



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, December 7, 2020

7:00 PM

Community Center Large Gym

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

If you wish to speak during the Public Hearing portion of this meeting and you are unable to attend the meeting due to health concerns with Covid 19, you may participate via telephone. To participate via telephone, you must register with the City Clerk's Office by emailing your name, address and telephone number to ClerksOffice@Smyrnaga.gov.

The deadline to register to speak via telephone is SUNDAY, DECEMBER 6, 2020 at 11:00 PM

Everyone that attends the meeting in person, will have an opportunity to speak and will not have to register prior to the meeting. You will need to sign the Public Hearing /Citizen Input Sign Up Sheet at the City Clerk's desk prior to the start of the meeting at 7:00 PM. If you choose to speak via telephone, you must be available to receive a call between 7:00 PM and 9:00 PM.

You will be notified on MONDAY, DECEMBER 7, 2020 by 12:00 NOON as to additional details of these procedures.

Thank you for your cooperation as we navigate new ways to encourage Public Comment.

Rollcall

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

Absent: 2 - Councilmember Glenn Pickens and Councilmember Charles Welch

Also Present: 1 - Jeffrey Tucker

Staff: 6 - Joe Bennett, Penny Mocerri, Heather Peacon-Corn, Russell Martin, Carol Sicard and Tina Monaghan

Call to Order

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

1. Invocation and Pledge:

Councilmember Lewis Wheaton delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

There was no Mayoral Report.

4. Land Issues/Zonings/Annexations:

There were no land issues/zonings/annexations.

5. Privilege Licenses:

- A. [LIC2020-18](#)** Privilege License Request LIC 2020-18 - Beer Manufacturing & Pouring (Brewery & Retail Pouring)- 3080 Jonquil Drive - Arcanum Ventures, LLC dba The Viking Alchemist with Robin Kosoris as agent.

Interim City Administrator Joe Bennett read the background information. Application for privilege licenses for Arcanum Ventures, LLC dba The Viking Alchemist for the manufacture and pouring of beer (brewery and retail pouring). Arcanum Ventures, LLC is the owner and Robin Kosoris is the agent applicant. Robin Kosoris will be the registered agent responsible for the sale of alcohol at 3080 Jonquil Drive. Mr. Kosoris has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude the issuance of this license. Robin Kosoris has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

The applicant, Mr. Robin Kosoris, was present and came to the podium to answer any questions but there were none.

Councilmember Austin Wagner made a motion to approve Privilege License Request LIC 2020-18 - Beer Manufacturing & Pouring (Brewery & Retail Pouring)- 3080 Jonquil Drive - Arcanum Ventures, LLC dba The Viking Alchemist with Robin Kosoris as agent. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

- B. [LIC2020-22](#)** Privilege License Request LIC 2020-22 - Beer and Wine (retail package) - 1000 S. Pioneer Drive - GB License LLC dba goPuff with Eric Ayala-Velazquez as agent.

Information on the privilege license request was given by Mr. Bennett. Eric Ayala-Velazquez as registered agent for GB License, LLC dba goPuff requests privilege licenses for the sale of beer and wine (retail package) at 1000 S. Pioneer Drive. goPuff is a retail grocery that delivers only. Eric Ayala-Velazquez will be the registered agent responsible for the sale of alcohol at the referenced location. Mr.

Ayala-Velazquez has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. He received certificates for Responsible Alcohol Service & Sales and Alcohol Delivery Training. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude the issuance of this license. Eric Ayala-Velazquez has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

The applicant, Mr. Eric Ayala-Velazquez, was present and at Councilmember Lewis Wheaton's request, they explained a little about the business. They have been operating over a year with a delivery only model that has become very popular. Their attorney was there to represent the applicant and explained that the goal is to get on board with the State law that allows alcohol to be delivered.

