



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

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Monday, October 5, 2020

7:00 PM

Community Center

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**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**

### 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 - Jeffrey Tucker

**Staff:** 8 - Joe Bennett, Penny Mocer, Heather Peacon-Corn, Jennifer Bennett, Russell Martin, Frank Martin, Landon O'Neal and Tina Monaghan

### Call to Order

Mayor Derek Norton called the October 5, 2020 Mayor and Council Meeting to order at 7:00 PM.

#### 1. Invocation and Pledge:

Pastor Will Watts, 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:

##### A. [2020-385](#) Proclamation in Recognition of National Pregnancy and Infant Loss Remembrance Day

*Mr. Todd and Mrs. Ruth DeFeo received the proclamation from Councilmember Gould. Mr. DeFeo took a few minutes to speak about the topic of pregnancy and infant loss and how important it is to speak about it and encourage others to do the same.*

Councilmember Tim Gould read aloud the proclamation in recognition of Pregnancy and Infant Loss Remembrance and presented the signed proclamation to Mr. Todd and Mrs. Ruth DeFeo.

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

- A. [2019-440](#) **Public Hearing** - Zoning Request - Z19-019 - Rezoning from NRC & OI to MU for the development of 170 unit independent senior living facility and 114 townhomes at a density of 11.85 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC. - ***This item will be tabled to the October 19, 2020 Mayor & Council Meeting at the request of the Applicant.***

Councilmember Glenn Pickens made a motion to table Zoning Request - Z19-019 - Rezoning from NRC & OI to MU for the development of 170 unit independent senior living facility and 114 townhomes at a density of 11.85 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC. - to the October 19, 2020 Mayor & Council Meeting at the request of the Applicant. Councilmember Travis Lindley seconded the motion.

The motion to table 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. [LIC2020-16](#) Privilege License Request for Cigar Specialty Shop LIC 2020-16 - Beer, Wine, and Liquor Pouring - 1295 W Spring Street SE, Suite 130 - Village Bourbon & Cigar, LLC dba Village Bourbon & Cigar with Anthony F. Alvarez as agent.

*Interim City Administrator Joe Bennett read aloud the background information. Application for privilege licenses for Village Bourbon & Cigar, LLC dba Village Bourbon & Cigar for the sale of beer, wine, and liquor (retail pouring). Village Bourbon & Cigar, LLC is the owner and Anthony F. Alvarez is the agent applicant. Anthony F. Alvarez will be the registered agent responsible for the sale of alcohol at 1295 W Spring Street SE, Suite 130. Mr. Alvarez 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. Anthony F. Alvarez has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol. Staff recommended approval.*

*The applicant, Mr. Anthony F. Alvarez came up to the podium and Mayor Norton thanked him for doing business in the City of Smyrna.*

*Councilmember Travis Lindley thanked the applicant for doing business in Smyrna and asked if he was aware of all of the restrictions, rules and regulations set before him to which the applicant agreed.*

*The applicant, Mr. Alvarez, said there are many similar businesses in areas surrounding the City. In order to keep people coming to Smyrna, he would like to open the business and add additional elements to draw people such as the ability to pour*

*alcohol. He agreed to all regulations set before him.*

Councilmember Travis Lindley made a motion to approve Privilege License Request for Cigar Specialty Shop LIC 2020-16 - Beer, Wine, and Liquor Pouring - 1295 W Spring Street SE, Suite 130 - Village Bourbon & Cigar, LLC dba Village Bourbon & Cigar with Anthony F. Alvarez as agent. 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

**B. [LIC2020-17](#)**

Privilege License Request for Cigar Specialty Shop LIC 2020-17 - Beer, Wine, and Liquor Pouring - 2417 Cobb Parkway - Wiseash 2, LLC dba Wiseash Cigars with Brian Boulware as agent.

