

City Council Meeting Minutes - Final MAYOR AND COUNCIL



Derek Norton, Mayor
Tim Gould, Mayor Pro Tem (Ward 6)
Glenn Pickens (Ward 1)
Latonia P. Hines (Ward 2)
Travis Lindley (Ward 3)
Charles "Corkey" Welch (Ward 4)
Susan Wilkinson (Ward 5)
Rickey N. Oglesby, Jr. (Ward 7)

A. Max Bacon City Hall
Council Chambers
2800 King Street
Smyrna, GA 30080

City Attorney Scott Cochran
City Administrator Joseph Bennett
City Clerk Heather K. Peacon-Corn

**December 09, 2024
7:00 PM**

I. CEREMONIAL MATTERS

1. Roll Call

Present: 8 – Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley (virtual), Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould, Councilmember Rickey N. Oglesby Jr.

Also Present: 1 – Scott Cochran

Staff: 7 – Jennifer Bennett, Joe Bennett, Jill Head, Dat Luu, Heather Peacon-Corn, Joey Staubes, Andrea Worthy

2. Call to Order

Mayor Derek Norton called to order the December 9, 2024 Mayor and Council Meeting held at A. Max Bacon City Hall in Council Chambers at 7:00 PM.

3. Invocation and Pledge of Allegiance

A. Pastor Kim Gramling, Life Church Assembly of God (4100 King Springs Rd)

4. Agenda Changes

5. Mayoral Report

II. DISCUSSION / ACTION ITEMS

*Public comment during this portion of the Agenda must be limited to matters on the Agenda for action. If you wish to be heard, please sign up with the City Clerk, come to the podium when called by the Mayor, state your name and address for the record and make your remarks. The time allotted for each speaker is as follows: **Public Hearing - Five (5) Minutes***

6. Proclamations and Presentations

7. Community Development Items

- A. **Z24-014** Public Hearing - Zoning Request - Z24-014 - Allow rezoning from GC to R-15 for the development of one single-family home - 0.465 acres - Land Lot 546 - 4820 Camp Highland Road - Shamarra Goba
Ward 7 Councilmember - Rickey N. Oglesby Jr.

Joey Staubes, Planner II, presented the following background:

The applicant is requesting a rezoning from GC to R15 for the development of one (1) single-family detached units at a density of 2.17 units per acre. A land use change from Industrial is not required for this rezoning. Staff Recommendation: Approval of the rezoning from GC to R-15 for one (1) new single-family detached unit. Planning Board Recommendation: Approved by a vote of 7-0 at the November 12, 2024 meeting.

Project Analysis

Shamarra Goba is seeking approval of a rezoning for 4820 Camp Highland Road from GC to R15 for the development of one (1) single-family detached residence at a density of 2.17 units per acre. The previous single-family home was demolished and a rezoning is required to build a new single-family home. The applicant is requesting a rezoning to R-15 to build the single-family home. The proposed lot will be approximately 19,000 sq. ft.

Engineering Review

The applicant has provided a site plan with the rezoning application for reference. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property. Cobb/Douglas Public Health Department will approve all septic system permits.

Fire Marshal Review

The Fire Marshal's office has reviewed the revised site plan and believes there is sufficient access to provide emergency services to the three homes.

Planning Review

The proposed rezoning would provide for one (1) new residence at density of 2.17 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Moderate Density Residential (up to 4.5 dwelling units per acre) and Industrial. Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The construction of one (1) new single-family detached home results in a density of 2.17 units per acre on the subject property. The lot width and lot size are compatible with the R-15 zoning district and no variances are required. The applicant is requesting a rezoning from GC to R-15 and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development recommends approval of the rezoning from GC to R-15 for the development of one (1) single-family unit at a density of 2.17 units per acre.

