



City of Smyrna

A. Max Bacon City Hall
2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final Committee of the Whole Work Session

Thursday, December 16, 2021

6:00 PM

A. Max Bacon City Hall - HR Training Room

Roll Call

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

Also Present 1 - Scott Cochran

Staff 8 - Joe Bennett, Keith Zgonc, Eric Randall, Heather Peacon-Corn, Penny Mocerri, Kristin Robinson, Jennifer Bennett, and Frank Martin

1. Call to Order

Mayor Derek Norton called the December 16, 2021 Committee of the Whole Meeting to order at 6:00 PM.

2. New Business

A. [COW21-101](#) Discussion regarding red light cameras - Chief Keith Zgonc

Chief Keith Zgonc presented the following:

Smyrna Red Light Camera Study

- The following study was completed by Orlando Torres with Verra Mobility and Crime Analyst Nikkiah Hill to determine the intersections where red lights are run more frequently and which intersections have the most traffic accidents.

Key Sites of Interest: Red Lights

- Windy Hill Rd & Atlanta Rd
- South Cobb Dr & East West Connector
- Atlanta Rd & Spring Rd

Key Site of Interest: Accidents

- South Cobb Dr & East West Connector
- Windy Hill Rd & South Cobb Dr
- Spring Rd & Cumberland Blvd

Red light cameras are a civil fine at a maximum fine of \$70.00. The City of Marietta uses the same company at three intersections.

Councilmember Welch mentioned that if someone is behind a truck, sometimes the red light cannot be seen, and they get an automatic ticket. Chief Zgonc stated that those types of situations can be addressed because the camera will detect those details. Joe Bennett, City Administrator, stated that he was part of the original study

on the school zone cameras. The previous council's intention was to move forward eventually with this program. He also did the evaluation on South Cobb and East West Connector in 2019, and for the entire year there were 204 accidents. He is glad to see the number has come down. Chief Zgonc stated that this study took into account about ten months.

Councilmember Wilkinson noted that Windy Hill and South Cobb looked like it had many more incidents than a couple of the other intersections they are considering for red light cameras. Chief Zgonc stated that the vendor had concerns about the right-of-way and where to place cameras at that intersection. Further studies would need to be completed to determine the best path forward.

B. [COW21-103](#)

Discussion regarding No Parking Zones - Joe Bennett

Joe Bennett, City Administrator, stated that in 2019, there was discussion regarding Sophia Lane in Ward 4. The residents there wanted to have a No Parking Zone established by simply painting "No Parking" on the curb and that this be enforceable. City ordinance and state law require proper signage. Mr. Bennett asked Eric Randall to discuss what proper signage is.

Eric Randall, City Engineer, stated that right-of-way is governed by the Manual of Uniform Traffic Control Devices (MUTCD) which outlines minimum height, minimum sizes, etc., of signage so that the driving public can determine what to do without having to interpret or decipher the signs. By following MUTCD, there is implicit enforceability. Without having proper signage, there is no certainty. Proper signage must be used to meet MUTCD standards and to ensure enforceability.

Councilmember Welch asked if the curb is painted red and there is no sign that says "No Parking" is it still enforceable. Mr. Randall stated that signs have to be there for it to be enforceable. City Attorney Scott Cochran reiterated that if the City wants to enforce a No Parking Zone, there has to be signs. Councilmember Welch stated that the neighborhood in question does not want signs, but Mr. Cochran stated that in theory, because the curb is in the right-of-way, the City can place signs there. Mr. Randall stated that they can advise signs be placed there because when someone is parked there, it does create a blind spot; however, No Parking signs do not necessarily stop children from entering the roadway.

Mr. Bennett stated that he met with the group at the location in question, and he agrees that a No Parking Zone would be advisable, and the previous Body agreed to mark that as a No Parking Zone. He also offered to send crews to re-mark the curb with the understanding that it would not be enforceable. Mr. Cochran stated that if the curb is re-marked, it could potentially decrease the number of people that might park there even if it is not enforceable. He equated it to the 25 MPH zone on Church Street which is not enforceable, but it keeps people from speeding.

C. [COW21-106](#)

Task Force Findings

Councilmember Lindley presented the following concerning the Future of Aunt Fanny's Cabin Task Force:

The Task Force is made up of three councilmembers - Travis Lindley, Lewis Wheaton, and Charles Welch - and three citizens - Latarsha Pearson, Larry Banks, and Mike Terry.

