



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, February 15, 2021

7:00 PM

Smyrna Community Center Large Gym
200 Village Green Circle SE

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, February 14, 2021 at 9:00PM**

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, February 15, 2021 at 12:00PM (noon) as to additional details of these procedures.

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

Roll Call

Present: 7 - 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: 20 - Joe Bennett, Penny Mocer, Heather Peacon-Corn, Julie Barwig, Jennifer Bennett, Mark Binicewicz, Dan Campbell, Jon Carter, Phyllis Collins, Louis Defense, Frank Durrance, Chris Flowers, Robert Harvey, Rick James, Dat Luu, Russell Martin, Terry McCormick, Tina Monaghan, Trey Stevens and Joey Staubes

Call to Order

Mayor Derek Norton called the February 15, 2021 Mayor and Council Meeting to order at 7:00 PM.

1. Invocation and Pledge:

Pastor Kerrick Butler, Faith Christian Center (3831 Tramore Point Pkwy) delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

Item E under Land Issues/Zonings/Annexations will be tabled at the request of the applicant.

3. Mayoral Report:

Mayor Norton announced that he is proposing a 6-month moratorium on town homes so that he and Council can look into the zoning category and design issues. This will not effect projects already in motion but will halt anything new coming in until further research and discussion can be had.

A. [2021-024](#) Presentation to Mayor & Council from United States Air Force Technical Sergeant Takecia McDuffie

United States Air Force Technical Sergeant Takecia McDuffie presented a certificate of appreciation to Mayor and Council.

B. [PRC2021-02](#) 2021 Arbor Day Proclamation

Councilmember Glenn Pickens read aloud the Arbor Day proclamation. Interim Environmental Services Director Julie Barwig accepted the proclamation.

C. [2021-064](#) Approval of the appointment of Interim City Administrator / Police Chief Joseph Bennett as the full-time City Administrator for the City of Smyrna, and the swearing in as same per the recommendation of the Mayor and City Council.

Mayor Norton spoke of Mr. Joe Bennett and the tremendous job that he has done as Interim City Administrator for the past six months. Mr. Bennett grew up in Smyrna, still lives here with his family, and has served over 25 years in the police department.

Councilmember Tim Gould thanked Mr. Bennett for all of his hard work and is looking forward to working with him.

After the vote affirming Mr. Bennett to permanent City Administrator took place, he came down to the podium and his family joined him. He was sworn in by Judge Phyllis Gingrey-Collins.

Mr. Bennett took a few minutes to thank Mayor and Council for their support and his family as well.

Councilmember Travis Lindley made a motion to approve of the appointment of Interim City Administrator / Police Chief Joseph Bennett as the full-time City Administrator for the City of Smyrna, and the swearing in as same per the recommendation of the Mayor and City Council. Councilmember Charles "Corkey" Welch seconded the motion.

(Mayor Norton verbally expressed his vote of "Aye" in support of appointing Joseph Bennett as the full-time City Administrator for the City of Smyrna.)

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

4. Land Issues/Zonings/Annexations:

- A. [ORD2020-18](#) Approval of Ordinance ORD2020-18 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 684 and 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 1.1143 acres, being known as 1953 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

City Administrator Joe Bennett read aloud the background information on the agenda item. The applicant, Anthony Andrew Jackson Henry, is seeking approval for annexation of approximately 1.1143 acres, parcel number 17068500050 - all that tract or parcel of land lying and being in Land Lots 684 and 685, 17th District, 2nd Section, Cobb County, Georgia located at 1953 Watkins Road, Smyrna, GA 30080. Effective date March 1, 2021. Certified letters were sent by the City Clerk to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. The letter of non-objection from Cobb County was received on December 7, 2020 and this property will be located in Ward 7. Staff recommends approval of Ordinance ORD2020-18 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 684 and 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 1.1143 acres, being known as 1953 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

Councilmember Lewis Wheaton welcomed the applicant to the city.

