



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final City Council

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Monday, March 1, 2021

7:00 PM

Smyrna Community Center Large Gym  
200 Village Green Circle SE

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### **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](mailto:ClerksOffice@Smyrnaga.gov).

\*\*\*The deadline to register to speak via telephone is Sunday, February 28, 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, March 1, 2021 as to additional details of these procedures.

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

### **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 - Scott Cochran

**Staff:** 8 - Joe Bennett, Penny Mocerri, Heather Peacon-Corn, Tina Monaghan, Tyler Addison, Julie Barwig, Joey Staubes and Russell Martin

### **Call to Order**

Mayor Derek Norton called the March 1, 2021 Mayor and Council Meeting to order at 7:00 PM.

#### **1. Invocation and Pledge:**

Pastor Dyke Verkerk, Life Church Smyrna Assembly of God (4100 King Springs Rd) delivered the Invocation and led all in the Pledge of Allegiance.

#### **2. Agenda Changes:**

Item 2021-083 will be added under consent for the approval of the PY2021 CDBG

Subrecipient Agreement.

### 3. Mayoral Report:

*Mayor Norton thanked the committee that worked on Black History Month activities. This afternoon at lunch time he attended a ribbon cutting for 1911 Biscuits and Burgers. The restaurant gave the first 2 or 3 days of profits to Smyrna Public Safety Foundation and the local American Legion. He recommended that everybody go and check them out and enjoy some delicious food. In other news, the Campbell High School Spartans won their region home game and are still in the play offs. At the last Committee of the Whole (COW) meeting, Mayor and Council started to talk about events around the city which should start sometime in June. There is a light at the end of the tunnel and hopefully we will be able to safely gather and enjoy all that the city has to offer in the near future.*

### 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.

*City Administrator Joe Bennett provided the background information on the agenda item. Edgeline, LLC is requesting the rezoning of the subject property on the south side of Atlanta Road from NS to RM-10-Conditional for the development of a ten (10) unit townhome subdivision at a density of 9.3 units per acre. The ten (10) units will be split between two (2) buildings ranging between 3 to 7 units per building. The community will be comprised of three (3) thirty-five-foot-wide townhomes and seven (7) twenty-two-foot-wide townhomes. The townhomes will consist of a mixture of front and rear loaded two-car garages. The floor areas of the townhomes will range between 2,000 sq. ft. and 2,400 sq. ft. The townhomes will employ a variety of traditional architectural features. The building facades will include, but not be limited to brick, stone, cement-fiber siding, wood or cement-fiber shingles, and other materials per the attached rendering. The applicant has provided elevations and floor plans for both townhome products for review with the zoning application. Staff is recommending that the development shall not be gated. The Planning Board recommended approval by a vote of 6-0 at the August 10, 2020 meeting. Community Development recommends approval of the rezoning from NS to RM-10 for the development of three single-family units at a density of 9.3 units per acre with conditions.*

*Mayor Norton asked that anyone wishing to speak during the public hearing come up and be sworn in by the City Attorney. No one came forward.*

*Community Development Director Rusty Martin came forward and present a power point presentation with the information on the zoning request. The proposed rezoning would provide for ten (10) new single-family attached townhomes at density of 9.3 units per acre. The subject property is located in an area with a future land use designation of Medium High Density Residential (up to 10 units per acre). The proposed lot sizes and widths are in line with other nearby developments. The proposed rezoning is a site plan specific zoning and will require several variances from the City's Zoning Ordinance. These variances are as follows:*

1. A reduction in the minimum front setback from 75' to 40'; (Staff Support)
2. A reduction in the minimum side setback from 35' to 12'; (Staff Support)
3. An increase in the maximum allowable impervious surface area coverage from 35% to 65%; (Staff Support)
4. An increase in the row of townhome units from six to seven units. (Staff Support)

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 applicant is requesting a rezoning from NS to RM-10 and the proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan. Community Development recommends approval of the rezoning from NS to RM-10 for the development of three single-family units at a density of 9.3 units per acre with the following conditions:

*Standard Conditions*

*(Requirement #2, 8, 16 and 17 from Section 1201 of the Zoning Code is not 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. 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.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. 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 2' shall be provided between the back of curb and sidewalk.
7. 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.
8. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.

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

10. 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".

11. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.

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

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

*Special Conditions*

14. The development shall maintain the following setbacks:

Front – 40'

Side – 12'

Rear – 40'

15. Each townhome building shall be limited to no more than seven units per building.

16. The proposed homes shall have a minimum floor area of 1,800 sq. ft.

17. The private drive shall be a minimum of 26' wide from back of curb to back of curb.

18. The private drive shall have a permanent access easement through the Villas of Vinings Condominiums. Documentation of the easement shall be provided to the City prior to the issuance of a Land Disturbance Permit.

