



Meeting Minutes - Final
City Council

Monday, July 6, 2020

7:00 PM

Community Center

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

Roll Call

Present: 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Austin Wagner, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Lewis Wheaton

Also Present: 1 - Scott Cochran

Staff: 11 - Tammi Saddler Jones, Heather Peacon-Corn, Roy Acree, Jennifer Bennett, Dan Campbell, Bo Jones, Russell Martin, Penny Mocerri, Tina Monaghan, Landon O'Neal and Joey Staubes

Call to Order

Mayor Derek Norton called the July 6, 2020 Mayor and Council Meeting to order at 7:00 PM.

1. Invocation and Pledge:

Pastor Christian Salzillo, Life Church Smyrna Assembly of God (4100 King Springs Rd) delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

Mayor Derek Norton began his report by speaking about Fireworks which he has received a lot of complaints about recently. As a City we have done everything we can at a local level to tighten up our noise ordinances to put as many restrictions as we can. We are beholden to the state law which governs fireworks. The second item of discussion was mandating that people wear masks. The City has not mandated masks because we cannot do anything more or less restrictive than the Governor's orders. We do require that people wear masks when entering a city facility.

4. Land Issues/Zonings/Annexations:

- A. [ORD2020-03](#) Approval of Ordinance ORD2020-03 - Annexation request (100%)

owners requesting annexation) - all tract of land lying and being in Land Lot 695, 17th District, 2nd Section of Cobb County, Georgia, a total of 0.09 acres, being known as 1990 Cooper Lake Drive SE, Smyrna, Georgia, 30080. Effective date is August 1, 2020 and part of Ward 6.

City Administrator Tammi Saddler Jones provided the background information on the annexation. The letter of non-objection was received from Cobb County. The annexation would go into effect August 1, 2020 and be part of Ward 6. Staff recommended approval.

Councilmember Tim Gould of Ward 6 spoke briefly about the annexation before making the motion.

Councilmember Tim Gould made a motion to approve Ordinance ORD2020-03 - Annexation request (100% owners requesting annexation) - all tract of land lying and being in Land Lot 695, 17th District, 2nd Section of Cobb County, Georgia, a total of 0.09 acres, being known as 1990 Cooper Lake Drive SE, Smyrna, Georgia, 30080. Effective date is August 1, 2020 and part of Ward 6. Councilmember Travis Lindley seconded the motion.

The motion to approve was carried by the following vote:

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

B. [ORD2020-05](#)

Approval of Ordinance ORD2020-05 - Annexation request (100% owners requesting annexation) - all tract of land lying and being in Land Lots 241 and 264 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 1.3 acres, being known as 171 Concord Road SE, Smyrna, GA 30082. Effective date August 1, 2020 and part of Ward 4.

A summary of the agenda item was given by Ms. Saddler Jones. The required letters were sent and the letter of non-objection was received from Cobb County. This annexation would go into effect on August 1, 2020 and the property would become part of Ward 4. Staff recommended approval.

Councilmember Charles "Corkey" Welch made a motion to approve Ordinance ORD2020-05 - Annexation request (100% owners requesting annexation) - all tract of land lying and being in Land Lots 241 and 264 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 1.3 acres, being known as 171 Concord Road SE, Smyrna, GA 30082. Effective date August 1, 2020 and part of Ward 4. Councilmember Lewis Wheaton seconded the motion.

The motion to approve was carried by the following vote:

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

C. [2020-234](#)

Public Hearing - Plat Approval with Variances - V20-030 - 1.72 Acres - Land Lot 487 - 1151 Stephens Street - Longo Homes, Inc

City Administrator Saddler Jones broke down the plat approval and variance request. The applicant is requesting approval to reconfigure three existing lots into three residential lots at 1151 Stephens St. The lots are occupied by a single-family home

that will be demolished. The applicant wishes to reconfigure the three lots all with frontage on Stephens St to build a single-family home on each lot. The applicant has submitted a proposed site plan for the development for your reference. Community Development recommended approval of the requested reconfiguration and re platting of 1151 Stephens Street with conditions.

Mayor Norton asked that anyone wanting to speak at the Public Hearing please come forward and be sworn in. The applicant came forward and was sworn in.