*The background information was provided by Mr. Bennett. Application for privilege licenses for Wiseash 2, LLC dba Wiseash Cigars for the sale of beer, wine, and liquor (retail pouring). Wiseash 2, LLC is the owner and Brian Boulware is the agent applicant. Brian Boulware will be the registered agent responsible for the sale of alcohol at 2417 Cobb Parkway. Mr. Boulware 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. Brian Boulware has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.*

*Staff recommended approval.*

*The applicant, Mr. Brian Boulware, was present and came forward to be addressed.*

*Councilmember Glenn Pickens thanked the applicant for doing business in Smyrna and confirmed that all requirements had been met.*

*Mr. Boulware spoke about the business. The shop has been a staple in the City for over ten years. This allows for expansion and betterment of services already offered. He is a former police officer out of South Carolina so he is very aware of the requirements and the importance of all laws and regulations being followed.*

Councilmember Glenn Pickens made a motion to approve Privilege License Request for Cigar Specialty Shop LIC 2020-17 - Beer, Wine, and Liquor Pouring - 2417 Cobb Parkway - Wiseash 2, LLC dba Wiseash Cigars with Brian Boulware as agent. 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

**6. Formal Business:**

**A. [2020-379](#)**

Appointment of Parks and Rec Director Richard Garland to serve as a regular member of the License and Variance Board, Interim Assistant

City Administrator Penny Mocerì to serve as an alternate member of the License and Variance Board and the Deputy City Clerk to serve as an alternate member of the License and Variance Board.

*The pertinent information was provided by Interim City Administrator Bennett. With the recent departure of former City Administrator Tammi Saddler Jones, a vacancy has been created on the License and Variance Board. Additionally, Kevin Moore has served as an alternate for the Board, but in his capacity as City Engineer, he is required to make recommendations and review License and Variance Board requests. In order to maintain transparency and avoid a conflict of interest, his term as an alternate will expire on September 30, 2020. Ordinance 2005-33 states that "The License and Variance Board shall select one of its members to serve as Chair and one of its members to serve as Secretary, to serve at the pleasure of the License and Variance Board. Minutes and records of all proceedings shall be kept by the secretary or his/her designee and maintained in the office of the City Clerk." Therefore, the office of the Deputy City Clerk will serve as an alternate member and be offered for appointment as the Secretary to take the official meeting minutes for the Board. The License and Variance Board will vote at their regularly scheduled meeting on October 14, 2020 to appoint a Chair and a Secretary. All members of the Board Current Regular Board Members are Fire Chief Roy Acree and Public Works Director Frank Martin. Current Alternate Board Members are Deputy Fire Chief Brian Marcos, Library Director Mary Moore and City Engineer Kevin Moore (term to expire 9-30-2020). The Community Development Director recommends appointment of Parks and Rec Director Richard Garland to serve as a regular member of the License and Variance Board, Interim Assistant City Administrator Penny Mocerì to serve as an alternate member of the License and Variance Board and the Deputy City Clerk to serve as an alternate member of the License and Variance Board.*

Councilmember Travis Lindley made a motion to approve the appointment of Parks and Rec Director Richard Garland to serve as a regular member of the License and Variance Board, Interim Assistant City Administrator Penny Mocerì to serve as an alternate member of the License and Variance Board and the Deputy City Clerk to serve as an alternate member of the License and Variance Board. 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. [2020-384](#)**

Appointment of Human Resources Director as Carol Sicard as the Interim Civil Service Board Clerk, until the incoming Human Resources Manager, Patrick Ho can be appointed on October 19, 2020.

*Interim City Administrator Joe Bennett provided the following information. By job description, the Human Services Manager services as the Civil Service Board Clerk. The Human Resources Manager position was vacated on August 28, 2020. Human Resources Director, Carol Sicard, will serve as the Interim Civil Service Board Clerk until the incoming Human Resources Manager, Patrick Ho, can be appointed at next Mayor and Council Meeting on October 19, 2020. Joseph Bennett, Interim City Administrator, recommends the appointment of Human Resources Director Carol Sicard as the Interim Civil Service Board Clerk, until the incoming Human Resources Manager, Patrick Ho, can be appointed on October 19, 2020.*

Councilmember Lewis Wheaton made a motion to approve the appointment of Human

Resources Director as Carol Sicard as the Interim Civil Service Board Clerk, until the incoming Human Resources Manager, Patrick Ho can be appointed on October 19, 2020. 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

**C. [2020-394](#)**

Approval of a short term extension to the Bus Shelter Advertising contract through December 31, 2020 for the 32 bus shelters located within the City and to authorize the Mayor to sign and execute all related documents.

