



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Tuesday, September 8, 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

Roll Call

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: 12 - Joe Bennett, Heather Peacon-Corn, Roy Acree, Richard Garland, Robert Harvey, Bo Jones, Russell Martin, Penny Mocer, Jennifer Bennett, Kevin Moore, Landon O'Neal and Tina Monaghan

Call to Order

Mayor Derek Norton called the September 8, 2020 Mayor and Council Meeting to order at 7:00 PM.

1. Invocation and Pledge:

Councilmember Charles "Corkey" Welch delivered the Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

A. [2020-343](#)

Approval of the appointment of Police Chief Joseph Bennett as the Interim City Administrator for the City of Smyrna.

Mayor Norton announced that Tammi Saddler Jones resigned as City Administrator. As a result of this vacancy, it was decided that Joe Bennett would be the qualified candidate to fill the position as Interim City Administrator. He is well qualified and ready and willing to step up and get the job done. The Mayor then asked Councilmember Tim Gould to speak further on the subject.

Councilmember Gould spoke of Mr. Bennett and his qualifications and commented on the talented staff that the City has serving its residents day in and day out.

Councilmember Tim Gould made a motion to approve the appointment of Police Chief Joseph Bennett as the Interim City Administrator for the City of Smyrna.
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

B. [2020-344](#)

Approval to authorize Deputy Police Chief Robert Harvey to serve as Acting Police Chief for the City of Smyrna for a term to be determined by Interim City Administrator / Police Chief Joseph Bennett.

Since the current Police Chief Joe Bennett will be serving as Interim City Administrator, there needed to be someone to serve as Interim City Police Chief. The obvious candidate for this was Deputy Chief Robert Harvey who agreed to serve in the interim position as Police Chief for the City of Smyrna.

Councilmember Gould spoke of the talent and qualifications of Deputy Chief Robert Harvey.

Councilmember Tim Gould made a motion to approve to authorize Deputy Police Chief Robert Harvey to serve as Acting Police Chief for the City of Smyrna for a term to be determined by Interim City Administrator / Police Chief Joseph Bennett.
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. [2020-330](#)

Proclamation in Recognition of Suicide Prevention & Awareness Month

Mayor Pro Tem Tim Gould read aloud the proclamation and spoke of the importance of the proclamation for suicide prevention.

Commissioner Fitzgerald spoke about the importance the proclamation as well as the importance of getting information out for people in need.

Cobb County Collaborative are also helping getting the word out about resources but also being a resource on their own. They spoke for a few minutes about the events occurring throughout the month of September in honor of Suicide Awareness including some online training to help people help others in need.

4. Land Issues/Zonings/Annexations:

A. [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. **THIS ITEM WILL BE TABLE UNTIL THE SEPTEMBER 21, 2020 MAYOR AND COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.**

Councilmember Tim Gould 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 September 21, 2020 Mayor and Council Meeting at the request of the applicant. Councilmember Lewis Wheaton 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. [LIC2020-07](#) **Public Hearing** - Privilege License Request LIC 2020-07 - Beer, Wine, and Liquor Pouring - 2590 Spring Road SE - B&G Trade LLC dba Biryani-N-Grill with Marie Golden as agent.

The applicant Marie Golden was present and came forward to the podium.

Councilmember Glenn Pickens asked if all requirements had been met. The applicant replied with a yes.

Mayor Norton opened the Public Hearing and no one came forward to speak.

Councilmember Glenn Pickens made a motion to approve Privilege License Request LIC 2020-07 - Beer, Wine, and Liquor Pouring - 2590 Spring Road SE - B&G Trade LLC dba Biryani-N-Grill with Marie Golden 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. [2020-319](#) Approval of the Re-appointment of Ward 1 resident, Latarsha Traylor-Pearson, to the Smyrna Housing Authority. This is a five-year term that expires 5/31/2025.

Councilmember Glenn Pickens made a motion to approve the Re-appointment of Ward 1 resident, Latarsha Traylor-Pearson, to the Smyrna Housing Authority. This is a five-year term that expires 5/31/2025. 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

B. [2020-342](#)

Approval of the Appointment of Ward 5 resident, J. D. Smith, to the Planning and Zoning Board to fulfill current term that expires 12/31/2021.