Shamarra Goba – applicant – came forward. They are going to build a family home.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Councilmember Rickey N. Oglesby, Jr. made a motion to approve item Z24-014; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- B. Z24-015 Public Hearing - Zoning Request - Z24-015 - Allow rezoning from R-15 to RDA-Conditional for the development of eight single-family homes at a density of 5.0 units per acre - 1.59 acres - Land Lot 528 - 3767 & 3777 King Springs Road - Davin Harris
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould**

Joey Staubes, Planner II, presented the following background:

The applicant is requesting a rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family detached units at a density of 5.0 units per acre. A land use change to Medium Density Residential is required for this rezoning. Staff Recommendation: Approval of the rezoning from R-15 to RDA Conditional for eight (8) new single-family detached units. Planning & Zoning Board Recommendation: Approve by a vote of 7-0 at the November 12, 2024 meeting.

Project Analysis

Davin Harris is seeking approval of a rezoning for 3767 & 3777 King Springs Road from R-15 to RDA-Conditional for the development of eight (8) single-family detached residences at a density of 5.0 units per acre. The existing two (2) single-family homes will be demolished to allow the construction of the proposed development. Five (5) of the homes will have a rear-entry garages and face King Springs Road. Three (3) of the homes will have front-entry garages accessed from a new public street. The proposed lots will have a minimum lot size of 4,436 sq. ft. and an average lot area of 5,036 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

Engineering Review

The applicant has provided a site plan with the rezoning application for reference. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property. If necessary, the applicant will be required to dedicate property along King Springs Road for the installation of a sidewalk. The two (2) properties are currently utilizing septic systems for the existing homes. The proposed development will extend a sewer main on Springwood Drive to serve the proposed development. The extension of the sewer main will provide sewer access to additional lots on King Springs that are currently utilizing septic systems.

Fire Marshal Review

The Fire Marshal's office has reviewed the revised site plan and believes there is sufficient access to provide emergency services to the homes.

Planning Review

The proposed rezoning would provide for eight (8) new residences at density of 5.0 units per acre. The subject property is located in the Low Density Residential (up to 3 dwelling units per acre) future land use designation and requires the designation be changed to Medium Density Residential (up to 6 dwelling units per acre). However, much of the surrounding properties have a future land use designation of Medium-High Density Residential (10 dwelling units per acre or greater) and are occupied by duplexes. The proposed development will provide a gradual increase between the Low Density Residential to the north and the Medium-High Density Residential to the east and south. Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The subdivision and construction of eight (8) new single-family detached homes result in a density of 5.0 units per acre on the subject property. The lot width and lot size are compatible with the other in-fill developments in the surrounding area. The applicant is requesting a rezoning from R-15 to RDA-Conditional and the proposed zoning will require a change of the Future Land Use Plan to Medium Density Residential. Staff is supportive of the rezoning for the proposed development and the requested variances:

1. Allow reduction of the minimum lot area from 7,260 sq. ft. to 4,436 sq. ft. (Staff Supports).
2. Allow reduction of the minimum front setback from 25 ft. to 20 ft. (Staff Supports).
3. Allow reduction of the minimum rear setback from 30 ft. to 20 ft. (Staff Supports).
4. Allow an increase in the maximum lot coverage from 45% to 55% (Staff Supports).

Community Development recommends approval of the rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family units at a density of 5.0 units per acre with the following conditions:

Standard Conditions Requirements # 2, 8, 9, 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. 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 retention 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 ten percent reduction in a 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 two feet shall be provided between the back of curb and sidewalk.
 7. The development of any streets (including private) shall conform to the city's standards for public rights-of-way.
 8. No debris may be buried on any lot or common area.
 9. 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.
 10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
 11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
 12. 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

13. The development shall maintain the following setbacks: Front – 20' Side – 5' Rear – 20'
14. The minimum lot size shall be 4,436 sq. ft.
15. The minimum lot width shall be 50 feet.
16. The maximum impervious lot coverage shall be 55%.
17. Driveway – 22' minimum length from building face to back of sidewalk.
18. The developer shall dedicate 5 feet of property along King Springs Road.
19. The developer shall install a 5' sidewalk and 2' grass strip along King Springs Road.
20. The front elevations of Lots 1-5 shall face King Springs Road and the rear elevations shall face the new street within the development.
21. Fencing within the front yard shall be a maximum 4' in height and decorative. Both street frontages of Lots 1-5 shall be defined as a front yard.
22. Approval of the subject property for the RDA-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/13/2024 and created by SJM Murphy LLC. and all zoning stipulations above.
23. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 10/13/2024.