Option 1: Renovate - \$480k-550k

Option 2: Rebuild - \$400k

Option 3: Demolish

Option 4: Allow it to be moved by private group or citizen off City property

The consensus of the Task Force was to open it up to the public for proposals to have someone move the cabin at their own expense and accept those proposals until February 1, 2022. Councilmember Wheaton stated that the Task Force agreed that the City needs to make sure there is space to pay homage to Fanny Williams and her major contribution to the county. Mr. Lindley added that should someone move the cabin, the City be able to retain one of the two chimneys in order to have it as cornerstone piece for a memorial for Fanny Williams. Mr. Lindley stated that the timeline would be to have proposals in by February 1, 2022, then have the cabin moved by some time in the spring. He summarized that as the only Smyrna native on the Council, the history of Aunt Fanny's Cabin is too difficult to justify spending funds on for repairs or rebuild. He also stated we need to properly memorialize Fanny Williams. Councilmember Welch stated that the February 1, 2022 deadline to have proposals in seems too short of a timeline because it will take some time to find, assess, etc., the appropriate way to have the cabin removed safely. Councilmember Wilkinson asked if there was no way to keep it in its place. Dr. Wheaton stated that the Task Force unanimously agreed that the cabin should be removed whether by someone moving it themselves or by being demolished because it is in such disrepair, and it is unusable. Mr. Welch stated that if someone were to come to the Council and say they have \$600,000.00 to spend on renovating the cabin, he would support that.

Dr. Wheaton stated that the Task Force and its examination into the cabin has shown that this is about more than just this building that is in disrepair. There is a painful past and history attached to this structure, painful visuals, racist stereotypes - it is troubling. It is important to tell the story of Fanny Williams, but the cabin is a story about a restaurant that used a caricature of Fanny Williams. Fanny Williams' stake in this restaurant was zero. Mayor Norton thanked those that were part of the Task Force for their hard work.

Ms. Wilkinson stated that she feels there needs to be more communication with the public. She has concerns about making a decision about this right now. Mr. Lindley stated that this is not a great story and what the City of Smyrna wants to be recognized for, and he further expressed that Dr. Wheaton is fielding calls nationally. Mr. Lindley stated that the tone and tenor from people has gotten "pretty rough," and the City needs to move on from this. Ms. Wilkinson stated that tearing it down does not make the history go away. Mayor Norton stated that the committee has made a recommendation, and now it should go before Council to be voted on. Councilmember/Mayor Pro Tem Gould asked that if this were a building that did not have this historical significance attached to it in the condition that it is in, would the City want to spend and invest that much money on it. The answer is likely no. He further asked if Fanny Williams can be memorialized without the building. The answer is yes, especially as there is a painful past associated with it. Councilmember Wagner stated that saving the structure or not, it is inextricably linked to racist images. Mr. Wagner stated that Smyrna needs to tell the true story of Fanny Williams and confront its negative relationship with race. Smyrna can tell the real story in so many other ways. Dr. Wheaton stated that he and other African-Americans that he has been in communication with in this community find the history of this building and every activity that has been characterized and historically reported about this building completely horrendous. He asked why the City would want to keep a building that has a long-lasting, horrendous back story when you put it into context with the fact that the

building is completely unusable. No one on the committee is trying to erase the memory of Fanny Williams.

3. Review of the December 20, 2021 Mayor and Council Agenda

A. [COW21-105](#) Review of the December 20, 2021 Mayor and Council Meeting Agenda

Item 4A - 2021-134 Public Hearing - Zoning Request - Z21-006 - Allow rezoning from NS to RDA-Conditional for the development of 12 single-family homes at a density of 5.9 units per acre - 2.03 acres - Land Lot 700 - Atlanta Rd & Campbell Rd - Morgan Capital and Development, LLC.

Ward 1 / Councilmember Glenn Pickens

Russell Martin, Community Development Director, presented the following:

The zoning proposal consists of one tract of land totaling 2.03 acres and is zoned NS (Neighborhood Shopping). The applicant is seeking to develop the parcel for twelve (12) single-family detached homes at a density of 5.9 units per acre. The adjacent property to the north is zoned R-15 (Campbell Middle School). The adjacent property to the south is zoned OI (Office Institutional) and will be developed for a church. The adjacent property to the west across Atlanta Rd is zoned GC & RM-12 and occupied with commercial and residential uses. The adjacent property to the east is zoned R-15 and is occupied with single-family detached homes (Argyle Estates). The rezoning application for 12 single-family detached homes is considerably less dense than the original plan for 23 townhomes, and would be less impactful than a commercial use.

Mr. Martin stated that they asked the developers to coordinate with the church to create a connection with the church property. They will redesign the retention area, add a park area, create walking paths, and he will have the developers create a screen/berm. With this proposal, they would be just under 6 units per acre.

