

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

**February 26, 2024
7:00 PM**

I. CEREMONIAL MATTERS

1. Roll Call

Present: 7 - Mayor Derek Norton, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould, Councilmember Rickey N. Oglesby, Jr.

Also Present: 1- Scott Cochran

Absent: 1- Councilmember Glenn Pickens

Staff: 6- Joe Bennett, Jill Head, Russell Martin, Heather Peacon-Corn, Enoch Serna, and Joey Staubes

2. Call to Order

Mayor Derek Norton called to order the February 26, 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 Nick Travitt and Dr. Rhonda Travitt, Restoring the Years Global Ministries (954 Bank Street)

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. **Z24-003** Public Hearing - Zoning Amendment - Z24-003 - Allow an addition and site plan revision to an existing church in the R-15 zoning district - Land Lot 448 - 2.2 acres - 981 Powder Springs Street - Whitney Shakar for Smyrna 2 Foursquare
Ward 3 Councilmember - Travis Lindley

Joe Bennett, City Administrator, provided the following brief background:

The subject property is occupied with a church and accessory facilities on 2.2 acres in the R-15 zoning district. Churches are allowed in residential zoning districts, however, their location requires approval by Mayor & Council. The applicant is proposing a site plan revision and a 19,980 sq. ft. addition to the existing church. Therefore, approval by Mayor & Council is required for the proposed church expansion.

Russell Martin, Community Development Director, provided the following background:

There are currently two buildings on the property as well as other smaller accessory structures. The existing church sanctuary building will remain and the second building will be demolished. The application proposes to build an 19,980 sq. ft. addition along the eastern boundary of the property. The addition consists of three sections: an 8,800 sq. ft. sanctuary, an 4,050 sq. ft. atrium, and a 7,140 sq. ft. children's ministry. The building is a pre-engineered metal building with brick exterior. The new building will face the access drive and the side of the building will face Powder Springs Street. The applicant is proposing street trees to provide a visual buffer along Powder Springs Street. Additionally, the applicant will provide a 10' landscape buffer around the sides and rear of the property to screen from the existing uses. The building height will be below the maximum height allowed in R-15 of 35 feet, and the proposed building location is below the grade of the adjacent subdivision. Therefore, height should not have a negative impact on the adjacent properties.

The proposed addition and existing facilities require a minimum of 153 parking spaces. The applicant is providing 68 spaces within the subject property. The applicant has secured a parking agreement with Cobb County Schools to provide the remaining spaces at Campbell High School.

The subject property has a stream along the western portion of the site from the northern boundary to the southern boundary. The church building addition is proposed along the eastern boundary of the site so as not to interfere with the stream. The applicant is proposing to utilize the western half of the property for the access drive, parking lot, and underground stormwater detention. A bottomless stream culvert will run under the parking lot to pipe the stream between headwalls at the northern and southern ends of the property. The Army Corps of Engineers will make a formal determination if a permit is required, and whether city and state buffer variances are required. If the Corps determines that the city buffers apply the city supports stream buffer variances provided buffer mitigation is provided as required by the City Engineer. Due to the institutional use in the R-15 zoning district an impervious coverage from 35% to 62% is requested.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a church facility.

Churches are permitted in the R-15 zoning district provided they are approved by Mayor & Council. The proposed development meets the zoning requirements for a church facility and requires the following variances:

1. Reduce church and accessory facilities setback from 75' to 10' from the side property line. (Staff Supports)
2. Reduce church and accessory facilities setback from 75' to 30' for the rear property line. (Staff Supports)
3. Allow encroachment into City 50' Undisturbed Stream Buffer. (Staff Supports)
4. Allow encroachment into City 75' Impervious Surface Setback. (Staff Supports)
5. Allow increase in impervious coverage from 35% to 62% (Staff Supports)

Community Development recommends approval of the requested zoning amendment with the following conditions:

Standard Conditions (Requirement #1, 2, 3, 4, 9, and 17 from Section 1201 of the Zoning Code is not applicable)

1. The detention pond shall be placed and screened appropriately. 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.
2. All utilities within the project shall be underground.
3. 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 applicant adjacent to any public right-of-way consistent with City's requirements for the extent of the project. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
4. No debris may be buried on any lot or common area.
5. The applicant shall install decorative streetlights 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".
6. The applicant will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the applicant during construction.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

9. The development shall maintain the following setbacks:

Front - 40'
Rear - 30'
Side - 10'

10. The church and accessory facilities setback shall be reduced from 75' to 10'.
11. The applicant shall install and maintain a 10' wide landscape buffer in accordance to Section 503 of the Zoning Ordinance along the eastern, western, and northern property lines.