Councilmember Susan Wilkinson asked about guest parking. She wondered if there is room in the private drive around back or if parking is allowed on Kind Springs Rd. Mr. Staubes stated there are no "No Parking" signs there.

Davin Harris – applicant – stated that he lives right around the corner from this property. The neighbors at 3797 King Springs who are directly next door are very excited about this project. Mayor Pro Tem Tim Gould stated that it is nice that

residents are working on this because it means they care about the neighborhood. Sean Murphy who is also working on this stated this project has been one of the best experiences he has had when working in the city. Mayor Pro Tem Gould mentioned one concern was stormwater runoff. He asked the applicant to speak about how they will eliminate the impact of future stormwater runoff – tie the downspouts of the three homes on the right into the detention facility. Sean Murphy stated that the detention pond is able to handle all of the houses. The variance asks for 55% to capture surface water at the street or moves into swale along the back lots and into the detention pond. They are comfortable with the stipulation of the general requirement that downspouts be tied in with the ability to daylight some at the street and others into detention.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item Z24-015; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

C. **ORD2024-001** Public Hearing - Allow a code amendment to Section 713 of the zoning ordinance to allow an animal crematory as a permitted use in the OD (Office-Distribution) Zoning District.
Citywide

Joe Bennett, City Administrator, provided the following background:

Community Development is proposing a code amendment to the Zoning Ordinance to allow animal cremation as a permitted use within the Office-Distribution (OD) zoning district. The Heavy Industrial (HI) zoning district allows human and animal crematories, but no other zoning district allows animal cremation as a singular use. Community Development recommend approval. This is city initiated.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Councilmember Glenn Pickens made a motion to approve item ORD2024-001; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

8. **Privilege License and Show Cause Hearing**

9. **Formal Business**

- A. **RES2025-001** Approval of Resolution RES2025-001 for the 2025 Meeting Dates to include Committee of the Whole, Pre-Council and Mayor and Council as publicly posted in the Marietta Daily Journal and approved on October 7, 2024.

Citywide

Councilmember Charles Welch made a motion to approve item RES2025-001; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- B. **RES2025-002** Approval of Resolution RES2025-002 imposing a 911 charge on postpaid wireline, wireless, and voice over internet protocol (V.O.I.P.) telephone service at the answering point at the rate of \$1.50 per month received by a municipality and authorize the Mayor to sign and execute all related documents.

Citywide

Councilmember Rickey N. Oglesby, Jr. made a motion to approve item RES2025-002; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- C. **RES2025-003** Approval of Resolution RES2025-03 imposing a 911 charge on prepaid wireless service at the retail point of sale at the rate of \$1.50 per retail transaction and revenues received by a municipality and authorize the Mayor to sign and execute all related documents.

Citywide

Councilmember Glenn Pickens made a motion to approve item RES2025-003; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- D. **RES2025-004** Approval of Resolution RES2025-04 reaffirms the necessity for the \$1.50 911 charge on telephone subscribers served by the enhanced 911 system for the fiscal year.
Citywide

Councilmember Charles Welch made a motion to approve item RES2025-004; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- E. **BCA2024-045** Approval of the appointment of Ward 2 resident, Rose Diggs, to the Smyrna Tree Board. This is a four-year term to expire August 31, 2028.
Ward 2 Councilmember - Latonia P. Hines

Mayor Norton mentioned that Rose Diggs is the city's 2024 Citizen of the Year. She has done so much for the community and has fostered hundreds of children.

