



# City of Smyrna

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

## Meeting Minutes - Final City Council

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Monday, June 21, 2021

7:00 PM

Council Chambers

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### Rollcall

**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:** 9 - Penny Mocerri, Heather Peacon-Corn, Tina Monaghan, Tyler Addison, Jennifer Bennett, Andrea Boyes, Russell Martin, Frank Martin and Landon O'Neal

### Call to Order

Mayor Derek Norton called the June 21, 2021 Mayor and Council Meeting to order at 7:00 PM.

#### 1. Invocation and Pledge:

Deacon Michael Garrett, St. Thomas the Apostle Catholic Church (4300 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 Norton recognized the Smyrna Arts Council that donated artwork to display around City Hall for all to see. The Mayor asked them to stand and be recognized while he read each of their names.*

#### 4. Land Issues/Zonings/Annexations:

##### A. [2021-248](#)

Public Hearing - V21-054 - Allow encroachment into the 75-foot impervious setback for a front porch - Land Lot 554 - 3700 Ashwood Drive - Kristin Tahirovic

*Community Development Director Rusty Martin provided background information on the request. The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback to construct a new front porch at 3700 Ashwood Drive. The City's stream buffers are controlled by Chapter 46 of the City's Code of Ordinances. The applicant is requesting relief from the City's 75-foot impervious setback to extend*

*the front porch in the front yard. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following conditions:*

*1. Approval of the subject property for the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.*

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

*Mayor Norton turned the item over to Councilmember Tim Gould who offered a little additional insight into the request.*

Councilmember Tim Gould made a motion to approve V21-054 - Allow encroachment into the 75-foot impervious setback for a front porch - Land Lot 554 - 3700 Ashwood Drive - Kristin Tahirovic. 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

## 5. Privilege Licenses:

There were no privilege licenses.

## 6. Formal Business:

### A. [2021-256](#)

Approval of the Downtown Concept Design and authorize the Mayor to sign and execute all related documents.

*Mayor Norton provided the background on this proposal. He began by noting that this has been almost two years in the making based on a downtown design study by Pond Company in 2019. The study was presented in August of 2020 and was a menu of options to choose from. When campaigning, he heard many requests that there needed to be a downtown refresh. There were two public input meanings. The design was put on website, social media, city signage, etc. The plan was overwhelming accepted positively. This plan opens up and activates the space by the fountain and roundabout as well as connects the area with the pond and new park and brewery that will be built. Moves the stage to the front of the community center so that all can see the performers. Additional traffic lights and parking has been much requested by residents. SPLOST funding will cover parking, etc. This will not impact other projects already planned for in the City. On Wednesday, July 28, 2021 at 6:00 PM, the State of the City Address will take place at the Community Center as well as via online streaming. More details on future plans will be discussed at that time. The event will*

*be free to attend, streamed online and the recording will be available once the event is complete.*

*Councilmember Charles "Corkey" Welch is in opposition to the plan. The main thing that came out of the meeting that Councilmember Susan Wilkinson recently had was that people wanted change but they wanted options. He does not agree with the parking garage. Traffic flow also concerns him. He would like to see several options from which to choose.*

*Councilmember Travis Lindley (by phone) shared his thoughts on the project. When campaigning, he also heard that downtown needed to be refreshed. It is pretty clear that the proposal is in the correct direction. Overall residents of Ward 3 are in support of using what is already there and making it better. What has been set forth in concept, will help move forward.*

*Councilmember Susan Wilkinson agreed with Councilmember Welch. The plan was supposed to be a high level plan with details to be discussed. She feels that the process was not thorough enough. The devil is in the details and the details have been skipped over which is not the way to move forward. She thinks the roundabout works well for traffic as well as for events. Network of neighborhood streets and a traffic study is needed to see where the flow will go. She feels we already have a classic, charming downtown area that serves people well.*

*Councilmember Tim Gould thanked everyone for coming out and sharing their thoughts and feelings on the design. Supportive of the plan for several reasons. More open green space, more pedestrian friendly, can be used year round with more gathering areas for events. No design is going to be perfect. Parking deck was in the SPLOST plan and was already voted on and approved. Traffic for Campbell High School has created some recent issues but there are plenty of alternate routes other than the traffic circle.*

