized to ensure the future funding of these pay increases.

Staff recommends approval of the FY 2023 staff merit increases, cost of living adjustment (COLA), an adjustment to the pay bands, and an additional supplement for certified public safety positions effective the first payroll subsequent to January 1, 2023.

Mayor Norton thanked Mr. Bennett and other Department Heads and staff for the efforts to take care of those who take care of the Mayor and Council. Pertaining to public safety, the goal post keeps moving; every time Smyrna would raise their salaries, another governing body would raise theirs, so keeping up has been difficult. Mayor Norton continued stating that this administration had inherited a mess. Councilmember Welch disagreed with Mayor Norton and said that past administrations gave raises and incentives. Mayor Norton explained that he did not mean that there wasn't effort, but that there was a pay study completed with recommendations, but there was no follow through. Mayor Pro Tem/Councilmember Gould stated that though there is still more work to be done, he feels positive that the Council has intentions of sticking to the plan. It is a difficult process, and other parts of the budget have to make sacrifices in order to take care of those who take care of them. Councilmember Wilkinson stated that when she and Councilmember Welch first joined the Council, it was during a recession. Many sacrifices had to be made, but they continued to do what they could in previous administrations just like this administration is trying to do, and she is glad to support this measure.

Councilmember Latonia P. Hines made a motion to approve item 2022-585, the FY 2023 staff merit increases, cost of living adjustment (COLA), and adjustment to the pay bands, and an additional supplement for certified public safety positions effective the first payroll subsequent to January 1, 2023; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

E. [CON2022-13](#)

Approval of the contract with Dynamix Consulting Group Personal Services (PO Box 68, Lake Alfred, Florida, 33850) to perform a Community Risk Assessment in phases as outlined in the attached Scope of Work document for a fee not to exceed \$47,500.00 and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

The Smyrna Fire Department is pursuing agency accreditation through the Center for Public Safety Excellence. In order to declare candidacy, the agency is responsible for generating a Community Risk Assessment - Standards of Cover Document, Community-Driven Strategic Plan and the Self-Assessment Manual. This project will facilitate Phase I of the accreditation process.

Councilmember Latonia P. Hines made a motion to approve item CON2022-13, the contract with Dynamix Consulting Group Personal Services (PO Box 68, Lake Alfred, Florida, 33850) to perform a Community Risk Assessment in phases as outlined in the attached Scope of Work document for a fee not to exceed \$47,500.00 and authorize the Mayor to sign and execute all related documents; seconded by Mayor Pro Tem/Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

F. [2022-607](#)

Approval to amend the FY 2023 ARPA fund project budget for the Council Chamber Audio/ Visual update in the amount of \$15,000 for the purchase of additional equipment needed to complete the project.

Ward 3 / Councilmember Lindley

Joe Bennett, City Administrator, presented the following background:

Council previously included the Council Chambers Audio/ Visual update in the budgeted projects to be funded by American Rescue Plan Act (ARPA) grant funds. Additional screens were needed and new laptops and associated equipment for the Council members. To complete this project, an additional \$15,000 is need to complete the project.

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item 2022-607, an amendment to the FY 2023 ARPA fund project budget for the Council Chamber Audio/Visual update in the amount of \$15,000 for the purchase of additional equipment needed to complete the project; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

G. [2022-606](#)

Approval of a budgeted amendment to the adopted FY 2023 budget to increase the project budget for the Village Green park in the amount of \$500,000 to be funded by a use of the fund balance (reserves) in the General Fund.

Ward 3 / Councilmember Lindley

Joe Bennett, City Administrator, provided the following background:

Bid RFP 22-032 in the amount of \$1,000,000 was previously awarded to Winter

Construction for the completion of the Village Green Park. Due to grading issues at the site and an increase in cost of the finishes to match the Downtown Park across the street, an additional \$500,000 is needed to complete the project.

When the initial award was made, staff and Pond & Co. were unaware of the grading that was necessary on that site. There is a substantial grade elevation change from Atlanta Rd. to the King St. entrance to the park area. Because of this, there has been unexpected changes to the budget with increased walls, increased grading, different finishes, etc. There have been many iterations of the park with both Pond & Co. and Winters Const. to find the most economical way to make these changes. There is a conceptual plan, but in order to utilize the materials to match the downtown greenspace, Winters Const. has given an estimate of \$500,000.00.

Councilmember Charles Welch asked if the contract with Winters Const. was a design-build contract. Mr. Bennett answered that it was a maximum price contract. Mr. Welch expressed that when Winters Const. was preparing to provide a price for this project, they should have had enough information to provide a more accurate price. This project price has continued to climb, and it should not have happened the way it has happened. He will not support this project because he feels it benefits the brewery more than it benefits the City of Smyrna.