Councilmember Latonia P. Hines made a motion to approve item BCA2024-045; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- F. **ATH2024-194** Authorization for the purchase of 250 Krueger International Strive Armless banquet chairs from Advantage Office Solutions (65 Leggett Drive, Villa Rica, Georgia 30180) in the total amount of \$58,500 to be paid from ARPA Funds and using State Contract #99999-SPD-G20240201-0001 (Omnia #R221003) and authorize the Mayor to sign and execute all related documents.
Ward 3 Councilmember Travis Lindley

Councilmember Latonia P. Hines made a motion to approve item ATH2024-194; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- G. ATH2024-195** Authorization for renovation of Creatwood Park Renovation by Kompan at a total cost of \$140,085.82. Kompan (605 W Howard Lane, Suite 101, Austin, TX 78753) in the amount of \$140,085.52 to be paid using Omnia Partners cooperative contract #2017001135 and paid from allocated ARPA funds and authorize the Mayor to sign and execute all related documents.
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Joe Bennett, City Administrator, provided the following background:

This is for the equipment, surfacing, installation, and freight for the new playground.

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item ATH2024-195; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- H. RFP25-016** Authorization to award RFP25-016 for renovation of Creatwood Park to Lagniappe Development Co., Inc. (1190 West Shadburn Avenue, Buford, Georgia 30518) at a total cost of \$349,730.36 to be paid from allocated ARPA funds and authorize the Mayor to sign and execute all related documents.
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Joe Bennett, City Administrator, provided the following background:

The City of Smyrna requested proposals for the Creatwood Park Renovation. The project includes the removal of outdated play structures, select trees, and other existing site elements to make way for the construction of a timber-framed pavilion, a modern playground, an expansive activity lawn, and additional site improvements. This project is funded by the American Rescue Plan Act (ARPA). This project is managed by Foley Design. Seven (7) proposals were received on Monday, December 2, 2024. The recommended firm is Lagniappe Development Co., Inc. in the amount of \$349,730.36.

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item RFP25-016; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- I. **ATH2024-201** Approval to renew Georgia Firefighters' Cancer Benefit Program with GMA-GIRMA for an annual premium of \$7,526.00 and authorize the Mayor to execute any related documents
Citywide

Joe Bennett, City Administrator, provided the following background:

As of January 1, 2018, all legally organized fire departments in Georgia are required by House Bill 146 to provide certain cancer benefits to their firefighters. This program provides financial protection to firefighters and their families in the event they contract cancer attributed to their job.

The program provides a Lump Sum Cancer Benefit as well as Long-Term Disability coverage. The City needs only to obtain coverage for the Lump Sum portion of the program, as the City already provides LTD coverage for its employees.

Councilmember Latonia P. Hines made a motion to approve item ATH2024-201; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- J. **ATH2024-202** Authorization to award Georgia First Responder PTSD Program as required by HB451 (2024) to GMA-GIRMA with an annual premium of \$28,101.00 and authorize the Mayor to execute any related documents.
Citywide

Joe Bennett, City Administrator, provided the following background:

Implementation of the Georgia First Responder PTSD Program, effective January 1, 2025, as required by HB 451 (2024).

Georgia House Bill 451 (2024) mandates all public entities that have employed or volunteer first responders provide lump-sum and income replacement (long-term disability) PTSD benefits, effective January 1, 2025. There are two coverage components required by House Bill 451 (2024) effective January 1, 2025:

1. Lifetime Critical Illness Lump Sum PTSD Diagnosis Benefit
2. Lifetime Long-Term PTSD Disability Benefit (Income Replacement)

The Ashley Wilson Act (HB 451) requires several specific coverage features for the disability portion of the PTSD benefits. Our existing group long term disability policy does not meet the disability benefit requirements of the Act; therefore, staff recommends authorization.

Councilmember Latonia P. Hines made a motion to approve item ATH2024-202; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- K. ATH2024-205 Authorization to renew the City’s Worker’s Compensation Insurance program with National Liability and Fire Insurance Company with a \$668,110.00 premium and \$2,500 deductible with Oakbridge Insurance/John Knop as the broker and authorize the Mayor to sign and execute all related documents.**

Citywide

Joe Bennett, City Administrator, presented the following background:

The City’s Worker’s Compensation insurance program renews on January 1, 2025.