*Councilmember Austin Wagner wants the downtown to be more pedestrian friendly, green space where it is safer to walk. Places for community engagement. Parking deck can be made to look nice so it is not an eyesore. If there is an option to park, people will walk. He does have some concerns about traffic and thinks that it is something that can continue to be worked on and improved.*

*Councilmember Lewis Wheaton said making these types of decisions are what makes their job so difficult. It is hard to make everyone happy. Correspondence is that people want attention paid to the details. Approving the concept allows for opportunities down the line to focus on the details. This is the process on how to move forward. Passionate about stronger focus on the environment and the feel of the community that we have. The deterioration of the fountain provides an opportunity to see what can be done to improve something that was already so wonderful.*

*Mayor noted that this will not disturb any of the planned events already in place and that no shovels will go in the ground until at least November.*

*Councilmember Glenn Pickens said this is a wonderful opportunity to expand what people love to use at the Veteran's Memorial which is always full of people. Feels that the roundabout will be forgotten.*

*Councilmember Wilkinson said the roundabout is used quite a bit. She feels strongly that we need to do a traffic study. The work at Campbell High School is creating*

*issues and feels that the neighborhood will be further inconvenienced by the removal of the roundabout. All of the changes in the city are going to force existing issues to move into neighborhoods.*

Councilmember Susan Wilkinson made a motion to table the approval of the Downtown Concept Design and authorize the Mayor to not sign and execute all related documents. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to table failed by the following vote:

**Aye:** 2 - Councilmember Welch and Councilmember Wilkinson

**Nay:** 5 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Gould and Councilmember Wheaton

Councilmember Travis Lindley made a motion to approve the Downtown Concept Design and authorize the Mayor to sign and execute all related documents. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

**Aye:** 5 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Gould and Councilmember Wheaton

**Nay:** 2 - Councilmember Welch and Councilmember Wilkinson

**B. [2021-257](#)**

Approval of Amendment No. 2 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD21-C21SA and CD21-C21SA-F for the increase in the City's grant award in the total amount of \$29,840.93. This increases the City's total amount to be received for the 2021 CDBG Allocation to \$308,480.00 and authorize the Mayor to sign and execute all related documents.

*The background was given by Ms. Mocerri at the request of the Mayor. Over the past several years CDBG funds invested in the city have paid for numerous public improvements; and the City of Smyrna continues being a sub recipient of the Cobb County Community Development Block Grant (CDBG) program. Effective June 9, 2021 the Sub Recipient Agreement is amended to reflect the changes as noted. All other language, requirements and provisions of the original Sub Recipient Agreement shall remain unchanged and in full force. That amount is broken down as follows:*

*Administration and Planning: Increase by \$ 850.68*

*Public Facilities: Increase by \$28990.25*

*Approval of Amendment No. 2 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD21-C21SA and CD21-C21SA-F for the increase in the City's grant award in the total amount of \$29,840.93. This increases the City's total amount to be received for the 2021 CDBG Allocation to \$308,480.00 and authorize the Mayor to sign and execute all related documents.*

**\*\*NOTE\*\*** Councilmember Susan Wilkinson left the dias / meeting at 7:39PM.

Councilmember Charles "Corkey" Welch made a motion to approve Amendment No. 2 to the Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD21-C21SA and CD21-C21SA-F for the increase in the City's grant award in the total amount of \$29,840.93. This increases the City's total amount to be received for the

2021 CDBG Allocation to \$308,480.00 and authorize the Mayor to sign and execute all related documents. Councilmember Austin Wagner 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

**Absent:** 1 - Councilmember Wilkinson

**C.**     [2021-255](#)

Approval to purchase a Hyperconverged Computer Infrastructure system from Dell Technologies, One Dell Way, Round Rock, TX 78682 for the replacement of the City's current server clusters and storage network for the amount of \$323,276 utilizing the State of Georgia Dept. of Administrative Services contract C000000355068 and authorize the Mayor to sign all related documents.

