



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, November 2, 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, November 1, 2020 at 11:00PM

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, November 2, 2020 by 12 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: 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: 6 - Joe Bennett, Penny Mocer, Frank Martin, Russell Martin, Joey Staubes and Tina Monaghan

Call to Order

Mayor Derek Norton called the November 2, 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. [2020-433](#) Proclamation in Recognition of Veterans Day Poppy Weekend (Nov 7-8, 2020)

Ms. Cindy Long, Ms. Cheryl Waybright, and Ms. Maryline Blackburn came to the podium. They read aloud some information giving the historical meaning of the poppy in relation to celebrating Veterans. University of Georgia professor is credited with making the poppy the universal symbol of veterans. The sale of the poppies raises funds to help veterans and their families. The symbol seems to be more appreciated in the UK and Canada but they hope to change this. This coming November 7th and 8th, at Kroger and Walmart, they will set up and sell poppies to raise funds for veterans.

Councilmember Charles "Corkey" Welch read aloud the proclamation in recognition of Veteran's Day Poppy Weekend and presented the proclamation to Ms. Cheryl Waybright, Ms. Cindy Monk, and Ms. Maryline Blackburn of the local American Legion.

Mayor Derek Norton commended staff for their work dealing with the storm that came through last week. He spoke about the upcoming election and encouraged everyone to get out and vote. Sterigenics updates...the plant is located outside of the city but has an impact on air quality. There was an Air Quality Oversight Committee meeting a few weeks back and another will be coming soon on November 18th where experts from around the country will be presenting their opinions on the results of the recent testing. He was excited to announce that starting in January The City of Smyrna will start a racial trust building initiative which has been a great success in the City of LaGrange. Mayor Norton invited people to participate and asked that they contact their local Councilmember to let them know of their interest. Support Smyrna will soon be a 501c3 so that the vision can be expanded and continue to help the residents of the city. The application should be processed by the first of the year.

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 November 16, 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 November 16, 2020 Mayor & 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

B. [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 tabled to the December 21, 2020, Mayor & 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 December 21, 2020, Mayor & Council Meeting at the request of the Applicant. Councilmember Charles "Corkey" Welch 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

C. [2020-125](#)

Public Hearing - Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 11 single-family detached homes at a density of 6.96 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC

Mr. Bennett read aloud the key points of information on this agenda item.

Mr. Joey Staubes, Planner II, Community Development, presented the information at the request of Ward 3 Councilmember Travis Lindley. Martinello Group, LLC is seeking approval of a rezoning for an assemblage of 1080 & 1096 Church Street and 3655 Love Street from RM-10 & R-15 to RM-10 Conditional for the development of twelve (12) single-family detached residences at a density of 7.5 units per acre. The applicant is proposing to demolish the three existing single-family structures and then subdivide the parcel into eleven (11) lots to construct eleven (11) individual single-family residences. The proposed lots will be a minimum 3,163 sq. ft. in area. The homes will face a public street with front-entry garages. The applicant has submitted building elevations and floor plans for each home in the rezoning application. The applicant proposes to use brick, stone, and siding for the façade materials for each home. Community Development considers the rezoning to be a special circumstance since the property is currently zoned RM-10 for the majority of the assemblage, which is primarily designed for multi-family buildings with multiple stories that occupy less

land area. With the rezoning, there is the opportunity to build twelve detached single-family homes that will provide a transition between the single-family detached homes along Church Street and multi-family apartments along Medlin Street. Although the lot widths are below the 100 ft. minimum, the site plan maintains a separation of 10' between houses. Community Development believes the special conditions of this specific lot are a unique opportunity and overall benefit to the City. Community Development would not have supported the variances considered in this request had the property not already been zoned RM-10. The Planning Board voted to deny the request by a vote of 7-0 at the September 14, 2020 meeting due to concerns about the internal street geometry. The applicant has revised the plan to address that concern from the Board and the public comments.