As of January 1, 2024, the City’s worker’s compensation coverage was placed with National Liability and Fire Insurance Company with Oakbridge Insurance/John Knop as the broker.

- \$ 668,110.00 annual premium with \$2,500 deductible
- Continue Oakbridge’s Proactive Services to improve safety and risk management culture
- Continue 2-3 year plan to reduce claims and lower first dollar/low deductible premiums

Councilmember Glenn Pickens made a motion to approve ATH2024-205; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- L. **ATH2024-204** Authorization to amend the FY 2025 Adopted Budgets for the General Fund and the American Rescue Plan (ARPA) Fund to increase the adopted General Fund Budget to increase the HB489 Intergovernmental Revenue and to amend the ARPA Fund adopted project length budgets to reallocate funding and create additional projects.

Citywide

Joe Bennett, City Administrator, provided the following background:

The City has completed several American Rescue Plan (ARPA) projects and needs to true up the project length budgets and obligate remaining funds before the 12/31/2024 deadline. Staff recommends authorization to amend.

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item ATH2024-204; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- M. **ATH2024-206** Authorization for the approval of the FY 2025 Pay Scale Adjustments, Cost of Living (COLA) Pay Adjustments, and Staff Merit Increases effective the January 9, 2025 payroll (Pay Period: December 23, 2024 - January 5, 2025) and authorization to amend the adopted FY 2025 budgets in the General Fund, Water Sewer Fund, E911 Fund, and the Hotel/ Motel Tax Fund to decrease the budget for the contingency line item in each fund, and to increase the full time salaries, part time salaries and FICA line item balances in each fund.

Citywide

Joe Bennett, City Administrator, provided the following background:

Each year cost of living pay adjustments and merit increases for eligible staff are included in the budget in the contingency line item of each fund. As part of the maintenance plan recommended in the adopted 2022 classification and compensation study, Council committed to annual adjustments to the pay bands and cost of living (COLA) pay adjustments based on the Employment Cost Index (ECI). According to the 10/31/24 Economic News Release, compensation for state and local government workers increased 4.7% for the 12-month period ended 9/30/2024. The FY 2025 Budget was adopted with a cap on the COLA adjustment at 3%. The amounts budgeted for ECI (COLA) adjustments totaled \$581,800.00. Merit raises were also included in the budget contingencies lines items in each of the individual funds. Initial amounts budgeted totaled \$448,100.00. Total budgeted for merit and ECI/ COLA was \$1,029,900.00. The estimated total for a 3.0% COLA, and merit raises at 2.5% (performance rating of 3), and 3.5% (performance ratings of 4 and 5) totals \$804,196.23.00 at January 1, 2025.

Councilmember Charles Welch made a motion to approve ATH2024-206; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- N. AGR2024-056** Approve an amendment extending the term of the concession agreement with Gonna Fly Now, LLC until January 31, 2056, and authorize the mayor to execute all related documents.
Ward 3 Councilmember - Travis Lindley

Joe Bennett, City Administrator, provided the following background:

The City of Smyrna has a concession agreement with Gonna Fly Now, LLC covering the operation of the Fox Creek Golf Course on Windy Hill Road and Cobb County has a similar agreement with Gonna Fly Now, LLC covering the operation of the abutting Legacy Golf Course. The operator of both courses has planned upgrades designed to improve the courses. The upgrades to Fox Creek are estimated to cost more than \$500,000. Gonna Fly Now, LLC seeks to extend the agreements given the cost of these improvements. Cobb County recently amended its concession agreement regarding Legacy so that it terminates on January 31, 2056, unless earlier terminated as provided in the agreement and Smyrna seeks to amend its concession agreement so that it has the same duration. Staff recommends approval.