19. The development shall not be gated.

20. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

21. The rear of the townhome units shall have architectural features that delineate the individual townhome units.

22. The developer shall provide a 4' sidewalk within the development.

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

24. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.

25. The developer shall provide a right-in and right-out access from the private drive to Atlanta Road.

26. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.

27. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.

28. 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 2/24/2021 created by Blue Landworks and all zoning stipulations above.

29. The applicant shall be bound to the elevations submitted and dated 7/30/2020. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

30. The additional stipulations agreed upon by the applicant in the letter submitted and dated on July 30, 2020. If there should be a discrepancy between the stipulations in the July 30, 2020 letter and the stipulations stated above, the stipulations stated above shall apply.

Councilmember Tim Gould wanted to know about the driveway lengths as well as how they would enforce the no parking on private roads.

Councilmember Charles "Corkey" Welch asked about the no parking on the 26 foot drive and the width of the units as well as the size of the garages.

Mayor Norton inquired about the location and amount of the guest parking and there are six spaces on the current plan which exceeds requirements.

Councilmember Susan Wilkinson asked about the HOA enforcing no parking on the street due to fire trucks.

Councilmember Travis Lindley wanted to know who enforces the no parking? Who makes the HOA enforce the no parking aspect?

Councilmember Wilkinson asked about the common area. It will be located by the retention pond and will be at least 2000 square feet of open space.

Councilmember Gould inquired if there would be enough space for community space and retention pond. Potential is there as is and the retention can be moved underground which would provide more space.

Councilmember Gould sought clarification as to why the street needs to be private? Mr. Martin answered that because streets are not wide enough to be public.

Attorney Garvis Sams came up to speak. He is the representative for the applicant, which is Edgeline, LLC. He reviewed the key elements and recent changes to the proposal. Mr. Sams noted that the lot had been for sale and undeveloped for many years due to the nature of the property as well as the zoning which is commercial. Very little road frontage with long, skinny lot makes commercial development difficult. They have spoke with area residents, businesses, and Cobb County schools as well. This is a down zoning from commercial to RM-10 conditional for a unique and creative townhome development. All have two car garages with the only surface parking being guest parking. All units have rear loaded garages. All delivery trucks will be able to

*get in and out and they worked with the fire marshal and engineer to make sure there wouldn't be any problems with public safety and garbage trucks as well. The gate has been removed, and the turnaround stays in. There will be a mandatory HOA with a hefty monthly fee to maintain streets, lights, mail kiosk, etc. The HOA guided by third party company to start.*

*Councilmember Gould asked about exterior materials. Four sided architectural. Any tree buffer between this and the adjoining subdivision and there is. Will submit a tree plan when the time comes. The adjoining HOA president felt like there wasn't much of a conversation about joining the two neighborhoods and he expressed this to Councilmember Gould. Garvis Sams said there is just no logical connection the way that the buildings are situated.*

*Mr. Brandon Woods from Edgeline, LLC came up and spoke about the source of the photos which is from another neighborhood elsewhere that is about two years old. It served as the inspiration for the development.*

*Councilmember Welch spoke about the end unit and whether or not it would-be four-sided brick. They will design a specific architectural design.*

*Councilmember Lindley sought clarification on how long the driveways will be. Five or six feet? Cannot park another vehicle on the driveway...enough to pull into the garage but not to park.*

*Councilmember Pickens asked about guest parking. There are 6 spots and if more parking is needed then they will have to be shuttled in from elsewhere.*

*Mayor Norton announced the public hearing and no one came forward to speak.*

*Councilmember Gould thanked everyone for their hard work. He stated that it is a creative design but it is challenging due to the size and number of units on that single acre.*

*Councilmember Gould asked Mr. Sams if they would be willing to reduce the units and the answer was no.*

*Councilmember Tim Gould made a substitute 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 15, 2021 Mayor and Council meeting at the request of the applicant. Councilmember Charles "Corkey" Welch seconded the motion.*

*The substitute motion to table to the March 15, 2021 Mayor and Council meeting was carried by the following vote:*

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

**B. [2021-082](#)**

Accept dedication of Riverview Park in a form acceptable to the City Attorney. Said acceptance is subject to the requirement that the Riverview Landing Owners Association, Inc. remain obligated to maintain the detention pond within the park as currently required by the amended

and restated Master Declaration and is also subject to all drainage easements contained within such Master Declaration.