Councilmember Susan Wilkinson made a motion to approve the Appointment of Ward 5 resident, J. D. Smith, 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

C. [2020-345](#)

Approval to clarify and title the Committee on Appeals to be the Committee on Appeals / Public Safety Committee.

Interim City Administrator Joe Bennett provided the background information. The Committee on Appeals, established by Mayor Derek Norton on January 21, 2020 was enacted to hear all Disciplinary Action Appeals including, but not limited to, appeals for Police and Fire employees. For clarification, the Committee will be titled as the Committee on Appeals / Public Safety Committee. The current members of the Committee on Appeals are Chair / Councilmember Austin Wagner, Councilmember Travis Lindley and Councilmember Glenn Pickens. Approval to clarify and title the Committee on Appeals to the Committee on Appeals / Public Safety Committee.

Councilmember Austin Wagner made a motion to approve to clarify and title the Committee on Appeals to be the Committee on Appeals / Public Safety Committee. 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

D. [2020-346](#)

Approval of Mr. Luke Lantta to serve as the as the initial conciliator for complaints filed with the Court Administrators Office as it relates to Ordinance 2020-06, Unlawful Discrimination and for the Mayor to sign and execute all related documents.

A summary of the information was given by Mr. Bennett. On August 3, 2020, the City of Smyrna's Mayor and Council enacted Ordinance 2020-06, Unlawful Discrimination, to be effective September 15, 2020. The Ordinance states that a Conciliator would be approved to serve and this person would be a competent attorney at law of good standing in his/her profession and have experience in the area of constitutional law and employment discrimination. With recommendation from Smyrna Municipal Judge Phyllis Gingrey Collins, Mr. Luke Lantta was asked to provide conciliator services as needed to the City of Smyrna as described in the Ordinance. Staff recommends the approval of Mr. Luke Lantta to serve as the as the initial conciliator for complaints filed

with the Court Administrators Office as it relates to Ordinance 2020-06, Unlawful Discrimination and for the Mayor to sign and execute all related documents.

Councilmember Tim Gould made a motion to approve of Mr. Luke Lantta to serve as the as the initial conciliator for complaints filed with the Court Administrators Office as it relates to Ordinance 2020-06, Unlawful Discrimination and for 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

E. [2020-333](#)

Approval to change the location of the polling place for Smyrna 2A (SN2A) from Fire Station #3, 2825 Park Road, Smyrna GA 30080 to First Baptist Church of Smyrna, 1275 Church Street, Smyrna, GA 30080 for the convenience of the voters.

Interim City Administrator Bennett presented Mayor and Council with the following information. The Cobb County Board of Elections and Registration made the recommendation to change the location of the polling place for Smyrna 2A (SN2A) from Fire Station #3, 2825 Park Road, Smyrna GA 30080 to First Baptist Church of Smyrna, 1275 Church Street, Smyrna, GA 30080 for the convenience of the voters. It was noted by Cobb Elections Director Janine Everler the City of Smyrna has been a valuable partner with Cobb Elections while providing the Smyrna Fire Station #3 as a polling location. However, the number of voters in this precinct has outgrown the Community Room and parking at this facility. First Baptist Church of Smyrna is 1.9 miles from the existing polling place, and will adequately serve the 5,417 active registered voters. This request was approved by the Cobb County Board of Commissioners at the July 27, 2020 Commission Meeting. The Board of Elections and Registration also held a special called public hearing on July 27, 2020 at 4:00 pm via WebEx virtual conference call, to hear any objections to this change. This change was properly noticed once a week for two consecutive weeks in the legal organ prior to being adopted on July 27, 2020. This change is to be effective for the November 3, 2020 General Election. Notification of this change will include sending new precinct cards at least 30 days prior to the Election, posting signs at and near the old polling location, and providing information on the Cobb Elections website, the City of Smyrna website voter pages among other notification techniques. The City Clerk's Office and Administrative Staff recommends approval to change the polling location for Smyrna 2A (SN2A) from Fire Station #3, 2825 Park Road, Smyrna GA 30080 to First Baptist Church of Smyrna, 1275 Church Street, Smyrna, GA 30080 for the convenience of the voters.