Mr. Vincent Longo, the applicant, came forward and made a presentation. He thanked Mayor and Council for all that they have done to keep the city and citizens safe. He also thanked Councilmember Travis Lindley from Ward 3 for coming out to the site and working through the details on the project. Mr. Longo also thanked Joel Powell for hosting a professional public meeting. The goal is to better align the three lots with Stephens Street. The existing zoning will not change. He wants to demolish the existing structure and build new. This was already approved by the Planning and Zoning Board. Mr. Longo broke down each variance and offered explanation. The plan is to build three custom homes that will not disappoint.

Mayor Norton invited staff to come forward and present further information regarding the request.

Community Development Director Rusty Martin came forward and presented a Powerpoint. The applicant is requesting approval to reconfigure three existing lots into three residential lots at 1151 Stephens St. The subject property is currently comprised of three lots of record; two fronting on Stephens St, and one landlocked with no street access. The three lots are within the Davis Subdivision. The lots are occupied by a single-family home that will be demolished. The applicant wishes to reconfigure the three lots all with frontage on Stephens St to build a single-family home on each lot. The applicant has submitted a proposed site plan for the development for your reference. Community Development has reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. The variances are necessary to reconfigure the three lots and pull the proposed homes away from the existing stream buffer. The subject property will maintain an R-15 zoning classification and will not increase the density for the property in its current configuration. Community Development recommended approval of the requested reconfiguration and replatting of 1151 Stephens Street with the following conditions:

1. The development shall have the following setbacks:

- Front - 25 feet
- Side - 10 feet
- Rear - 30 feet
- Driveway setback - 2 feet

2. The development shall have a minimum lot width of 63 feet.

3. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.

4. The developer shall dedicate 5 feet of Right-of-Way along Stephens Street.

5. Approval of the subject property for plat approval shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/12/2020 created by Gaddy Surveying & Design, Inc. and all zoning stipulations

above.

Councilmember Susan Wilkinson asked about the setbacks and whether it pertained to all three homes.

The public hearing was announced and no one came forward to speak.

Councilmember Tim Gould asked about the proposed price point of the homes. The applicant stated that the goal is to shoot for the \$750,000 to \$800,000 price point.

Councilmember Travis Lindley made a motion to approve Plat Approval with Variances - V20-030 - 1.72 Acres - Land Lot 487 - 1151 Stephens Street - Longo Homes, Inc. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

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

5. Privilege Licenses:

- A. [LIC2020-11](#) Privilege License Request LIC 2020-11 - Beer (retail package) - 1649 Roswell Street SE - Nadia, LLC dba 5 Points Food Store with Goutam Debnath as agent.

Ms Saddler Jones shared the pertinent information with Mayor and Council. Goutam Debnath will be the registered agent responsible for the sale of alcohol at 1649 Roswell Street SE. Mr. Debnath has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. Goutam Debnath has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Staff recommended approval of privilege license for the sale of beer (retail package) for Nadia, LLC dba 5 Points Food Store with Goutam Debnath as the registered agent.

Mr. Michael Sard, the attorney representing the applicant came forward and spoke. It was acknowledged that all stipulations were understood and there was a clear understanding of the expectations and requirements set forth.

Councilmember Travis Lindley made a motion to approve Privilege License Request LIC 2020-11 - Beer (retail package) - 1649 Roswell Street SE - Nadia, LLC dba 5 Points Food Store with Goutam Debnath as agent. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve was carried by the following vote:

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

- B. [LIC2020-12](#) Privilege License Request LIC2020-12 - Beer, Wine, and Liquor (retail package) - 2900 S. Cobb Drive SE, Suite B - First Choice Beer Wine & Spirits, LLC with Catherine Amador as agent.

The background was presented by City Administrator Tammi Saddler Jones. Ms. Catherine Amador will be the registered agent responsible for the sale of alcohol at 2900 S. Cobb Drive SE, Suite B. Ms. Amador has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. Catherine Amador has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Staff recommended approval of privilege license for the sale of beer, wine, and liquor (retail package) for First Choice Beer Wine & Spirits, LLC with Catherine Amador as the registered agent.

Applicant was present and came forward to answer any questions.