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item AGR2024-056; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- O. ATH2024-207** Approval to award the Traffic Signal Intersection Camera replacements and upgrades to Net Planner (3145 Northwoods Parkway, Suite 800, Peachtree Corners, GA 30071) in the amount of \$78,345.35 on Georgia State Contract (99999-SPD0000172-012) and PC Solutions (4937 SW 75th Avenue, Miami, Florida, 33155) in the amount of \$19,592.30 on Georgia State Contract (99999-SPD-0000219-0004) for a total of \$97,938.65 to be paid with funds from American Rescue Plan Act (ARPA) and authorize the Mayor to sign and execute all related documents.
Citywide

Joe Bennett, City Administrator, provided the following background:

The City is in need of replacement and upgrading of Traffic Signal Intersection Camera equipment at various intersections throughout the City. These new cameras aid the Public Works and Public Safety departments in the City in their daily operations. Net Planner is on state contract for this equipment.

Councilmember Glenn Pickens made a motion to approve item ATH2024-207; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

- P. RES2024-013** Approval of Resolution RES2024-13 authorizing participation in an amicus brief in the Chang v. City of Milton Appeal and authorize the Mayor to sign and execute all related documents.
Citywide

Joe Bennett, City Administrator, provided the following background:

There is presently pending before the Court of Appeals and/or Supreme Court of Georgia an appeal of a civil lawsuit that, at the trial court level, was referred to as Chang, et. al. v. City of Milton, State Court of Fulton County, Case No. 18EV004442. The case involves a claim of liability against the City of Milton for personal injuries due to a 2016 vehicle collision with a fixed obstruction (a masonry planter) located on City-owned right of way where the obstruction was outside the motoring lanes of travel; The City believes the Court of Appeals decision is inconsistent with existing legal precedent and should be overturned and the financial implications of the Court of Appeals decision could be devastating for Georgia municipalities. The CITY does hereby authorize participation in an amicus brief before the Georgia Supreme Court asking that the Chang appellate ruling be taken by the Supreme Court and reversed.

Councilmember Travis Lindley made a motion to approve item RES2024-013; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

10. Consent Agenda

Councilmember Glenn Pickens made a motion to approve the Consent Agenda as presented; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley (virtual), Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Recuse: 0 – None

A. MIN2024-203 Approval of the November 18, 2024 Pre-Council Meeting Minutes

This item was approved on the Consent Agenda.

B. MIN2024-205 Approval of the November 18, 2024 Mayor and Council Meeting Minutes

This item was approved on the Consent Agenda.

**C. BCA2024-031 Approval of the re-appointment of the Downtown Development Authority (DDA) members as follows: Heather Bacon, Ron Davis, Kevin Drawe, Jim Duelder, Tarun Ganeriwal, Kimberly Gangemi and Jason Saliba, with Mayor Derek Norton serving as Chairman. This is a one-year term that will expire December 31, 2025.
Citywide**

This item was approved on the Consent Agenda.

**D. BCA2024-033 Approval of the re-appointment of the Urban Design Commission (UDC) members as follows: Heather Bacon, Ron Davis, Kevin Drawe, Jim Duelder, Tarun Ganeriwal, Kimberly Gangemi, Jason Saliba, Chuck Young and Greg Teague, with Mayor Derek Norton serving as Chairman. This is a one-year term that will expire December 31, 2025.
Citywide**

This item was approved on the Consent Agenda.

**E. BCA2024-035 Approval of the re-appointment of Ward 1 resident, Shawn Garcia, to the Keep Smyrna Beautiful Board. This is a two-year term to expire December 31, 2026.
Ward 1 Councilmember - Glenn Pickens**

This item was approved on the Consent Agenda.

**F. BCA2024-037 Approval of the re-appointment of the Mayor's appointee, Mr. Joel Powell, to serve as Chairman of the Smyrna Planning and Zoning Commission for a two-year term to expire December 31, 2026.
Citywide**

This item was approved on the Consent Agenda.

- G. **BCA2024-039** Approval of the re-appointment of the Mayor's appointee, Mr. J. Barrett Carter, to the Smyrna Parks & Recreation Commission for a two-year term to expire December 31, 2026.