Councilmember Lewis Wheaton made a motion to approve Privilege License Request LIC 2020-22 - Beer and Wine (retail package) - 1000 S. Pioneer Drive - GB License LLC dba goPuff with Eric Ayala-Velazquez as agent. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

- C. [LIC2020-24](#) Privilege License Request LIC 2020-24 - Liquor (retail pouring) - 666 Smyrna Hill Drive - Sparkles of Smyrna, Inc. dba Sparkles Smyrna. Glenn Couey is the owner and applicant. - **This item will be tabled to the January 4, 2021 Mayor and Council meeting at the request of the Applicant.**

Councilmember Travis Lindley made a motion to table Privilege License Request LIC 2020-24 - Liquor (retail pouring) - 666 Smyrna Hill Drive - Sparkles of Smyrna, Inc. dba Sparkles Smyrna. Glenn Couey is the owner and applicant until the December 21, 2020 Mayor and Council Meeting at the request of staff. Councilmember Austin Wagner seconded the motion.

The motion to table was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

6. Formal Business:

- A. [ORD2020-21](#) Approval of Ordinance 2020-21 for the amendment of the Code of Ordinances of the City of Smyrna, Chapter 22, Businesses, Article, Administrative Fees, Regulatory Fees and Occupational Taxes to amend Section 22 through 26 - Definitions and authorizes the Mayor to sign and execute all related documents.

Interim City Administrator Bennett noted that in preparation of the distribution of the invoices for the renewal of occupational tax certificates, Community Development

reviewed the state code for compliance and found the City's definition of gross receipts varies from the State's definition. Community Development is recommending a text amendment to bring the City's definition of gross receipts inline with the State's definition. Community Development recommends approval of Ordinance 2020-21 for the amendment of the Code of Ordinances of the City of Smyrna, Chapter 22, Businesses, Article, Administrative Fees, Regulatory Fees and Occupational Taxes to amend Section 22 through 26 - Definitions and authorizes the Mayor to sign and execute all related documents.

Councilmember Tim Gould reiterated that this change is to keep the City in line with the current State definitions regarding gross receipts.

Councilmember Tim Gould made a motion to approve Ordinance 2020-21 for the amendment of the Code of Ordinances of the City of Smyrna, Chapter 22, Businesses, Article, Administrative Fees, Regulatory Fees and Occupational Taxes to amend Section 22 through 26 - Definitions and authorizes the Mayor to sign and execute all related documents. Councilmember Travis Lindley seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

B. [RES2020-12](#)

Adoption of Resolution 2020-12 establishing that certain unclaimed property at the Smyrna museum is a gift to and owned by the museum.

An explanation of the need for this resolution was provided by Mr. Joe Bennett. The City has taken over operation of the Smyrna Museum and through that process found various items of property with no historical significance or other value. Over several years this property was received from unknown sources who have made no efforts to claim the property. This property has continuously remained in the museum from the time that it was received. Based on these circumstances, it is reasonable to assume that this property was intended as a gift. To house, catalog and display only meaningful pieces with historical significance, the City adopts this resolution so that the unclaimed property is conclusively presumed to be a gift to and owned by, the museum. Adoption of Resolution 2020-12 establishing that certain unclaimed property at the Smyrna museum is a gift to and owned by the museum.

Councilmember Travis Lindley noted the reasoning for this resolution.

Councilmember Travis Lindley made a motion to approve the adoption of Resolution 2020-12 establishing that certain unclaimed property at the Smyrna museum is a gift to and owned by the museum. Councilmember Lewis Wheaton seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

C. [RES2020-13](#)

Adoption of Resolution 2020-13 approving the sale of a small tract of land consisting of 0.176 acres (7653 Sq Ft.) known as the rear portion of

lot 71 or the Reed and Walker Subdivision to the adjoining property owner for the price of \$39,259.89 and authorize the mayor to sign all related documents.