Councilmember Lewis Wheaton made a motion to approve Ordinance ORD2020-18 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 684 and 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 1.1143 acres, being known as 1953 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes 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: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

- B. [ORD2020-19](#) Approval of Ordinance ORD2020-19 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.83 acres, being known as 1960 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

Mr. Bennett read aloud the details of the annexation request. The applicant, Anthony

Andrew Jackson Henry, is seeking approval for annexation of approximately 0.83 acres, parcel number 17068500020 - all that tract or parcel of land lying and being in Land Lots 685, 17th District, 2nd Section, Cobb County, Georgia located at 1960 Watkins Road, Smyrna, GA 30080. Effective date March 1, 2021. Certified letters were sent by the City Clerk to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. The letter of non-objection from Cobb County was received on December 7, 2020 and this property will be located in Ward 7. Staff recommends approval of Ordinance ORD2020-19 - annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.83 acres, being known as 1960 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

Councilmember Lewis Wheaton made a motion to approve Ordinance ORD2020-19 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.83 acres, being known as 1960 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes 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

C. [ORD2020-20](#)

Approval of Ordinance ORD2020-20 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.83 acres, being known as 2021 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

The background was read aloud by City Administrator Bennett. The applicant, Anthony Andrew Jackson Henry, is seeking approval for annexation of approximately 0.83 acres, parcel number 17068500020 - all that tract or parcel of land lying and being in Land Lots 685, 17th District, 2nd Section, Cobb County, Georgia located at 2021 Watkins Road, Smyrna, GA 30080. Effective date February 1, 2021. Certified letters were sent by the City Clerk to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. The letter of non-objection from Cobb County was received on December 7, 2020 and this property will be located in Ward 7. Staff recommends approval of Ordinance ORD2020-19 - annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.83 acres, being known as 2021 Watkins Road, Smyrna, GA 30080, will be effective February 1, 2021 and part of Ward 7 and authorizes the Mayor to sign and execute all related documents.

Councilmember Lewis Wheaton made a motion to approve Ordinance ORD2020-20 - Annexation request (100% owners requesting annexation) - all tract or parcel of land lying and being in Land Lots 685 of the 17th District, 2nd Section, Cobb County, Georgia; a total of 0.83 acres, being known as 2021 Watkins Road, Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 7 and authorizes the Mayor to

sign and execute all related documents. Councilmember Susan Wilkinson 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

D. [ORD2021-04](#)

Approval of Ordinance ORD2021-04 - Annexation request (100% owners requesting annexation) - all tract or parcel (Parcel #17077400120) of land lying and being in Land Lots 774 and 811, Parcel No. 12, of the 17th District, 2nd Section, Cobb County, Georgia; a total of 19.0 +/- acres, being known as (Ann Road), Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 1 and authorizes the Mayor to sign and execute all related documents.

Mr. Bennett provided the background information on this annexation. The applicants, William Jay MacKenna, Jr., Ann Campbell MacKenna and Elizabeth Orme MacKenna, are seeking approval for annexation of approximately 19 +/- acres, parcel number 17077400120 - all that tract or parcel of land lying and being in Land Lots 774 and 811, Parcel No. 12, of the 17th District, 2nd Section, Cobb County, Georgia located at (Ann Road) Smyrna, GA 30080. Effective date March 1, 2021. Certified letters were sent by the City Clerk to the Cobb County Clerk's Office and the Cobb County Community Development Planning Division. The letter of non-objection from Cobb County was received on February 5, 2020 and this property will be located in Ward 1.

Staff recommends approval of Ordinance ORD2021-04 - Annexation request (100% owners requesting annexation) - all tract or parcel (Parcel #17077400120) of land lying and being in Land Lots 774 and 811, Parcel No. 12, of the 17th District, 2nd Section, Cobb County, Georgia; a total of 19.0 +/- acres, being known as (Ann Road), Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 1 and authorizes the Mayor to sign and execute all related documents.

