



Meeting Minutes - Final Committee of the Whole

Thursday, October 1, 2020

4:00 PM

Community Center

Smyrna Community Center Magnolia Room / 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

1. Call to Order

Mayor Derek Norton called the meeting of the Committee of the Whole to order at 4:00 PM.

2. New Business

A. [COW20-01](#)

Presentation of the Hefty Energy Bag Program by Janet Liberman and request to begin the program and have the Mayor sign and execute all related documents.

Environmental Services Director Janet Liberman presented the Hefty Energy Bag Program:

A groundbreaking initiative, led by Dow and Reynolds Consumer Products, that collects previously hard-to-recycle plastics at curbside and converts them into valuable energy resources. Participating households place their hard-to-recycle plastics in Hefty® EnergyBag® orange bags. Once full, residents tie the bags and place them in their curbside recycling carts or bins during their regularly-scheduled recycling pick-up. Participants' current haulers pick up the tied Hefty® bags along with their regular recycling materials and send them to a local materials recovery facility (WestRock) for sorting. The MRF then bales the bags and sends them to a local energy recovery facility, which converts plastics into valuable resources.

Staff from the City of Smyrna approached Keep Cobb Beautiful about participating in the Hefty EnergyBag program in the late Fall of 2017 and Smyrna residents have contacted KSB about participation.

There is no associated cost to the City.

How Does the Program Work?

Residents with curbside recycling collection are eligible to participate.

There is no cost to the resident to register and no cost to the starter kit.

Residents collect plastics that are not currently considered recyclable and place them in the Hefty® EnergyBag® orange bags. When full, close the Hefty® EnergyBag® orange bag by tying it securely, then just place it inside the existing recycling bin.

The Hefty® EnergyBag® orange bag will be picked up by the City of Smyrna on regular collection days and will be sent to an approved end market to be turned into a valuable energy resource.

Once the initial starter kit bags are gone, residents can purchase bags at Kroger stores.

Residents need to make sure Hefty® EnergyBag® is completely filled before tying it off and placing it in the curbside bin.

Can residents who live in apartments, condos and town homes participate? Only residents with curbside service can participate at this time.

B. [COW20-02](#)

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 Mocerri 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.

City Clerk Heather Peacon-Corn gave the information regarding the License and Variance Board vacancies that need to be filled.

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).

C. [COW20-06](#)

Review of Ordinance 2020-11 to repeal Chapter 74, Peddlers and Solicitors, in its entirety and replacing it with a new chapter 74 "Peddlers and Solicitors".

City Attorney Scott Cochran spoke about the Peddler / Solicitor Ordinance and noted the current ordinance is from 1977 and needed to be repealed. Over 20 different ordinances throughout the state were reviewed and the information most relevant to the City of Smyrna was used to create the new ordinance.

Previously the Peddlers / Solicitors were instructed to start at the City Clerk's Office for application, then they had to go to the PD to obtain a background check and pay the fee for the background check, then back to the City Clerk's office to receive their hard badge. Now they will proceed to the PD where application, background and badge issuance will take place.

There is a prohibition against soliciting unless you get a license, which has specific criteria to be met.

There are exceptions based on Federal Law that are listed. (Political, religious, charitable and non profit)

There is a provision where they cannot knock on doors that clearly restrict that through

signage. There have been times added from 9:00am and 7:30pm to be able to solicit and weekends is 10:00am - 6:00pm. Ice Cream trucks cannot make noise after 8:00pm.

We started this a while back but COVID hit and the solicitation season has slowed however, we expect it to pick up again.

A permit takes only an hour to get from start to finish and will be valid for 6 months.

Councilmember Wilkinson has had people call her and has had people come to the door. She has asked for ID and had them so, "Oh I left it in the truck", or the badge is flipped over on their chest.

She previously was allowed to call Terri Graham to find out if someone was soliciting and whether they had completed an application. Moving forward she can contact the records department at the Police Department.

She has some concerns about being a six month badge and wonders if it could be a shorter period, like three months.