Councilmember Austin Wagner spoke about this which is in his ward. The last polling location was in Ward 1 and the new is in Ward 3. The Fire Station was too crowded to meet the needs of all of the voters in Ward 2 and since there was no location directly in the ward large enough, the Church in Ward 1 was chosen. This vote was just a formality as the decision for the new location was already made. He briefly spoke about the ballot drop boxes and the fact that there will not be one in the City limits. He hopes that the Board of Elections will work with the City more closely in the future when it comes to selecting voting locations as well as allowing for Ballot boxes with the City limits.

Councilmember Austin Wagner made a motion to approve to change the location of the

polling place for Smyrna 2A (SN2A) from Fire Station #3, 2825 Park Road, Smyrna GA 30080 to First Baptist Church of Smyrna, 1275 Church Street, Smyrna, GA 30080 for the convenience of the voters. 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

F. [ORD2020-09](#)

Approval of Ordinance ORD2020-09 - Annexation request (100% owners requesting annexation) - all tract of land lying and being in Land Lots 55, of the 18th District, 2nd Section, Cobb County, Georgia; a total of 2.417 acres, being known as 5773 Oakdale Road, Mableton, Ga 30126. Effective date October 1, 2020 and part of Ward 7 and authorize the Mayor to sign and execute all related documents.

The information relating to this zoning request was relayed by Interim City Administrator Joe Bennett. The applicant, Sean Tintle, is seeking approval for annexation of approximately 2.417 acres, parcel number 18005500070 - all that tract or parcel of land lying and being in Land Lot 55, 18th District, 2nd Section, Cobb County, Georgia located at 5773 Oakdale Road, Mableton, Ga 30126. The annexation will become effective October 1, 2020 and be a part of Ward 7. Certified letters were sent 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 August 14, 2020 by the City Clerk's Office. Staff recommends approval of this annexation located at 5773 Oakdale Road, Mableton, Ga 30126 and authorizes the Mayor to execute all related documents.

Councilmember Wheaton formally welcomed the resident into the City.

Councilmember Lewis Wheaton made a motion to approve of Ordinance ORD2020-09 - Annexation request (100% owners requesting annexation) - all tract of land lying and being in Land Lots 55, of the 18th District, 2nd Section, Cobb County, Georgia; a total of 2.417 acres, being known as 5773 Oakdale Road, Mableton, Ga 30126. Effective date October 1, 2020 and part of Ward 7 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: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

G. [ORD2020-13](#)

Approval of a text amendment to Section 5 of Appendix D - Design Specifications for Storm Drainage, Roads, Construction to allow for the master metering of water systems within private developments and authorize the Mayor to execute all related documents.

Mr. Bennett gave an explanation of the request set before Mayor and Council. This is a request from public works to adopt and amend existing ordinances listed in this letter of intent. Currently Appendix D is reserved for new ordinances. Public works would like to adopt new ordinance in Appendix D, Sec. 5, (e) (3) to cover Use of master meters for private systems that will be developed or redeveloped within the city of Smyrna. Any and all water, wastewater, and storm water within the private system will be the

responsibility of the HOA and or management company. This will allow the development to make use of the property to better suit if they cannot comply with the current building Code requirements such as 26ft from backs of curbs etc. Under Safe Drinking Water Act if master metered the private development must sub meter its water and comply with all requirements of water quality. All materials installed in private water system must comply with current ordinance Article V chapter 102. With this ordinance the city or development can deem any development private and or public during the plan review process. It is Recommended by the Director of Public Works for Amendment to Ordinances Appendix D - Design Specifications for storm drainage, roads, construction. Sec. 5. -Water System design, maintenance and hazard reduction procedures. (e) (3) Distribution system design and authorize the Mayor to sign and execute all related documents.

Councilmember Charles "Corkey" Welch made a motion to approve of a text amendment to Section 5 of Appendix D - Design Specifications for Storm Drainage, Roads, Construction to allow for the master metering of water systems within private developments and authorize the Mayor to 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

H. [2020-334](#)

Approval of the third expenditure listing and amendment to the FY21 budget for CARES Act Funding for an amount not to exceed \$881,866 for necessary expenditures incurred and/ or planned due to the COVID-19 pandemic.