*The information on the agenda item was read aloud by Mr. Bennett. As part of the Riverview Landing Mixed Use Development, the developer has agreed to transfer approximately five acres of property to be used as a public park along the banks of the Chattahoochee River. The park has been amenitized by the developer with a public parking area, public bathrooms, a small stage and sitting area, and a boat launch. Maintenance of the detention pond within the park will remain the responsibility of the Riverview Landing Owners Association. This will be the first park within the Smyrna city limits that will be located on the river. Acceptance of the park property along the Chattahoochee River.*

Councilmember Lewis Wheaton made a motion to approve and accept dedication of Riverview Park in a form acceptable to the City Attorney. Said acceptance is subject to the requirement that the Riverview Landing Owners Association, Inc. remain obligated to maintain the detention pond within the park as currently required by the amended and restated Master Declaration and is also subject to all drainage easements contained within such Master Declaration. 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

## 5. Privilege Licenses:

- A. [LIC2021-03](#) Privilege License Request LIC 2021-03 - Beer, Wine, and Liquor (retail package) - 3150 Highlands Parkway SE, Suite 202 - Prohibition Liquor LLC dba Prohibition Liquor with Matthew Bowman as agent.

*The applicant, Mr. Matthew Bowman was present. He spoke about his first application and how he was able to come up with a new location which does meet state distance requirements.*

Councilmember Lewis Wheaton made a motion to approve Privilege License Request LIC 2021-03 - Beer, Wine, and Liquor (retail package) - 3150 Highlands Parkway SE, Suite 202 - Prohibition Liquor LLC dba Prohibition Liquor with Matthew Bowman 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. [2021-077](#) Approval to amend the budget for the purchase a 2021 Ford Explorer XLT Sport 4WD from Wade Ford via state contract in the amount of \$37,922.85 for the City Administrator and authorize the Finance Director

to sign and execute all documents.

*The background was given by City Administrator Joe Bennett. Per the City Administrator's contract, a vehicle is provided as part of the compensation package. The vehicle previously assigned to the former City Administrator was given to Environmental Services back in September to replace their assigned car that has un-repairable and the Interim City Administrator has been using the assigned Police Chief Vehicle for the last six months. The City needs to purchase a new vehicle for the City Administrator, and return the Smyrna Police Department outfitted vehicle to service at the police department. The Finance Director has received a quote for a 2021 Ford Explorer and need to amend the budget to account for this expenditure. The funds will come out of contingency for this expenditure.*

*The requested action is for the approval to amend the budget for the purchase a 2021 Ford Explorer XLT in the amount of \$37,922.85 for the City Administrator and authorize the Finance Director to sign and execute all documents.*

Councilmember Charles "Corkey" Welch made a motion to approve to amend the budget for the purchase a 2021 Ford Explorer XLT Sport 4WD from Wade Ford via state contract in the amount of \$37,922.85 for the City Administrator and authorize the Finance Director to sign and execute all 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

## 7. Commercial Building Permits:

- A. [2021-055](#) Issuance of a commercial building permit for construction of the Covenant United Methodist Church - 3395 Atlanta Road - ADE Builders, Inc.

*Mr. Bennett read the background information at the request of the Mayor. A commercial building permit has been issued at 3395 Atlanta Road for the construction of a new 17,807 square foot church building for Covenant United Methodist Church. The total estimated cost of the project is \$3,208,000 and ADE Builders, Inc. is listed as the general contractor for the project.*

Councilmember Glenn Pickens made a motion to approve the issuance of a commercial building permit for construction of the Covenant United Methodist Church - 3395 Atlanta Road - ADE Builders, Inc. 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

## 8. Consent Agenda:

*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. 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. [MIN2021-12](#) Approval of the February 11, 2021 Committee of the Whole Meeting Minutes.
- B. [MIN2021-11](#) Approval of the February 15, 2021 Pre-Council Meeting Minutes.
- C. [MIN2021-13](#) Approval of the February 15, 2021 Mayor and Council Meeting Minutes.
- D. [2021-083](#) Authorization for the City of Smyrna to continue as a Subrecipient of the Cobb County Community Development Block Grant (CDBG) Program PY2021, to receive the grant amount of \$308,481.00 for Public Facility Projects and Administration and Planning, authorize the Mayor to sign and execute the 2021 Subrecipient Agreement documents.

## 9. Ward / Committee Reports:

*Councilmember Glenn Pickens thanked Public Works for their quick work on Campbell Road.*

*Councilmember Tim Gould thanked staff for the changes to Campbell Road.*

*Councilmember Lewis Wheaton gave a shout out to those that participated in the Black History Month celebration even though most events had to be virtual. A group of Cub Scouts recently spoke with him about Civic Engagement and they were very interested in law enforcement.*

## 10. Show Cause Hearings:

There were no show cause hearings.

## 11. Citizen Input:

*Ms. Stephani Gray, 1013 Belmont Commons Drive, signed up to speak about concerns she has regarding how the police department handled a situation that she recently was witness to. She described the details of the event and asked that Mayor and Council do something to address and correct the situation.*

## 12. Adjournment:

Mayor Derek Norton adjourned the March 1, 2021 Mayor and Council meeting at 8:12 PM.