D. [COW20-04](#)

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

Interim Assistant City Administrator Penny Mocerri spoke about the 32 bus shelters in the City that the City gets revenue from. We have notified the company that we intend to go to an RFP process, however, the City has been paid for the full year for 2020 from the advertising fees, so now we are asking for an extension through December 31, 2020 with the current company to allow for us to not remit a refund.

Signal Outdoor currently does the trash collections at the shelters, but the City staff will pick up these trash cans to keep them better maintained.

South Cobb, Concord, Spring have the majority of the bus shelters. Many will need to be upgraded and refurbished through the RFP process.

Councilmember Wilkinson has received frequent complaints regarding the overflowing trash receptacles.

E. [COW20-03](#)

Discussion regarding Hazard Pay

Interim City Administrator Joe Bennett spoke about the conclusion of the issuance of Hazard Pay effective October 4, 2020.

3. Review of the October 5, 2020 Mayor and Council Agenda

A. [COW20-05](#)

Review and Discussion of the October 5, 2020 Preliminary Mayor and Council Agenda.

Most of the agenda has been reviewed in terms of the Ordinances for discussion,

Mr. and Mrs. Todd Defoe will be present for the Proclamation being presented. Mayor Pro Tem Tim Gould will read the document.

4A - Cumberland and Spring Development is being postponed until October 19, 2020. A modified plan has been submitted to Community Development.

Beer, Wine and Liquor

Cigar Specialty Shop requesting a pouring license. Exempt from the Smoking

Ordinance. He will be building out a few doors down in the same building he is currently located in.

WiseAsh Cigars is also a cigar specialty shop also requesting a pouring license.

Carol Sicard spoke about her Civil Service Board upcoming positions and vacancies. There is an elected seat coming forward to Mayor and Council soon on October 22, 2020.

Mayor Pro Tem Tim Gould asked what the Civil Service Board does and Ms. Sicard spoke about it being the last appeal option for Public Safety employees who have disciplinary action. Mr. Cochran stated that Civil Service only applies to public safety; Police and Fire.

Mr. George Davis has been a long standing member of the Civil Service Board who is interested in continuing his service.

The Committee of the Appeals members are Travis Lindley, Austin Wagner and Glenn Pickens.

Commercial Building Permits Issued: Senior Housing Tax credit Development on the East West Connector in Ward 7.

No issues with minutes on Agenda.

4. Other Business (as needed)

Councilmember Lewis Wheaton spoke about the Silent Railroad crossing on Nickajack Rd. His meeting with Cobb County and County Manager brought to his attention the contract will require an additional amount of \$6,000 a year for maintenance. It will increase approximately 4% every year. The County is asking the City to pay one quarter of that \$6,000 maintenance fee and would be an indefinite cost. Personally, he is frustrated that there is nothing that states it is in the contract nor is it not in the contract the City has already signed. This is a big surprise.

In one of the recent neighborhood walks, a few neighbors alerted to Air B&B issues with some homes. They have been turned into more like hotel rooms with nightly rentals. A lot of the residents would like clarity in the ordinance.

Councilmember Wagner had Rusty Martin look up some other City's are doing to handle the situation. What can be done as we wait for the state to make a stand / comment regarding and set some ground rules.

There are no other municipalities that have Air B&B's as short term rentals. Sandy Springs and Brookhaven have short term rental ordinances. The Council would like to see copies of these ordinances.

Scott Cochran gave some examples of potential allowances.

Councilmember Austin Wagner spoke about the Housing Authority's next meeting as well as meeting with Chair Joe Bland regarding the Housing Assessment request for funds. It will include an inventory and assessment.

Councilmember Travis Lindley spoke about the Rose Garden Meeting the previous day

and the upcoming second Church Street Virtual meeting.

5. Executive Session (as needed)

Mayor Norton requested a motion to go into Executive Session regarding land issues; motion made by Tim Gould and seconded by Travis Lindley. All were in favor.

Mayor Norton requested motion to go back into regular session; motion made by Travis Lindley and seconded by Corkey Welch. All were in favor.

Mayor Norton adjourned the meeting of the Committee of the Whole at 5:14PM.