12. The applicant shall install street trees to provide screening between the new building and Powder Springs Street.
13. Approval of a City stream buffer variance is contingent upon the State's approval of encroachment into, or removal of, the 25-foot undisturbed stream buffer.
14. If a City variance is granted to remove the 50-foot undisturbed stream buffer and 75-foot impervious setback as part of the proposed zoning amendment, a stormwater mitigation plan may be required. This plan will require approval by the City Engineer. If a mitigation plan is not approved prior to a zoning amendment, it shall be submitted for approval with a land disturbance permit application.
15. Impervious coverage shall be increased from 35% to 62%.
16. Approval of the subject property for the zoning amendment shall be conditioned upon the development of the property in substantial compliance with the submitted site plan submitted 2/9/2024 created by On Site Civil Group.
17. The applicant shall be bound to the elevations submitted 1/8/2024 created by E3 Design. Approval of any change to the elevations must be obtained from the Director of Community Development.

Councilmember Welch asked if this is site specific, and can changes be made without coming before council again? Mr. Martin stated no changes can be made without coming before council.

Mayor Pro Tem Gould asked about the drainage to the creek. Mr. Martin stated that the decisions for that have to go through the Army Corp of Engineers.

Councilmember Wilkinson asked if the city has done anything like this before within city limits. Mr. Martin stated he believed it had been done with the Glock property in Ward 7.

Phil Manginelli, Lead Pastor of The Square Church (applicant), came forward and presented a brief history of the church and their partnership with Campbell High School and the City of Smyrna. They have grown substantially and want to be in this existing location long-term.

Councilmember Wilkinson asked what the capacity of the current sanctuary is and what the capacity of the new sanctuary will be. Mr. Manginelli stated the current sanctuary capacity is roughly 200 adults. The new sanctuary will be around 675 adults and 150 children. They do not anticipate starting a preschool program.

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

After the vote, Mayor Norton added that the church and their pastor are great community partners. He is glad to see them thriving, and he congratulated them.

Councilmember Travis Lindley made a motion to approve item Z24-003; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 5 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 1 – Councilmember Wilkinson

Absent: 1 – Councilmember Pickens

8. Privilege License and Show Cause Hearing

9. Formal Business

- A. AGR2024-008** Authorization to sign the Master Services Agreement with Georgia Power to begin processing task orders ECM1 – ECM5 for the replacement of end-of-life equipment throughout the City for a total not to exceed \$10,735,243.00 to be paid monthly on the City's power bill over the term of the agreement and authorize the Mayor to sign and execute all related documents.

Citywide

Joe Bennett, City Administrator, provided the following background:

As part of the GA Power green energy initiative, as well replacing old end-of-life equipment throughout the city, this request is to be able to have a consistent and uniform HVAC and lighting program. This will help in the future for ongoing maintenance, replacement, and budgeting schedules.

Payment Schedule:

5-Year Monthly Power Bill Fee = \$210,853 per month

7-Year Monthly Power Bill Fee = \$161,081 per month

ECM1 HVAC Systems Upgrades \$ 4,403,290.00

ECM2 Duct Cleaning, Commissioning and Final TAB \$ 735,960.00

ECM3 Interior Lighting LED Upgrades \$ 696,359.00

ECM4 Switchgear, Transformers, Generators, ATS \$ 2,583,337.00

ECM5 LED Sports Lighting for all Parks Fields \$ 2,316,297.00

Total Investment \$ 10,735,243.00

Councilmember Welch asked if the city is protected pricewise. Mr. Bennett confirmed the City is protected.

Councilmember Travis Lindley made a motion to approve item AGR2024-008; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 6 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby

Nay: 0 – None

Absent: 1 – Councilmember Pickens

- B. AGR2024-009** Authorization for the City of Smyrna to continue as a Subrecipient of the Cobb County Community Development Block Grant (CDBG) Program PY2024, to receive the grant amount of \$181,057.85 for Public Facility Projects and Administration and Planning, authorize the Mayor to sign and execute the 2024 Subrecipient Agreement documents.

Citywide

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item AGR2024-009; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 6 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Absent: 1 – Councilmember Pickens

- C. ATH2024-038** Authorization for the purchase of material from Southern Pipe and Supply (1850 Freeman Parkway SE, Mableton, GA, 30126) in the amount of \$150,890.00 for the South Cobb Drive water main replacement project awarded to K.M. Davis Contracting Co, Inc. on November 6, 2023 to be paid from 2024 Water CIP funding and authorize the Mayor to sign and execute all related documents.

Ward 5 Councilmember – Susan Wilkinson

Ward 6 Councilmember – Tim Gould

Ward 3 Councilmember – Travis Lindley

Joe Bennett, City Administrator, provided the following background:

The water main responsible for supply and demand to Wards 3, 5 and 6 is being replaced by K.M. Davis Contracting in the area of 3791 South Cobb Drive to 4015 South Cobb Drive as approved at the November 6, 2023 Mayor and Council meeting.