Mayor Norton stated that, in the end, this is private land, and this proposal is much better than what has been presented in the past. Mayor Norton continued by stating that he used to represent that area when he was a councilmember. Proposals had come in previously for that area to be a medical office building, 23 townhomes, and because it was zoned as neighborhood shopping, it could have been a strip mall, etc. Mr. Martin stated that the conservative price point for these homes will be \$600k-700k.

Councilmember Pickens stated that they did speak to the neighborhood next to this site. They have expressed frustration in the past, but they are happier with this compromise than previous iterations. Mr. Pickens mentioned an area that has a lot of overgrowth toward Atlanta Road which is City right-of-way. He asked if that was something the developers could clean up. Mr. Martin stated that they can add that as a stipulation for the developers.

Item 4B. 2021-616 Public Hearing - Kick-off of the 5-Year Update to the City of Smyrna 2040 Comprehensive Plan - Community Development Department
Ward / Citywide

Russell Martin, Community Development Director, presented the following:

The City of Smyrna's City Council is required to hold an initial public hearing regarding the start of the City's 5-Year Comprehensive Plan Update to brief the community on

the process to be used to develop the plan and opportunities for public participation in plan development, and to obtain input on the proposed planning process. The Department of Community Affairs (DCA) requires an update to the City's Comprehensive Plan every five years. The current Comprehensive Plan was adopted in 2017, therefore an update is required to be submitted to DCA by October 31, 2022. The five-year update requires the city to update the following key elements of the 2017 Comprehensive Plan:

- Needs/Opportunities
- Vision and Goals
- Transportation
- Economic Development
- Land Use
- Broadband Services (New Requirement)
- Community Work Program

Community Development will coordinate with a stakeholder committee and the Atlanta Regional Commission over the next year to update the Comprehensive Plan.

Additionally, there will be other opportunities for the public at large to provide input into the update in order to ensure that the plan reflects the full range of community needs and values. The Comprehensive Plan for Smyrna, Georgia is mandated by the Georgia Planning Act 634 (Georgia Law 1989, pp. 1317-1391). This act requires that each jurisdiction in the state prepare and implement a Comprehensive Plan, which is reviewed by the regional development center. The kickoff will begin with a steering committee with 15-20 people total, they will hold their initial meeting, there will be open houses and surveys. The first draft should be ready to send to ARC and DCA toward the end of August. Once Community Development receives feedback, they will address those comments and resubmit in October.

Item 6A - 2021-609 Approval of the Appointment of Ward 2 resident, Jonathan Howard, to the Planning and Zoning Board. This is a two-year term that will expire December 31, 2023.

Ward 2 / Councilmember Austin Wagner

No discussion took place.

Item 6B - 2021-605 Approval to amend the budget for items not included in the FY 2022 budget adoption for a total amount of \$246,500.00.

Kristin Robinson, Finance Director, presented the following:

Amount	
17,000.00	Signage, etc. for Governing Body
19,891.82	Merit raises
209,557.95	PD pay adjustments
246,449.77	Total use of fund balance

We are increasing our use of reserves (fund balance) for the above amounts to cover expenses in governing body, the difference between budgeted contingency and merit raises, and PD pay adjustments. This is just administrative and does not change anything that the Council has already approved.

Item 6C - 2021-613 Approval of Amendment No. 5 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD20-C20SA-A and CD20-C20S8-F to extend the termination date for the agreement to June 30, 2022 and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Ashley Youmans, Special Projects Manager, stated that the City has received an extension on the deadline from the CDBG program through June 30, 2022. Councilmember Wilkinson asked what projects are moving forward. Penny Mocer, Deputy City Administrator, stated that one project that has been paid for is the new chillers for the Community Center. Upcoming projects include the Wolfe Center Senior Center bathroom remodel, some projects at the library, and an RFP for the Repair and Renovations Program to assist residents.

Item 6D - 2021-614 Approval of contract with DHS for LIHWAP (Low-Income Household Water Assistance Program) to accept assistance payments from DHS on behalf of Smyrna utility customers with outstanding balances and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Kristin Robinson, Finance Director presented the following:

LIHWAP, which stands for Low Income Household Water Assistance Program, is a federal program that helps low-income households pay for drinking water and wastewater for their homes. This program will help our residents pay their home water bill if the water bill is in their name, or if they can verify that they are experiencing a water burden. The Consolidated Appropriations Act, 2021 (Public Law No.: 116-260) signed on Dec. 27, 2020, included \$638 million in funding with instructions for the Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services (HHS) to carry out grants to states, territories and tribes to assist low-income households with water and wastewater bills. Additionally, on March 11, 2021, the American Rescue Plan Act of 2021 (Public Law No.: 117-2) appropriated an additional \$500 million to the new LIHWAP effort. LIHWAP will open on November 1, 2021 in Georgia and will prioritize households that have an arrearage or past due water bill through the remainder of the year. On January 3, 2022, the program will begin serving households that contain seniors 60 years of age and older and households that contain children five years of age and younger. All other households will be eligible to receive LIHWAP assistance beginning February 1, 2022. Water suppliers have to complete an agreement with DHS to be able to receive payments on behalf of our customers.