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The demolition of the existing single-family homes and construction of the eleven (11) single-family homes result in a density of 6.96 units per acre on the subject property. The applicant is requesting a rezoning from RM-10 & R-15 to RM-10 Conditional and the proposed zoning is in line with the infill development patterns for this neighborhood. The development requires a change in land use from MDR to MHDR. Community Development recommends approval of the rezoning from RM-10 & R-15 to RM-10-Conditional for the development of eleven (11) single-family units at a density of 6.96 units per acre with the following conditions:

Standard Conditions

Requirements # 2, 4, 8 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable:

- 1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.*
- 2. All utilities within the development shall be underground.*
- 3. There shall be protective covenants on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.*
- 4. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside of the development. The storm water detention plan shall be designed to create at least a 10 percent reduction in a 100-year storm event. The engineer shall approve all plans.*
- 5. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with city's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.*
- 6. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.*
- 7. The development of any streets (including private) shall conform to the city's*

standards for public right-of-ways.

8.No debris may be buried on any lot or common area.

9.The developer will install decorative streetlights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".

10.The developer will comply with the City 's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.

11.All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

12.All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

13.All single -family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

14.The development shall maintain the following minimum setbacks:

Front - 10'

Side - 5'

Street Side (along Church Street) - 20' (from the existing ROW)

Rear - 20'

15.Driveway 22 - ' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.

16.The developer shall dedicate 5' of right-of-way along Church Street.

17.The developer shall install curb, gutter, and sidewalk at the frontage of property along Church Street.

18.The developer shall provide a cross -walk across the subdivision entrance as well as Church Street.

19.The developer shall be required to expand the Church Street roadway to meet street width on either side of the development.

20.All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

21.The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

22.The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

23. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

24. Approval of the subject property for the RM-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/21/2020 and created by Contineo Group Engineers and all zoning stipulations above.

25. The applicant shall be bound to the elevations submitted on 2/14/2020. Approval of any change to the elevations must be obtained from the Director of Community Development.

Councilmember Susan Wilkinson asked about driveways with cars being able to park and will there be garages. Sidewalk inside of development...will run on the eastern side. Is there a reason that the sidewalk did not continue throughout the development? Only required to be on one side.

Councilmember Charles "Corkey" Welch asked about the sidewalk as well because it looks like it only goes a third of the way. Could we choose to go all the way around with the sidewalk? Yes, if developer agrees. Do the driveway and set back have conflict? Mr. Staubes explained that there is a twenty foot setback. Ten feet to property line and then ten feet to the curb with a twenty foot setback on the rear. Why did it not go back to Planning and Zoning? It did not go back before the Planning and Zoning Board because there was a reduction in density rather than an increase in density.

Councilmember Lewis Wheaton asked about the differences between what was presented at the Planning and Zoning meeting and what was being presented to Mayor and Council. Mr. Staubes explained that there is a cul-de-sac now rather than a hammer head turning area and that there is one less unit to make room for the cul-de-sac.

Councilmember Lindley explained the feedback and that the applicants, residents and staff got together and met up to come to a compromise with the requested changes.

Councilmember Wilkinson asked about the sidewalks again and if the driveways are long enough on the side where the sidewalk will be to properly park cars without blocking those that are walking by. She has concerns about the sidewalk.

Councilmember Welch noted that being in the public right of way makes it a public sidewalk. He does not like the plan. He asked if the city rezoning their property as part of this project? Has the body agreed to do so? City Attorney Scott Cochran explained that this has been done before. City property was initially included in the rezoning and then withdrew at a later date.

Councilmember Tim Gould mentioned what he discussed with Community Development Director Mr. Rusty Martin earlier in the day to offer clarification on RF-10. The alternative is one large multi family unit on the property. It could be one building with ten or twelve units instead of the single family homes that are being proposed.