Councilmember Wilkinson asked the applicant if she had taken all of the required courses and reminded her that the Police Department does random checks for compliance. Councilmember Wilkinson also asked about the proposed hours of operation. The applicant acknowledge understanding and stated that she was not yet sure of the hours of operation.

Councilmember Susan Wilkinson made a motion to approve Privilege License Request LIC2020-12 - Beer, Wine, and Liquor (retail package) - 2900 S. Cobb Drive SE, Suite B - First Choice Beer Wine & Spirits, LLC with Catherine Amador as agent. Councilmember Glenn Pickens seconded the motion.

The motion to approve was carried by the following vote:

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

6. Formal Business:

- A. [2020-206](#) Approval to award Proposal to Provide Construction Materials Testing Services for the Windy Hill Boulevard project to the lowest and responsive Company Geo Hydro Engineers located at 1000 Cobb Place Boulevard, Suite 290, Kennesaw Georgia 30144 in the amount of \$349,320.00 and authorize the Mayor to execute all related documents and finance to make the necessary budget amendment to finalize.

Background was read aloud by Ms. Saddler Jones. Croy Engineering requested proposals on behalf of the City of Smyrna for construction materials testing services for the Windy Hill Boulevard project. The SPLOST project is managed by Croy Engineering. Four proposals were received. Geo-Hydro Engineers, Inc. is low bidder in the amount of \$349,320.00. It is the recommendation of the Purchasing Manager and Croy Engineering that Geo-Hydro Engineers be awarded the RFP.

Councilmember Tim Gould spoke about the importance of the project and that this is just one step of many towards completion of a better Windy Hill.

Councilmember Tim Gould made a motion to approve to award Proposal to Provide Construction Materials Testing Services for the Windy Hill Boulevard project to the lowest and responsive Company Geo Hydro Engineers located at 1000 Cobb Place Boulevard, Suite 290, Kennesaw Georgia 30144 in the amount of \$349,320.00 and authorize the Mayor to execute all related documents and finance to make the necessary budget amendment to finalize. Councilmember Charles "Corkey" Welch

seconded the motion.

The motion to approve was carried by the following vote:

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

Nay: 1 - Councilmember Wilkinson

B. [2020-225](#)

Approval to enter into a Professional Services Agreement with a City of Smyrna Government Affairs Consultant, Mr. Kash Trivedi and to have the Mayor execute all related documents.

The City Administrator read the background on this agenda item. Mayor & Council propose the professional engagement of a government affairs consultant to represent the City of Smyrna before the Georgia Legislature and the Executive Branch. As our city manages the city budget and projects over the next few years, the need for possible state funds and assistance is anticipated. The services of the government affairs consultant would begin August 1, 2020 and continue for 12 months, and would be strictly before the Georgia General Assembly, Administration and State departments.

Councilmember Tim Gould spoke about the benefits of this as well as the extensive experience that the consultant will bring to the city.

Councilmember Tim Gould made a motion to approve to enter into a Professional Services Agreement with a City of Smyrna Government Affairs Consultant, Mr. Kash Trivedi and to have the Mayor execute all related documents. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

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

C. [2020-240](#)

Approval of extended work hours for Carroll Daniel Construction for extended work hours Monday through Sunday from 6 am to 10 pm, July 7, 2020 to December 31, 2021

Ms. Saddler Jones provided the information on this agenda item. Carrol Daniel Construction has requested a work hour extension from 6:00 a.m. to 10:00 p.m. on Monday through Sunday from July 7, 2020 to December 31, 2021 for the completion of the Campbell HS school buildings and site work (July 2020 to December 2021). Community Development has reviewed the request for extended work hours and does not recommend the extension because the General Contractor has not provided a specific rationale for the work hour extension. Additionally, work hour extensions are generally only approved for a limited one to two-month time frame. Community Development does not support large construction vehicles and equipment that would disturb surrounding residents over such an extended period of time. Community Development recommended denial of the work hour extension.

Councilmember Travis Lindley spoke of his concerns with the lack of detail and the timing of the request. Those that live around the school are already experiencing difficulties and are concerned about such an extensive timeline.