Background was provided by Interim City Administrator Bennett. In 1998, the City received a gift of property consisting of the rear portion of lot 71 of the Reed and Walker subdivision, the size of the property is 0.176 acres (7653 Square Feet). The property has no road frontage, is landlocked with no access to a public road and sized and shaped as to be incapable of being used independently. An independent appraiser indicated that the property has marginal independent value. This is confirmed by the five thousand-dollar (\$5,000) valuation from the Cobb County Tax Assessor. The highest and best use of the property is to assemble it with the adjoining tract. In accordance with O.C.G.A. § 36-37-6, the City of Smyrna is authorized to dispose of property under certain conditions. The City concludes that this property is a narrow strip of land with no access and is too small to be used independently. A conveyance to the abutting property owner would produce the highest value for the property and facilitate the highest and best use of the abutting owner's property. The abutting property owner has agreed to purchase the property for the sum of \$39,259. A recommendation is offered for the adoption of Resolution 2020-13 approving the sale of a small tract of land consisting of 0.176 acres (7653 Sq Ft.) known as the rear portion of lot 71 or the Reed and Walker Subdivision to the adjoining property owner for the price of \$39,259.89 and authorize the mayor to sign all related documents.

Councilmember Travis Lindley made a motion to approve the adoption of Resolution 2020-13 approving the sale of a small tract of land consisting of 0.176 acres (7653 Sq Ft.) known as the rear portion of lot 71 or the Reed and Walker Subdivision to the adjoining property owner for the price of \$39,259.89 and authorize the mayor to sign all related documents. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

D. [2020-497](#)

Approval of the re-appointment of the Downtown Development Authority (DDA) members for a one-year term to begin January 1, 2021 for the following members: Ron Davis, Kevin Drawe, Jim Duelder, Larry Freeman, Kimberly Gangemi, Dianne Rasin and Jason Saliba, with Mayor Derek Norton serving as Chairman. The term will expire December 31, 2021.

Councilmember Travis Lindley made a motion to approve the re-appointment of the Downtown Development Authority (DDA) members for a one-year term to begin January 1, 2021 for the following members: Ron Davis, Kevin Drawe, Jim Duelder, Larry Freeman, Kimberly Gangemi, Dianne Rasin and Jason Saliba, with Mayor Derek Norton serving as Chairman. The term will expire December 31, 2021. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

The consent agenda was read aloud by Interim City Administrator Joe Bennett.

Councilmember Travis Lindley made a motion to approve the consent agenda as read aloud by Interim City Administrator Joe Bennett. Councilmember Austin Wagner seconded the motion.

The motion to approve was carried by the following vote:

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

Absent: 2 - Councilmember Pickens and Councilmember Welch

- A. [2020-486](#) Approval of the November 12, 2020 Committee of the Whole Meeting Minutes.
- B. [2020-487](#) Approval of the November 16, 2020 Pre-Council Meeting Minutes.
- C. [2020-488](#) Approval of the November 16, 2020 Mayor and Council Meeting Minutes.
- D. [2020-484](#) Approve the request for the road closure at Belmont Circle intersection on the North side of Windy Hill Road beginning December 8th 2020 through December 23rd 2020 as requested by Baldwin Paving Company for the construction of a temporary road for a lane shift on the Windy Hill Boulevard project Weather permitting

9. Ward / Committee Reports:

Councilmember Lewis Wheaton made mention of the need for continued perseverance for safety measures due to COVID.

Councilmember Tim Gould echoed Wheaton's announcement to be safe and wear masks. He also spoke about a student at Campbell High School who is now successfully working at Nalley Toyota after receiving training.

Councilmember Susan Wilkinson brought to everyone's attention the lights around the downtown area and encouraged everyone to take time to come out and see them.

Councilmember Travis Lindley thanked the police department for their help with speeding and street parking. He mentioned that he was working on a letter to Cobb Board of Elections in reference to having an early voting location closer to the city. He

concluded by nothing that the Mount Zion cemetery wall construction is underway.

Councilmember Austin Wagner spoke about the upcoming elections and explained that polling locations are not controlled by the city.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Mr. Ken Spencer, 679 Concord Road, wanted a private meeting with Mayor and Council regarding HR issues.

12. Adjournment:

Mayor Norton adjourned the December 7, 2020 Mayor and Council meeting at 7:22 PM.