Attorney Garvis Sams came to the podium to present information. Mr. Joe Romano and Mr. Christian Martinello were also present. He explained how the applicants worked with staff, residents, and elected officials to get to where they are today which

includes the requested changes. He reminded everyone about a previous time when a project involved rezoning city property for clarification. They are asking to be able to build single family residential as opposed to a multi story vertical residential apartment complex. As far as parking is concerned, two cars will fit in the garage and another two car in the driveway. There will be a mandatory HOA which will be ran by a third party management company. The applicants recommended an additional stipulation which is around the perimeter of the property they will plant Leland Cypress between 4 to 7 feet in height to provide privacy and they also provided an additional option to plant. The [price point is in the \$450,000 to \$550,000 range.

Councilmember Wilkinson had a question about the elevations. She wanted to know if the garages would be in the front of the homes.

The public hearing announced and no one came forward to speak.

Councilmember Lindley thanked staff and Mr. Sams for the explanation of the changes. There was a lot of feedback from the neighbors on Church Street and it seems that this was taken into account when the changes were made.

Councilmember Travis Lindley made a motion to approve Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 11 single-family detached homes at a density of 6.96 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC. Councilmember Tim Gould seconded the motion.

The motion to approve was carried by the following vote:

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

Nay: 2 - Councilmember Welch and Councilmember Wilkinson

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

A. [2020-441](#)

Approval of FY 2020 Final Budget Amendment.

The background on this agenda item was provided by Mr. Bennett. Negative variances on the budget to actual for expenditures need to be eliminated for report presentation. In addition, the City needs to amend the budget balance for the SPLOST funds. An annual audit of the City's financial statements is required at the conclusion of the fiscal year. In order to close out the year and finalize the financial statements, final adjustments to the budget need to be made to account for various transactions that were not originally budgeted. The City does not need to show negative budget variances for expenditure accounts. Some revenue line items were under-budgeted, so they will be increased to offset the additional expenditure budget need to eliminate the negative variances. In addition, the SPLOST budgets need to be amended to reflect the most current information. Finance staff recommended approval of the final FY 2020 budget amendment.

Councilmember Charles "Corkey" Welch spoke about information received from the

Finance Department that from a budget standpoint we have 2.8 million dollars leftover from The previous fiscal year which would normally roll into a fund balance. Due to COVID a lot of expenses were incurred this past Fiscal Year so the leftover funds may have to be used to alleviate some of these extra expenses.

Councilmember Charles "Corkey" Welch made a motion to approve of FY 2020 Final Budget Amendment. 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. [2020-451](#)

Approval of the 2021 Employee Insurance providers and plans and authorize the Mayor to execute all related documents

Interim City Administrator Bennett reviewed the information for this agenda item. This item is for the annual selection / renewal of employee benefits. Every fall, the city must re-evaluate and select its insurance advisor/broker, insurance plans and providers for Employee Benefits (medical, prescription drug dental, vision, life, AD&D, short-term and long-term disability, and flex spending plans and COBRA administration).

Recommendation:

1) Change broker of record to Hutchinson Traylor. Hutchinson Traylor is in a unique position to bring the Veracity Rx pharmacy solution to the City.

2) Renewal of medical insurance with Blue Cross/Blue Shield, keeping the employee contributions and plan design the same for 2021. (Overall increase of \$563,550 to the City.)

3) Renewal dental and vision insurance with current provider, Guardian (\$0 change to the City).

4) Renewal of Life/AD&D (documents executed in July 2020), Short-term and Long-term disability insurance with MetLife (\$0 change to the City).

5) Change from Rx Benefits/Express Scripts to Veracity Rx/Procure Rx. The estimated cost savings based on a review of the City's current Rx plan is \$617,000.

Staff recommended approval of the 2021 Employee Insurance advisor/broker, carriers, providers and plans and authorize the Mayor to execute all related documents.

Councilmember Tim Gould provided a bit of explanation into the process and the savings that were found.