The pipe material is already in stock at Public Works however, additional materials need to be purchased for this project.

Southern Pipe and Supply submitted a quote in the amount of \$150,890.00 for the needed materials.

Additional vendors also submitted quotes as noted:

Empire Pipe and Supply – \$ 158,737.70

Ferguson Waterworks – \$ 175,203.19

Councilmember Travis Lindley made a motion to approve item ATH2024-038; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 6 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Absent: 1 – Councilmember Pickens

- D. CHOR2024-001** Authorization for modification to Purchase Order #24002739 being completed by Ardito Construction Company (1290 Austell Road SE,

Marietta, GA, 30008) for the River Valley Drainage project in the amount of an additional \$243,087.30 (not to exceed a total PO Amount of \$643,096.89) to manage current additional invoicing for unexpected granite conflicts as well as sidewalk and pathway connectivity and add monies for possible additional expenses related to the granite conflict and authorize the Mayor to sign and execute all related documents.

Ward 4 Councilmember – Charles “Corkey” Welch

Joe Bennett, City Administrator, provided the following background:

This is a request for modification to existing PO # 24002739 (\$400,009.59) to add an additional \$243,087.30 to manage unforeseen granite conflicts during the installation of the storm drain as well as add sidewalks and pathways to complete connectivity on the project.

Current Additional Invoices:

- \$146,247.30 to be paid from Stormwater for the granite conflict
- \$21,840.00 to be paid from 2016 SPLOST Sidewalks and Pathways Account

Additional possible expenses (as recommended by Public Works and Finance based on the potential to hit more granite on this project and to expand the sidewalk connectivity between River Valley Drive and Green Forest Parkway on the western side of Reed Rd.)

- \$75,000.00

Additional expenses, should they occur, above the requested amount of this item, will be brought before Council for additional approval.

Councilmember Charles Welch made a motion to approve item CHOR2024-001; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

Aye: 6 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Absent: 1 – Councilmember Pickens

10. Consent Agenda

Councilmember Travis Lindley made a motion to approve the Consent Agenda as presented; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

Aye: 6 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby
Nay: 0 – None
Absent: 1 – Councilmember Pickens

- A. **MIN2024-022** Approval of the February 8, Committee of the Whole Meeting Minutes.
Citywide
- This item was approved on the Consent Agenda.
- B. **MIN2024-023** Approval of the February 12, 2024 Pre-Council Meeting Minutes.
Citywide
- This item was approved on the Consent Agenda.
- C. **MIN2024-024** Approval of the February 12, 2024 Mayor and Council Meeting Minutes.
Citywide
- This item was approved on the Consent Agenda.
- D. **ATH2024-040** Approval of dates for 2024 City of Smyrna organized community event dates, street closings, and other event management details as outlined in approval documents.
Ward 3 Councilmember - Travis Lindley
- This item was approved on the Consent Agenda.
- E. **BCA2024-006** Approval of the appointment of Ward 5 resident, Meg Perry, to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2025.
Ward 5 Councilmember – Susan Wilkinson
- This item was approved on the Consent Agenda.

11. Ward and Staff Reports

Councilmember Latonia P. Hines thanked Mayor and fellow council members for the Black History Month event. It was a wonderful, sold-out event. She also extended recognition to the library and the Library Director, Mary Moore, for her work in not only assisting with the Black History Month event but also another program beginning this Sunday when they will be profiling significant women from Smyrna throughout history for the month of March and Women's History Month.

Councilmember Susan Wilkinson reiterated Councilmember Hines' comments about the Black History Month event which was a great event. She recognized in the audience former council member Maryline Blackburn who was the first black member to serve on Smyrna's council.

Mayor Pro Tem Tim Gould announced that the Education Committee made up of himself, Councilmember Wilkinson, and Councilmember Oglesby will be hosting a meeting of Smyrna area school foundations. They will share best practices, success stories, etc. on March 7. He also shared that Campbell High school basketball teams have experienced great success.

Councilmember Rickey N. Oglesby, Jr. shared some black history facts about Smyrna. When Smyrna was founded in 1872, it had an African American population of 13%. It now has an African American population of 33%. Smyrna is a more diverse city and a great place to raise a family.

City Clerk Heather Peacon-Corn announced that advanced voting for the presidential preference primary are ongoing at the Smyrna Community Center. The times and dates can be found on the Smyrna website as well as the Cobb County Elections website. The date of election is March 12, 2024 which will also be held at the Smyrna Community Center.

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***

12. **Public Comment**

13. **Adjournment**

Mayor Derek Norton adjourned the February 26, 2024 Mayor and Council meeting at 7:38 PM.

Facilities are provided throughout City Hall for 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