Citywide

This item was approved on the Consent Agenda.

- H. **BCA2024-041** Approval of the re-appointment of Ward 6 resident, Nell Robinson, to the Keep Smyrna Beautiful Board. This is a two-year term to expire December 31, 2026

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

This item was approved on the Consent Agenda.

- I. **BCA2024-043** Approval of the re-appointment of Ward 5 resident, Maggie McGarity, to the Keep Smyrna Beautiful Board. This is a two-year term to expire December 31, 2026.

Ward 5 Councilmember - Susan Wilkinson

This item was approved on the Consent Agenda.

- J. **ATH2024-199** Approval of Road Closures for the Installation of a Crosswalk Mural in front of City Hall on weekdays from December 10th through December 20th between 8:00 AM and 5:00 PM

Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

III. CITIZEN PARTICIPATION

*Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the City Council. No subject may be acted upon by the City Council unless that subject is on the agenda and is scheduled for action. If you wish to be heard, please sign up with the City Clerk, come to the podium when called by the Mayor, state your name and address for the record and make your remarks. The time allotted for each speaker is as follows: **Public Comment - Three (3) Minutes***

11. Public Comment

Alex Backry – 3459 Shawnee Trail – Spoke about the money spent on the statue of Fanny Williams. He does not understand why the statue was made for someone who worked in the restaurant. The city should spend money in different ways like animal control. He wants to see how the council can get more people involved in voting. GA Power – \$1.7M – no feedback from taxpayers. Taxpayers have a right to have a say in how the money is being spent. There was no say in the statue, Windy Hill, Baptist church. These decisions are the reason why there is low turnout in elections.

Frederick Paprin – 1873 Tululah Trail – Thanked City Clerk and City Administrator for taking so much time to address concerns, one of which was frustration, lack of communication from leadership to those at the southwest tip of the city – he speaks to neighbors, and no one has a clue what is going on. He suggested in a positive spirit, it would be great to have a printed budget mailer to state “this is what we did for you in 2024, this is what was unfinished, this is what is coming in 2025” as an example. We are

fortunate to be in a low-crime area, but he asked that the Smyrna Police Department come through the neighborhoods every now and again. He mentioned that though the dog parks are great, 90% of people who use the dog parks are not residents of the city. Mayor Norton stated he would be happy to come out to the neighborhood to talk to them about what is going on in the city.

12. Ward and Staff Reports

Councilmember Travis Lindley thanked City Clerk Heather Peacon-Corn and Mayor Norton for making this connection possible this evening so he could participate from just offshore of Antarctica. He hopes everybody has a wonderful holiday season. (signed off at 7:49 PM.)

Councilmember Glenn Pickens wished everyone a good holiday season.

Councilmember Latonia P. Hines also wished all a wonderful holiday season. She mentioned the Home for the Holidays event that was so great, and thanked staff for all they did. She also announced that on February 28, 2025, the Black History Month program will take place, and the Women's History Program will take place on March 23, 2025.

Councilmember Charles Welch wished all a Merry Christmas, Happy New Year, and safe travels.

Councilmember Susan Wilkinson wished all a happy holidays and Merry Christmas.

Mayor Pro Tem Time Gould stated that the Tree Lighting was magnificent and thanked staff for their hard work. He also commented on the Fanny Williams memorial. It is open for viewing and in honor of a community activist and philanthropist.

Councilmember Rickey N. Oglesby, Jr. stated that starting today the second installment of a public art project was to begin, but rain held it off; however, before the end of the year, there will be two completed public art projects. He wished all happy holidays, asked all to find time to volunteer and check on neighbors.

13. Adjournment

Mayor Derek Norton adjourned the December 9, 2024 Mayor and Council meeting at 8:06 PM.

Facilities are provided throughout City Hall for the convenience of persons with disabilities.

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN O.C.G.A. 50-14-3:
The City of Smyrna website – www.smyrnaga.gov
City Hall, 2800 King Street SE, Notice Boards