Councilmember Tim Gould made a motion to approve the 2021 Employee Insurance providers and plans and authorize the Mayor to execute all related documents. 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:

A. [2020-454](#)

Issuance of a commercial building permit for construction of a new Christian Brothers Automotive - 3278 South Cobb Drive - Carmichael Development, LLC

Mr. Joe Bennett explained that this agenda item is for the issuance of a commercial building permit for construction of a new Christian Brothers Automotive - 3278 South Cobb Drive - Carmichael Development, LLC

Ward 3 Councilmember Travis Lindley explained in detail where this establishment will be located for added clarity.

Councilmember Travis Lindley made a motion to approve the issuance of a commercial building permit for construction of a new Christian Brothers Automotive - 3278 South Cobb Drive - Carmichael Development, LLC. 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

8. Consent Agenda:

Interim City Administrator Joe Bennett read aloud the consent agenda.

Councilmember Travis Lindley made a motion to approve the consent agenda as read aloud by Interim City Administrator Joe 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

A. [2020-435](#)

Approval of the October 19, 2020 Pre-Council Meeting Minutes

B. [2020-436](#)

Approval of the October 19, 2020 Mayor and Council Meeting Minutes

C. [2020-422](#)

Approve request for the road closure at San Fernando Drive intersection on the North side of Windy Hill Road beginning November 6th 2020 thru November 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:

Mayor Norton spoke about the CARES Act money that will help small businesses. He also reminded people about the spike in cases and asked that they practice vigilance.

Councilmember Glenn Pickens reminded people where residents of Ward 1 will go to vote.

Councilmember Austin Wagner reminded residents of Ward 2 where to go to vote.

Councilmember Travis Lindley reminded everyone to get out and vote. There will be a tent to provide shelter for those waiting in line to vote.

Councilmember Charles "Corkey" Welch encouraged everyone to vote. Ward 4 is often a quiet neighborhood until the storm came through and the old trees fell down. He commended public works for their efficient clean up. He concluded his report by noting the time change.

Councilmember Susan Wilkinson encouraged people to vote. Ward 5 voting location will be at the church on corner of S Cobb Drive and Powder Springs Street. She reiterated what a great job that public works did after the storm. She announced that it is her 29th wedding anniversary tonight.

Councilmember Tim Gould reminded residents where Ward 6 now votes which is the American Legion. He commended staff for their work with the storm. Shared that no matter the outcome of the election, we should remain positive and that we will be okay either way. Mayor Norton asked Councilmember Gould to speak about the Unity event that took place yesterday.

Councilmember Lewis Wheaton thanked staff and residents for turn out on Oakdale Road virtual meeting. Another meeting will take place soon with a date and time to come. He encouraged everyone to get out and vote.

Interim City Administrator Joe Bennett wished Councilmember Susan Wilkinson and her husband a Happy Anniversary.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Mr. Alex Backry, 3459 Shawnee Trail, would like a timer for speaking. He demanded town hall meetings for SPLOST projects if it is approved. He is proud to say he voted against SPLOST. Mr. Backry was not happy with \$13 million for down town. He made the statement that we need an aquatic center like a whole in the head. He feels that a parking garage is a waste of money. He would like to know how the figures for the proposed SPLOST projects were come up with. He feels that he is in the dark with no feedback from the Council in terms of where the money is going.

Mr. Steven Jones, 2923 Spring Drive, spoke about a wonderful experience that he had early voting at the community center. About three months ago, speed tables were approved for his street and they are working wonderfully. Public works did an excellent

job installing them. He passed on the thank you from neighbors. He said shame on you to the remaining speeders. Mr. Jones asked Councilman Wagner and Pickens to keep him in the know of any complaints received about the speed tables because he would like to let people know how effective they have been.

12. Adjournment:

Mayor Norton adjourned the November 2, 2020 Mayor and Council meeting at 8:15 PM.