Councilmember Travis Lindley made a motion to deny extended work hours for Carroll Daniel Construction for extended work hours Monday through Sunday from 6 am to 10 pm, July 7, 2020 to December 31, 2021. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to deny was carried by the following vote:

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

7. Commercial Building Permits:

- A. [2020-228](#) Issuance of a commercial building permit for construction of a new 270-unit apartment building called The Drift at Riverview Landing - 6025 River View Road - Prestwick Construction Company MR, LLC

City Administrator Tammi Saddler Jones provided a brief summary of facts for those in attendance. A commercial building permit has been issued at 6025 River View Road for the construction of a new 350,767 sq. ft. 270-unit apartment building for The Drift at Riverview Landing. The total estimated cost of the project is \$38,400,000 and Prestwick Construction Company MR, LLC is listed as the general contractor for the project.

Councilmember Lewis Wheaton spoke about how this was the next phase of development of the area and that by passing this, they would be allowed to progress into phase 2.

Councilmember Lewis Wheaton made a motion to approve the issuance of a commercial building permit for construction of a new 270-unit apartment building called The Drift at Riverview Landing - 6025 River View Road - Prestwick Construction Company MR, LLC. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

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

8. Consent Agenda:

City Administrator Tammi Saddler Jones read aloud the consent agenda.

Councilmember Austin Wagner made a motion to approve the consent agenda as read aloud by City Administrator Tammi Saddler Jones. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

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

- A. [2020-221](#) Approval of the June 11, 2020 Committee of the Whole Meeting Minutes.

- B. [2020-222](#) Approval of the June 15, 2020 Pre-Council Meeting Minutes.
- C. [2020-224](#) Approval of the June 15, 2020 Mayor and Council Meeting Minutes.
- D. [2020-241](#) Approve the purchase of a Parks and Rec 2020 Ford F-150 Super Cab 4x2 V6 stock unit from Wade Ford. Pricing based on City of Atlanta Contract 10590-WS for \$24,801.00 and to authorize the Mayor to execute any related documents and finance to make the necessary budget amendment to finalize.
- E. [2020-231](#) Approval of an extension of normal work hours for RDJE, Inc. during the water / sewer modifications on Windy Hill Boulevard Project from 7:00pm to 6:00am for (11) eleven dates. The contractor is requesting dates from July to August starting 7/13/2020 thru 7/14/2020, 7/20/2020 thru 7/21/2020, 7/27/2020 thru 7/28/2020, 8/3/2020 thru 8/4/2020, and 8/10/2020 thru 8/13/2020.

9. Ward / Committee Reports:

Councilmember Lewis Wheaton asked people to be mindful of safety on the roads. He has received a lot of complaints about speeding on the East/West Connector. He spoke about the Non-Discrimination Ordinance and the upcoming town hall meeting and invited everyone to come out and participate.

Councilmember Tim Gould referred people to the Georgia Department of Health website to walk through the COVID testing process. General information can be found there as well as the locations for testing sites.

Councilmember Susan Wilkinson spoke about traffic accidents on Windy Hill Road by Smyrna Grove. The speed limit is being reduced to attempt to assist with the hazardous conditions.

Councilmember Travis Lindley announced grocery assistance program in Rose Garden on Thursday, July 9, 2020. Call Penny Mocerri for a reservation.

Councilmember Austin Wagner spoke about the upcoming town hall. He invited everyone to come out and participate. He encouraged everyone to wear masks.

Councilmember Glenn Pickens invited everyone to attend the upcoming Planning and Zoning meeting for a public hearing on a Spring Road project.

Mayor Norton spoke about accidents and traffic enforcement.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Ms. Trina Griffiths, who is running for State Court Judge, spoke about her campaign.

She has been practicing law in Cobb State Court for over 20 years. She encouraged everyone to participate in the run off election that will take place on August 11th.

Mr. Greg Shenton is running for Superior Court Judge in Cobb County. He spoke a bit about the position and what he wants to do if he were to be elected. He has been an attorney and a business owner for over 20 years in Cobb County and is running to gain some experience on the bench.

A gentleman spoke about the mask mandate in the City of Savannah. He encouraged local officials to try to proceed with this as well.

The owner of a business on South Cobb Drive, spoke out against the liquor store. He said there are too many of those kind of stores already in the area and feels that it will interfere with his small business.

12. Adjournment:

Mayor Norton adjourned the July 6, 2020 Mayor and Council meeting at 7:50 PM.