*Ms. Penny Mocerì provided the background information. Currently the City utilizes two Microsoft Hyper-V virtual server clusters with three server each and a SAN to provide data and compute storage. The servers are nearing end of life status and the SAN has reached usable capacity and can not be expanded. Additionally, the support for the SAN will run out by the end of 2021 and renewal may not be possible because the manufacturer no longer produces SAN hardware. The Hyperconverged Computing Infrastructure being requested replaces both the servers and SAN with a system that can be expanded if needed and is provided by Dell Technologies, which the city has used for computes, laptops and servers for 20 years, and has a proven track record of providing full support. In addition to the hardware, the system will come with the most current Microsoft server software which will replace our current version that is also end of life. IT would like to replace the City's Hyper-V Server Cluster and Storage Area Network equipment that has reached end of life and end of support status from the manufacturer. To purchase a Hyperconverged Computer Infrastructure system from Dell Technologies, One Dell Way, Round Rock, TX 78682 for the amount of \$323,276, utilizing the State of Georgia Dept. of Administrative Services contract C000000355068. The IT Director and Finance recommends approval to purchase the Hyperconverged Computer Infrastructure systems as defined in Dell Technology quotes 3000086571750.2 and 3000086571747.3 for the combined amount of \$323,276.*

Councilmember Glenn Pickens made a motion to approve the purchase of a Hyperconverged Computer Infrastructure system from Dell Technologies, One Dell Way, Round Rock, TX 78682 for the replacement of the City's current server clusters and storage network for the amount of \$323,276 utilizing the State of Georgia Dept. of Administrative Services contract C000000355068 and authorize the Mayor to sign all related documents. Councilmember Lewis Wheaton 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

**Absent:** 1 - Councilmember Wilkinson

**D.**     [2021-252](#)

Approval to amend the FY 2021 budget for unbudgeted items and to

move funds into a CIP project.

*The details on this agenda item were given by Assistant City Administrator Penny Mocerri. A previous amendment was done to transfer reserves for traffic calming and the purchase of servers. The quote for servers came in above initial estimates and will require an additional \$50,000. The traffic calming is going to be a multi-year project and the funds need to be transferred to the CIP fund which is a multi-year fund. We need to amend the budget for these changes. We will be using General Fund reserves (fund balance) for the additional \$50,000. Approval to amend the FY 2021 budget for unbudgeted items and to move funds into a CIP project.*

**\*\*NOTE\*\*** Councilmember Susan Wilkinson returned to the dias / meeting at 7:46PM.

Councilmember Travis Lindley made a motion to approve to amend the FY 2021 budget for unbudgeted items and to move funds into a CIP project. Councilmember Tim Gould 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

**Absent:** 1 - Councilmember Wilkinson

**E. [ORD2021-14](#)**

Approval of Ordinance 2021-14, to amend Section 50-8 (Special use permit for consumer fireworks) in order to better regulate consumer fireworks to the extent allowed by state law and authorize the Mayor to sign and execute all related documents.

*Ms. Mocerri read aloud the background information on the ordinance. Recently, the Georgia legislature amended state laws to give local governments more authority over consumer fireworks in certain circumstances. In an effort to take advantage of this state law, the city amended its applicable ordinances on May 15, 2021 with ORD2021-07. Under this state law, local governments have little authority to regulate fireworks on the last Saturday and Sunday in May, July 3 and 4th, the first Monday in September and December 31 between 10 am and midnight and January 1 from 10:am until 1:00 am. At other times, however the local government may require the fireworks to comply with its noise ordinance. This ordinance changes the time that fireworks are allowed so that it follows state law and allows the city to regulate fireworks as much as the state law allows. Additionally the City has further amended the Ordinance to include required signage and penalty. Staff recommends approval of Ordinance 2021-14, to amend Section 50-8(Special use permit for consumer fireworks) in order to better regulate consumer fireworks to the extent allowed by state law and authorize the Mayor to sign and execute all related documents.*

*The Mayor noted that this puts into place everything that can be done and enforced according the Georgia Law and City Attorney Scott Cochran agreed.*

Councilmember Lewis Wheaton made a motion to approve Ordinance 2021-14, to amend Section 50-8 (Special use permit for consumer fireworks) in order to better regulate consumer fireworks to the extent allowed by state law and authorize the Mayor to sign and execute all related documents. 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

- F. [RES2021-03](#) Approve Resolution RES2021-03 in Support of the Submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application for a Planning Project of the Cumberland Multi-Modal Network Development Program and to authorize the Mayor to sign and execute all related documents if necessary.