Councilmember Glenn Pickens made a motion to approve Ordinance ORD2021-04 - Annexation request (100% owners requesting annexation) - all tract or parcel (Parcel #17077400120) of land lying and being in Land Lots 774 and 811, Parcel No. 12, of the 17th District, 2nd Section, Cobb County, Georgia; a total of 19.0 +/- acres, being known as (Ann Road), Smyrna, GA 30080, will be effective March 1, 2021 and part of Ward 1 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: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

E. [2020-233](#)

Public Hearing - Zoning Request - Z20-006 - Rezoning from NS & RM-10 - Conditional for the development of 10 single-family attached townhomes at a density of 9.3 units per acre - 1.08 acres - Land Lot 669 - 3302 Atlanta Road - Edgeline, LLC.

Councilmember Travis Lindley made a motion to table Zoning Request - Z20-006 - Rezoning from NS & RM-10 - Conditional for the development of 10 single-family

attached townhomes at a density of 9.3 units per acre - 1.08 acres - Land Lot 669 - 3302 Atlanta Road - Edgeline, LLC to the March 1, 2021 meeting at the request of the applicant. Councilmember Tim Gould 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

F. [2021-005](#)

Public Hearing - Zoning Request - Z21-001 - Allow rezoning from GC to OD-Conditional for use as a self-storage facility - 3.29 acres - Land Lot 444 - 912 Daniel Drive - GFAC Real Estate - *The applicant requests to withdraw the application without prejudice*

Councilmember Susan Wilkinson made a motion to withdraw without prejudice Zoning Request - Z21-001 - Allow rezoning from GC to OD-Conditional for use as a self-storage facility - 3.29 acres - Land Lot 444 - 912 Daniel Drive - GFAC Real Estate - at the request of the applicant. Councilmember Travis Lindley seconded the motion.

The motion to withdrawal without prejudice 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. [BCA2021-01](#)

Approval of the Appointment of Ward 1 resident, Charles Phillips, to the Planning and Zoning Board to fulfill current term that expires 12/31/2021.

Councilmember Glenn Pickens thanked outgoing Ward 1 Planning and Zoning representative Tom Bartlett for his time and commitment while serving the City.

Councilmember Glenn Pickens made a motion to approve the Appointment of Ward 1 resident, Charles Phillips, to the Planning and Zoning Board to fulfill current term that expires 12/31/2021. 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. [2021-058](#)

Approval of a budget amendment for the increase in salary for Chief Judge Phyllis Gingrey Collins for additional Court arraignment days for Municipal Traffic Court as well as the addition of Environmental Court responsibilities (beginning April 1, 2021) and the increase in salary for Municipal / Environmental Court Solicitor Tim Williams for part time to full

time status, effective March 8, 2021.

Mr. Joe Bennett provided insight into this agenda item. Court Services Municipal Court has experienced a tremendous volume increase due in 2020 to the addition of PD's traffic enforcement unit as well as the increased DUI citations which will result in the need for an additional Court arraignment day. Additionally, Environmental Court was originally set up under the Chief Municipal Judge and in 2008, the Court was separated and an Environmental Court Judge assigned. COVID has brought to light the need for simplifying procedures for staff and especially the citizens and defendants we serve through Municipal Traffic Court and Environmental Court. It is because of this need for simplicity and better procedure, staff is requesting that Environmental Court be restructured under the Chief Municipal Judge Phyllis Gingrey Collins as it was prior to the decision to separate the two Courts. These stated needs will result in a proposed request for increase to both Judge Collins salary and Solicitor Tim Williams Salary as shown on the attachment. The Court Services and the Finance Directors respectfully request approval of a budget amendment for the increase in salary for Chief Judge Phyllis Gingrey Collins for additional Court arraignment days for Municipal Traffic Court as well as the addition of Environmental Court responsibilities (beginning April 1, 2021) and the increase in salary for Municipal / Environmental Court Solicitor Tim Williams for part time to full time status, effective March 8, 2021.