Mayor Pro Tem/Councilmember Tim Gould stated that he is looking forward to seeing the park completed because it will be a great addition to the City. This is what is called a "Lifetime Project" in the downtown area which will be a benefit to all residents. It is designed well, a lot of thought has gone into it, and it is a wise investment in the City.

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item 2022-606, an amendment to the adopted FY 2023 budget to increase the project budget for the Village Green park in the amount of \$500,000.00 to be funded by a use of the fund balance (reserves) in the General Fund; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Pickens, Councilmember Hines, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Nay: 2 - Councilmember Welch and Councilmember Wilkinson

Absent: 1 - Councilmember Lindley

7. Commercial Building Permits:

8. Consent Agenda:

A motion was made by Councilmember Latonia P. Hines, seconded by Councilmember Glenn Pickens, that the Consent Agenda be approved.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Hines, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

Absent: 1 - Councilmember Lindley

- A. [MIN2022-85](#) Approval of the November 17, 2022 Committee of the Whole Meeting Minutes
Ward / Citywide
These Minutes were Approved on the Consent Agenda.
- B. [MIN2022-86](#) Approval of the November 21, 2022 Pre-Council Meeting Minutes
Ward / Citywide
These Minutes were Approved on the Consent Agenda.
- C. [MIN2022-87](#) Approval of the November 21, 2022 Mayor and Council Meeting Minutes
Ward / Citywide
These Minutes were Approved on the Consent Agenda.
- D. [2022-572](#) Request to extend work hours for concrete pours at 1885 Mitchell Road as requested by the Conlan Company (Land Lot 684 & 685, 11.42 acres, The Conlan Company) from December 15, 2022 through February 15, 2023, Monday through Saturday (No work on Sundays) 10:00 PM - 7:00 AM with a total of 30 pours.
Ward 7 / Councilmember Wheaton
This Authorization was Approved on the Consent Agenda.
- E. [2022-577](#) Approval of the re-appointment of Ward 1 resident, Shawn Garcia, to the Keep Smyrna Beautiful Board. This is a two-year term that expires 12/31/2024.
Ward 1 / Councilmember Pickens
This Appointment was Approved on the Consent Agenda.
- F. [2022-578](#) Approval of the re-appointment of Ward 6 resident, Nell Robinson, to the Keep Smyrna Beautiful Board. This is a two-year term that expires 12/31/2024.
Ward 6 / MayorProTem/Councilmember Gould
This Appointment was Approved on the Consent Agenda.
- G. [2022-579](#) Approval of the re-appointment of the Mayor's Appointee, Ms. Cheri Harrington , to the Smyrna Parks and Recreation Commission. This is a two-year term to expire December 31, 2024.
Ward / Citywide
This Appointment was Approved on the Consent Agenda.
- H. [2022-580](#) Approval of the re-appointment of the Mayor's appointee, Mr. Joel Powell, to serve as Chairman of the Smyrna Planning and Zoning Commission for a two-year term to expire December 31, 2024.
Ward / Citywide

This Appointment was Approved on the Consent Agenda.

- I. [2022-581](#) Approval of the re-appointment of Ward 3 resident, Lem Ward, to the Smyrna Housing Authority. This is a five-year term that expires 12/31/2027.

Ward 3 / Councilmember Lindley

This Appointment was Approved on the Consent Agenda.

- J. [2022-603](#) Approval of the appointment of Ward 5 resident, Tonya Brinkley, to the Smyrna Housing Authority to fulfill term that expires 5/31/2023.

Ward 5 / Councilmember Wilkinson

This Authorization was Approved on the Consent Agenda.

9. Ward / Committee Reports:

Councilmember Lewis P. Hines - The Home for the Holidays event was wonderful. Staff and Public Safety did a great job.

Mayor Pro Tem/Councilmember Tim Gould - Thanked Cub Scout Pack 1, 4th and 5th graders, for hosting him and asking lots of great questions.

Councilmember Lewis Wheaton - Reported that Norfolk Southern has started work on the Nickajack Silent Railroad crossing project. This is important for the community, and he is excited to see this happening.

Heather Peacon-Corn, City Clerk - Tomorrow (December 6, 2022) is election day.

Check the Smyrna or Cobb County websites for information.

10. Show Cause Hearings:

11. Citizen Input:

Jennie Bartee - Ward 7, 4094 Laurel Springs Way - She stated that she is curious why the grading issue was only found now. She asked what is the next problem related to this brewery and development. The cost for this project is growing exponentially for something not needed in the community. She further asked why was this not disclosed before there was a vote counted in the Committee of the Whole meeting. She further stated that she does not agree with how citizen input is placed at the end of the meeting after voting has taken place. She notes that most council members are very responsive, but she also stated that some council members more than others seem to question items brought forth.

12. Adjournment:

Mayor Derek Norton adjourned the December 5, 2022 Mayor and Council Meeting at 8:09 PM.