Councilmember Charles "Corkey" Welch made a motion to approve Resolution RES2021-03 in Support of the Submission of a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Application for a Planning Project of the Cumberland Multi-Modal Network Development Program and to authorize the Mayor to sign and execute all related documents if necessary. 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

## 7. Commercial Building Permits:

There were no commercial building permits.

## 8. Consent Agenda:

*Assistant City Administrator Penny Mocerì read aloud the consent agenda at the request of the Mayor.*

Councilmember Tim Gould made a motion to approve the consent agenda as read aloud by Assistant City Administrator Penny Mocerì. 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

- A. [MIN2021-37](#) Approval of the June 7, 2021 Pre-Council Meeting minutes.
- B. [MIN2021-38](#) Approval of the June 7, 2021 Mayor and Council Meeting minutes.
- C. [2021-240](#) Approval to purchase Two (2) 2023 GR64B Mack chassis and Heil Dura Pack 5000 32cubic yard rear loader using the Sourcewell Cooperative contract # THC 112014 in the amount \$466,926.00 from Carolina Environmental System Inc. 500 Lee Industrial Blvd Austell Georgia 30168.

- D. [2021-260](#) Approval of the renewal of the current Granicus agreement for a period of five years with website graphical refresh in 2021 including eligibility to request a graphical refresh after completion of year four, according to terms of the agreement and authorize the Mayor to sign and execute all related documents.

## 9. Ward / Committee Reports:

*Councilmember Glenn Pickens announced that the Committee on Short Term Rentals will have a meeting on Wednesday, June 23, 2021.*

*Mayor Norton said that he is very proud of the Council and the hard choices that they have to make. He is very pleased to have this group representing the city.*

## 10. Show Cause Hearings:

There were no show cause hearings.

## 11. Citizen Input:

*Mr. Alex Backry, 3459 Shawnee Trail, feels that the last 20 years in Smyrna has been a socialist movement. Apathy and lack of knowledge of the Council. He disagrees with comments of the Mayor because many people don't know about what is going on. Why we are paying for a bridge that is not in our territory? Knowledge is power and people don't know what is going on. We don't need parking or a brewery. He asked for extended time to speak and was denied.*

*Mr. David Lincoln, 2860 Parkwood Road, concerned about the projects because Windy Hill is still unresolved and it seems like a SPLOST project that is not complete and seems like it is on a back burner. Need to resolve Windy Hill before making traffic study. The redesign plan will cause traffic to go into neighborhoods and create problems for residents. He would like to see the expansion toward other areas in the city where there are spaces to put parking and businesses such as brewery.*

*Mr. Mike McNabb, 750 Austin Drive, past Councilmember, agrees that the downtown needs to be refreshed. Paint in bold colors. Not the finest hour and the public is frustrated. Elected officials are always months ahead of the public and there is a need to allow the public to catch up with the plans already reviewed by those on the inside. Weeks and month of meetings went into the original downtown plan followed by weeks and months of further planning. He showed the planning and zoning regulations for planning and zoning requests for residents and private property which requires 60 days before it gets to Mayor and Council. On additional SPLOST items, give the public plenty of time to review and process projects.*

*Ms. Montserrat Knowlton, 1367 Poplar Pointe, has lived in Smyrna since 1993. Reads the newspaper every day and first time she saw the changes in the paper was either Friday or Saturday. The changes are all originated by the sale of a piece of land to a brewery. She asked about the sale of the land to the brewery. She feels that a brewery does not improve the quality of life for people.*

## 12. Adjournment:

Mayor Derek Norton adjourned the June 21, 2021 Mayor and Council meeting at 8:11 PM.