Item 6E - 2021-619 Approval of the agreement with Environmental Difference Staffing (2470 Windy Hill Road SE, Suite 442, Marietta, Georgia, 30067) for temporary, supplemental personnel for Public Works to assist in maintaining service levels for sanitation, water, streets, etc. as needed in the department, and authorize the Mayor to sign and execute all related documentation.

Ward / Citywide

Bo Jones, Assistant Public Works Director, presented the following:

As a result of the pandemic, employment staffing, especially in Public Works, has decreased significantly, leaving services, such as residential sanitation, streets and water to not only advertise for employment opportunities, but to look at alternate ways to staff these departments in order to maintain levels of service for the City residents. A recent incentive program, has increased applications, however, the City will still need temporary staffing to maintain the required number of personnel to complete the needed tasks in Public Works.

Item 6F - 2021-620 Authorization to award Car Wash Services to Caliber Car Wash for Fleet Membership unlimited washes per month for \$15.00 and one time wash for \$10.00 and Take Five Car Wash for one time washes as requested and authorize the Mayor to sign and execute all related documentation.

Ward / Citywide

Kristin Robinson, Finance Director, presented the following:

The Police department requested approval to select a new drive-thru car wash service. Caliber Car Wash recently opened their location at 1047 Windy Hill Rd SE, Smyrna, GA 30080. The City has been operating under a Memorandum of Understanding with Take 5 Car Wash (formerly Fast Track Car Wash) located at 5100 South Cobb Dr SE, Smyrna, GA 30080 since 2014.

The total spent for car wash service is shown below:

Fiscal Year	Annual Total	Monthly Average
FY2019	\$11,755.00	\$980.00
FY2020	\$9,730.00	\$811.00
FY2021	\$12,895.00	\$1,075.00

Caliber Car Wash proposes two options – Fleet Membership for Caliber Level Wash – Unlimited Washes per Month for \$15.00.

One-Time Wash for \$10.00.

The Caliber Wash includes: Vehicle wash, Dry, Wheel clean, Underbody wash, Paint protectant, Spot-free rinse, Triple foam bath, Rain guard, Caliber wax, Tire shine, Triple shine wax, and Caliber Ceramic Coating. Access to the Detailing Booms with vacuums, air detailing tools, cleaning sprays, towels, air fresheners, and Mat Cleaners are included. Caliber Car Wash bills monthly and is paid by credit card.

Take 5 Express Car Wash proposes a per wash price of \$6.50. The wash includes exterior wash with Tri Color Paint Treatment, Underbody Rinse, Clear Coat Protectant, Rim Cleaning, Rain-X and Tire Shine – Access to Vacuums. Take 5 Express Car Wash bills the City monthly.

Administration, Community Development, Fire, Information Technology, Parks & Recreation and Police are interested in selecting Caliber Car Wash due to convenient location and discounted cost for monthly unlimited washes. Environmental Services has one vehicle and does not have a preference at this time.

Approximate annual cost: \$22,320.00

Purchasing recommends award of car wash services to Caliber Car Wash for unlimited monthly washes and Take 5 Express Car Wash for one-time washes as requested.

Item 6G - 2021-617 Approval of the contract to continue Commercial Sanitation service with Waste Management to include Waste Management taking over the billing and customer service and providing the City with a franchise fee.

Ward / Citywide

Kristin Robinson, Finance Director, presented the following:

The City of Smyrna began contracted service with Advanced Disposal in March 2010. The initial contract included two 5 year service periods and then optional renewals annually. We renewed the contract last year after the merger of Advanced Disposal and Waste Management for an additional year. Our current contract terminates on Feb 28, 2022. The City of Smyrna requested proposals for Residential & Commercial Solid

Waste and Recycling services and received four (4) proposals. Proposals were evaluated by staff from Utilities, Public Works, Environmental Services and Finance. The evaluation criteria included understanding and approach, experience/performance, capability/financial, references and proposed fees. It was determined that Residential Service would remain with the City - the table below includes scoring for the top three commercial service providers.