*Explanation of this agenda item was given by Mr. Joe Bennett. Our bus shelter contract with Signal Outdoor is expiring on October 4, 2020. City staff is recommending the approval of a short-term contract extension with Signal Outdoor ending on 12/31/2020. The extension will be at no additional cost to the City and Signal will continue to provide trash collection and basic upkeep as they have previously provided while we go through the RFP process. At the end of the contract extension, Signal will sign over ownership of the shelters per the terms of our original contract. Staff recommends a short term extension to the Bus Shelter Advertising contract through December 31, 2020 for the 31 bus shelters and to authorize the Mayor to sign and execute all related documents.*

Councilmember Susan Wilkinson made a motion to approve of a short term extension to the Bus Shelter Advertising contract through December 31, 2020 for the 32 bus shelters located within the City and to authorize the Mayor to sign and execute all related documents. 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:**

**A. [2020-380](#)**

Issuance of a commercial building permit for construction of a 75-unit independent senior living apartment building called Hearthside - 4225 East-West Connector - Walton Construction Services, LP.

*Interim City Administrator Joe Bennett read the background information. A commercial building permit has been issued at 4225 East-West Connector for the construction of a new 4-story, 87,278 square foot building made of 75 units of senior living apartments known as Hearthside. The total estimated cost of the project is \$10,500,000 and Walton Construction Services, LP is listed as the general contractor for the project.*

*Ward 7 Councilmember Lewis Wheaton spoke about the positives of the project.*

Councilmember Lewis Wheaton made a motion to approve the issuance of a commercial building permit for construction of a 75-unit independent senior living apartment building called Hearthside - 4225 East-West Connector - Walton Construction Services, LP. 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

## 8. Consent Agenda:

*Interim City Administrator Joe Bennett read aloud the Consent Agenda for Mayor and Council.*

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

- A. [2020-382](#) Approval of the September 21, 2020 Pre-Council Meeting minutes.
- B. [2020-383](#) Approval of the September 21, 2020 Mayor and Council Meeting minutes.
- C. [2020-397](#) Approve request for the road closure at Old Spring Road intersection on the North side of Windy Hill Road beginning October 9th 2020 thru October 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.
- D. [RES2020-11](#) Adopt Resolution 2020-11 rescinding, withdrawing and abandoning the Declaration of Taking issued July 20th, 2020 for the tract of land known as a portion of 2415 S. Cobb Drive, Smyrna, Georgia and located in Land Lot 346 of the 17th District of Cobb County owned by Glennwood Properties, LLC., and authorize the Mayor to sign and execute all related documents.

## 9. Ward / Committee Reports:

*Councilmember Austin Wagner reminded everyone that early voting for the election starts next week with a location at the Smyrna Community Center. He encouraged people to come out and vote early or drop ballot off at one of the boxes.*

*Councilmember Travis Lindley announced a second upcoming meeting relating to the Church Street improvements to take place virtually on Wednesday, October 7, 2020 at 6:00 PM.*

*Councilmember Susan Wilkinson reiterated the Church Street meeting that will be on*

*Wednesday, October 7, 2020 since some of the residents in her ward will also be affected by the project.*

*Councilmember Tim Gould spoke about the ballot drop box on Cumberland which is close to Ward 6. He spoke about SPLOST and how it is a critical source of funding for projects throughout the City and encouraged people to do their research on it. Councilmember Gould announced that Cobb elections are still looking for poll workers and encouraged people to consider doing so.*

*Councilmember Lewis Wheaton thanked those that came out to the most recent Ward 7 neighborhood walk through. He also thanked the police for taking the time to come out and answering questions.*

*City Clerk Heather Peacon-Corn thanked those that spoke about elections and encouraged people to visit the website where there is a wealth of information on voting including times, dates and locations.*

**10. Show Cause Hearings:**

There were no show cause hearings.

**11. Citizen Input:**

No one spoke during citizen input.

**12. Adjournment:**

Mayor Norton adjourned the October 5, 2020 Mayor and Council meeting at 7:29 PM.