Interim City Administrator Bennett reviewed the information for the agenda item. Cobb County received funding from the federal Coronavirus Relief Fund as an eligible unit of local government. Under U.S. Department of Treasury guidance, the County approved the transfer of funds to other local governments within Cobb County provided that the transfer qualifies as a necessary expenditure incurred due to COVID-19 and meets the other criteria of section 601(d) of the Social Security Act. The total amount of funds allocated to Smyrna is \$2,968,559.10. Half of this sum, \$1,484,279.50 will be paid as an advance and the other half will be paid as a reimbursement for eligible expenses. The agreement provides that the funds may only be used to cover those costs that:

(a) are necessary expenditures incurred due to COVID-19;

(b) were not accounted for in the budget most recently approved as of March 27, 2020 for the City;

(c) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

City staff were asked by the City Administrator to prepare a listing of items that would meet the above specifications. Several staff members reviewed these requests. This item is the third of several expenditure requests. This request is for the purchase of additional technology and funding for a grant program for Smyrna small businesses. Approval of the second expenditure listing and amendment to the FY21 budget for CARES Act Funding for an amount not to exceed \$881,866 for necessary expenditures incurred and/ or planned due to the COVID-19 pandemic.

Councilmember Charles "Corkey" Welch made a motion to approve of the third expenditure listing and amendment to the FY21 budget for CARES Act Funding for an amount not to exceed \$881,866 for necessary expenditures incurred and/ or planned due to the COVID-19 pandemic. 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

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

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

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

- A. [2020-320](#) Approval of the August 13, 2020 Committee of the Whole Meeting Minutes.
- B. [2020-331](#) Approval of the August 17, 2020 Pre-Council Meeting Minutes.
- C. [2020-332](#) Approval of the August 17, 2020 Mayor and Council Meeting Minutes.
- D. [2020-316](#) Approval to purchase 5 (five) equipped Ford Explorers for the Police Department as part of the FY21 Vehicle Replacement Fund at a total cost of \$246,273.05 through the state contract from Wade Ford located at 3860 S. Cobb Drive, Smyrna, Ga. 30080 and authorize the Mayor to sign and execute all related documents.
Sponsors: Norton
- E. [2020-336](#) Request authorization to use TIPS Cooperative (Contract #17110501) for CIPP (cured in place piping) for 380 Mockingbird Lane Storm Water project in the amount of \$137,082.00, funded through the Storm Water CIP, and authorize the Mayor to sign and execute all related documents.
- F. [2020-325](#) Award RFQ 21-002 City of Smyrna Resurfacing Project to the lowest and responsive bidder Bartow Paving Company Inc. located at 1055 Rowland

Springs Road, Cartersville, Ga. 30121 and funded by LMIG and SPLOST in the amount of \$705,019.03 and authorize the Mayor to execute all related documents.

G. [2020-327](#)

Award RFQ 21-003, Water Line Installation, State Route 280 to the lowest responsive bidder, K.M. Davis Contracting Company, Inc. located at 3259 Austell, Road, Marietta, Ga 30008 in the amount of \$1,057,007.50 funded from Water CIP and authorize the Mayor to sign and execute all related documents

9. Ward / Committee Reports:

Councilmember Lewis Wheaton said a word of thanks to the residents of Vinings Estates for coming out and sharing their concerns with him over the weekend. He announced that he will be out at the On Clave Oakdale this coming weekend and encouraged residents to come out and meet with him.

Councilmember Tim Gould thanked Joe Bennett for serving as City Administrator. Spoke about Wifi hotspots which will be available to families in need to assist with virtual schooling.

Councilmember Glenn Pickens congratulated Joe Bennett and Robert Harvey on their new roles with the City.

Interim City Administrator Joe Bennett thanked Mayor and Council for allowing him to have the position.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Mr. Alex Backry, 3459 Shawnee Trail, spoke about a recent pit bull attack in his neighborhood. He commended the Police Department for their fast response. Cobb County Animal Control did not respond in an appropriate time. Coyotes are running rampant right now and wildlife control is important. He has many years of experience in the field of wildlife control as he worked with the DNR and offered his assistance. His next topic was the dog parks which he feels are in trouble. He and his dog were attacked by a loose dog in the park. People are regularly not using leashes. The city needs an animal control officer to assist with wildlife control and to monitor the dog parks.

12. Adjournment:

Mayor Norton adjourned the September 8, 2020 Mayor and Council meeting at 7:46 PM.