Councilmember Charles "Corkey" Welch made a motion to approve a budget amendment for the increase in salary for Chief Judge Phyllis Gingrey Collins for additional Court arraignment days for Municipal Traffic Court as well as the addition of Environmental Court responsibilities (beginning April 1, 2021) and the increase in salary for Municipal / Environmental Court Solicitor Tim Williams for part time to full time status, effective March 8, 2021. 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. [2021-065](#)

Approval of Covid Extension for Multi-Housing Inspection Program

City Administrator Joe Bennett read the background information on this agenda item at the request of the Mayor. Under the City's Property Maintenance Code (Chapter 80 of the Code of Ordinances), the City requires multi-family developments to inspect 20 percent of their units every year prior to the renewal of their business license. The inspection program applies to all property owners of multi-family rental dwellings or multi-family rental units within the city that receive income for use of four or more such dwellings or units and meet the requirements of O.C.G.A. § 48-13-5 for having a location or office within the city. Due to Covid restrictions, Community Development is recommending to allow the property owners to spread the 2020 inspections over the next two years. If a property owner decides to defer the 2020 inspections to other years, they would be required to complete inspections for 30% of the units the next two years (2021 & 2022). The program shall only apply to the required 2020 inspections. Required inspections for subsequent years shall not be deferred.

Community Development is recommending approval of the following actions to support the multi-family developments through the pandemic:

·Allow the property owners to spread the 2020 inspections over the next two years.

·If a property owner decides to defer the 2020 inspections to other years, they would be required to complete inspections for 30% of the units the next two years (2021 & 2022).

·The program shall only apply to the required 2020 inspections. Required inspections for subsequent years shall not be deferred.

The proposed actions are not a waiver of the inspection requirement, but it allows for the deferment of the inspections until they can be completed safely. In addition, these actions would keep the inspection of all the units within the development on the same inspection schedule over a five-year period. The Fire Marshal's Office and the Community Development Code Enforcement Division will continue to do the yearly exterior inspections of the property.

Councilmember Travis Lindley made a motion to approve of Covid Extension for Multi-Housing Inspection Program. 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

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

At the request of Mayor Norton, City Administrator Joe Bennett read aloud the consent agenda.

Councilmember Travis Lindley made a motion to approve the consent agenda as read aloud by City Administrator Joe Bennett including the approval of extended work hours for construction at Campbell High School which will be Monday through Friday 7:00 AM to 9:00 PM and Saturday 9:00 AM to 9:00 PM from February 15th to April 30th. Councilmember Glenn Pickens 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

Nay: 1 - Councilmember Wilkinson

- A.** [MIN2021-06](#) Approval of the January 28, 2021 Committee of the Whole Meeting Minutes.
- B.** [MIN2021-07](#) Approval of the February 1, 2021 Pre-Council Meeting Minutes.

- C. [MIN2021-08](#) Approval of the February 1, 2021 Mayor and Council Meeting Minutes.
- D. [CON2021-03](#) Approval of the 2021 modified Crown Castle Site Lease Agreement BU 844202 / GA2383 Smyrna Police Fire / 2646 Atlanta Road and authorize the Mayor to sign and execute all related documents.
- E. [2021-046](#) Approval of extended work hours at Campbell High School for seven proposed concrete pours - Land Lot 448 - 5265 Ward St - Carrol Daniel Construction
- F. [2021-062](#) Approve the request for the road closure on Campbell Road to through traffic beginning Monday, February 22, 2021 through Saturday, February 26, 2021 (weather permitting) for the installation of two speed tables.

9. Ward / Committee Reports:

Councilmember Lewis Wheaton said be warm and safe and continue following safety protocol.

Councilmember Tim Gould thanked everyone that came out to the Campbell Middle School clean up day and reminded everyone to be on the look out for a Campbell High School clean up day coming soon.

Councilmember Charles "Corkey" Welch congratulated Mr. Joe Bennett.

Councilmember Travis Lindley stated that he is looking forward to working with Mr. Joe Bennett. He also noted the recent passing of a life long resident of the City of Smyrna.

Councilmember Glenn Pickens offered congratulations to Mr. Joe Bennett.

City Clerk Heather Peacon-Corn offered her congratulations to Mr. Joe Bennett.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

No one signed up to participate in citizen input.

12. Adjournment:

Mayor Derek Norton adjourned the February 15, 2021 Mayor and Council meeting at 7:36PM.