FIRM SCORE

Waste Management 93.67

Waste Pro 83.05

BFI - Republic 74.72

The service providers were asked to submit a fee proposal to provide billing to all customers and offer a franchise fee. The comparison chart attached references the pricing for the top two (2) providers and differences in franchise fee. Based on proposed new costs, current billing and revenues and franchise fee, we recommend award of this service to our incumbent service provider, Waste Management. Waste Management will provide all billing and customer service and offer the City a 10% franchise fee.

Consent Agenda:

Items 8A - E: No discussion

Item 8F - 2021-593 Authorization to increase sewer rate per thousand gallons from \$8.10 to \$8.99 effective January 1, 2022, to be billed on the February 2022 bills. To recognize that Cobb County Water approved an 11% increase to the wholesale sewer rate charged to the Cities effective January 1, 2022. Ward / Citywide

Kristin Robinson, Finance Director, stated that the last increase was in 2019, and when Cobb County increases their rates, Smyrna automatically increases its rates in line with Cobb County.

Item 8G - H: No discussion

Item 8I - 2021-607 Approval of the renewal with Georgia Municipal Association (GMA) for 2022 Workers' Compensation Insurance Coverage and Administration. Ward / Citywide

Carol Sicard, Human Resources Director, stated that there is an 8% increase in Workers' Compensation Insurance Coverage and Administration in 2022 which can be attributed to slightly higher experience, higher claims, and higher risk. Last year, there was a 14% decrease, so this is just a natural ebb and flow that occurs with Workers' Comp from year to year based on a variety of factors. Ms. Sicard stated that at some point in the future the City should consider an RFP to make sure the City is in the right place for Workers' Compensation plans.

4. Other Business (as needed)

A. [COW21-61](#) City Administrator's Project Review / Updates - Joe Bennett

Joe Bennett, City Administrator, presented the following:

Shop with a Hero event was this past Tuesday, and it was a huge success. Mayor

Norton asked if anyone had ever participated in that event before because he participated for the first time, and it was such a great event, he will never miss another one in the future.

The Cobb Chamber's Smyrna Area Council has selected Lt. Louis Defense, Crime Prevention & Public Information Officer at the Smyrna Police Department, as its 2021 Smyrna Citizen of the Year. Mr. Bennett congratulated Lt. Defense.

Mr. Bennett reminded everyone that the Christmas Extravaganza was rescheduled for December 20, 2021 - the same night as the next Council Meeting - because it was the only night the participants were available to reschedule. It will be from 6:00 - 9:00 PM.

Mr. Bennett stated that the energy audit is ongoing. They have completed the HVAC audit and the HVAC Control audit. They are working on lighting/sports lighting. A report should be submitted early 2022.

Mayor Norton expressed thanks to Carol Sicard for organizing the Employee Christmas lunch.

Councilmember Lindley stated he wanted to add an at-large position to the Parks & Recreation Commission because one of his constituents moved out of his Ward (Ward 3) and into Ward 6. He stated that Leigh Anne Rehkopf has been exceptionally involved, and he would like to find a way to keep her on the Commission. Councilmember Welch stated that they did something similar for the Tree Board.

Penny Mocer, Deputy City Administrator, stated that the parks' restroom schedule for winter will be to close restrooms at 8:00 PM (they close at 11:00 PM during the summer months), with the exception of Rose Garden which will close at 9:00 PM and Tolleson Park at 10:00 PM. She also mentioned the Mt. Zion Cemetery archway is nearly complete. They are looking at installation and dedication some time in February during Black History Month.

Heather Peacon-Corn, City Clerk, stated that she will be on vacation beginning December 23, 2021 - January 6, 2022, and Deputy City Clerk Jill Head will be available during that time. She also stated that Judge Collins is providing a catered lunch for Court Services on Tuesday, December 21, 2021 at 11:30 AM, and Mayor and Council are invited.

Greg Teague of Croy Engineering stated that the first phase/infrastructure phase of the Downtown Improvements project will go into the papers on December 17, 2021. There will be a pre-bid meeting the second week of January for the traffic signals and roadway work. POND is simultaneously working on their portion of the park design. Mayor Norton asked when they expect to start moving dirt. Mr. Teague stated that on January 22, 2022 they will open bids, and they anticipate a recommendation to the Council at the first Committee of the Whole meeting in February and a vote at the first Mayor and Council meeting in February.

5. Executive Session (as needed)

6. Adjournment

Mayor Derek Norton adjourned the December 16, 2021 Committee of the Whole meeting at 7:36 PM.