

City Council Meeting Minutes - Final MAYOR AND COUNCIL



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

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)

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

**January 16, 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 – Jeffrey Tucker

Staff: 6 – Joe Bennett, Richard Garland, Dat Luu, Russell Martin, Heather Peacon-Corn, and Enoch Serna

2. Call to Order

Mayor Derek Norton called to order the January 16, 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. Associate Pastor, Justin Kier, Int'l Gospel Outreach Church (1101 Windy Hill Rd)

4. Agenda Changes

5. Mayoral Report

Mayor Derek Norton thanked all staff that worked to make sure Smyrna streets were safe and to make sure water issues were addressed quickly during the winter storm that took place overnight and during this same day.

Mayor Norton also mentioned that Council and staff had a retreat in early January. By all accounts, this was a very successful retreat where the many ongoing projects were

discussed. He thanked staff and council members for their time during the retreat. It was a great working group and much was accomplished.

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. **Z23-010** Public Hearing - Zoning Case - Z23-010 - Allow rezoning from LC to R-10 for an existing single-family home - Land Lot 485 - 0.25 acres - 1120 Concord Road - Jeremy Robinson
Ward 3 Councilmember - Travis Lindley

Joe Bennett, City Administrator, provided the following background:

The subject property was rezoned from FC (Future Commercial) to LC (Limited Commercial) in 2021 (Z21-004) to convert the single-family structure for use as a professional office. The applicant was unable to satisfy the zoning conditions that required improvements to the property for parking and access necessary for commercial use. The applicant is requesting to revert the zoning from LC (Limited Commercial) to R-10 (Residential) for use as a single-family home.

Russell Martin, Community Development Director, added that the owner/applicant was unable to make the necessary improvements needed to convert it to commercial use, so it will revert back to residential.

Jeremy Robinson, applicant, stated that the changes they thought they were going to make did not come to fruition. He stated, however, he needed a larger place, and this allows him to remain a resident of Smyrna.

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

Councilmember Travis Lindley made a motion to approve item Z23-010, a public hearing and zoning case (Z23-010) to allow rezoning from LC to R-10 for an existing single-family home on land lot 485 on 0.25 acres located at 1120 Concord Road by applicant Jeremy Robinson; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

- B. **Z23-028** Plat Approval - Allow subdivision of 3767 & 3777 King Springs Road into three single-family lots within the R-15 zoning district - Land Lot 528 - 1.58 acres - 3767 & 3777 King Springs Road - Davin Harris

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Joe Bennett, City Administrator, provided the following background:

The applicant is requesting approval to subdivide property at 3767 & 3777 King Springs Road into three single-family residential lots. The applicant plans to subdivide the property within the requirements of the R-15 zoning district, so no rezoning is required. The subject property is 1.58 acres with a proposed density of 1.89 units/acre which is within the Low Density Residential land use classification (under 3 units/acre). The proposed subdivision will result in three new lots being 21,470 sq. ft., 26467 sq. ft., and 21,706 sq. ft. in size. The two existing homes will remain and one new lot will be accessed from Spring Wood Drive. Community Development has reviewed the proposed subdivision against the requirements of the R-15 zoning district. Community Development recommends approval of the request subdivision.

Russell Martin, Community Development Director, explained that the intent is to renovate the two existing houses or rebuild if necessary, and a new house will be built on the new lot. Water is available on Springwood, but they will need to do sewer line improvement to get both the existing houses and the new house on sewer.

Mayor Pro Tem Tim Gould made a motion to approve item Z23-028, a plat approval to allow subdivision of 3767 & 3777 King Springs Road into three single-family lots within the R-15 zoning district on land lot 528 on 1.58 acres located at 3767 & 3777 King Springs Road by applicant Davin Harris; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, 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. ATH2024-008** Ratify and reinstate all existing written contracts that are in the name of the city so that they remain enforceable during the current term of mayor and council according to the terms stated within each contract.
Citywide

Jeffrey Tucker, Assistant City Attorney, explained that the City has contracts - by their own terms - last one year, but they are really multi-year administrative contracts. This is procedural to keep all current contracts moving forward and keep them enforceable.

Mayor Pro Tem Tim Gould made a motion to approve item ATH2024-008 to ratify and reinstate all existing written contracts that are in the name of the city so that they remain enforceable during the current term of mayor and council according to the terms stated within each contract; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

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

- B. ATH2024-001** Approval and adoption of the revised Americans with Disabilities Act (ADA) Transition Plan and authorize the Mayor to execute related documents.

Citywide

Joe Bennett, City Administrator, provided the following background:

Recipients of Federal financial assistance with 15 or more employees and public entities with 50 or more employees under Section 504 and ADA at 49 CFR Subsection 27.11(c)(iii)(v) and 26 CFR Subsection 35.150 (d) respectively, are required to develop an ADA Transition Plan when structural changes to existing facilities are necessary to make a program, service, or activity accessible to people with disabilities.

A copy of an updated and signed plan is required to be filed with the Georgia Department of Transportation (GDOT), whether or not there have been any changes in facilities since the last filing of the Plan. The City has added facilities since 2018 requiring the City's Plan to be updated. Staff recommends approval and adoption of the updated 2023 ADA Transition Plan.

Councilmember Travis Lindley made a motion to approve item ATH2024-001, the adoption of the revised Americans with Disabilities Act (ADA) Transition Plan and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

- C. ATH2024-009** Authorization to award RFP 23-016 Municipal Branding, Placemaking & Marketing Strategic Services to Chandlerthinks for \$81,331.00 to be paid from the General Fund and authorize the Mayor to sign and execute all related documents.

Citywide

Joe Bennett, City Administrator, provided the following background:

The City requested proposals earlier this year to select a firm to assist in the development of a citywide strategic branding, placemaking, and marketing plan. Staff

from Administration, Economic Development, Community Relations, Information Technology, and Parks & Recreation reviewed twenty-nine (29) proposals and selected five (5) for interview and further evaluation. Chandlerthinks was determined to be the superior choice. Staff recommends approval.

Councilmember Wilkinson mentioned that she appreciated Chandlerthinks approach to include citizen input when proceeding through this project.

Councilmember Latonia P. Hines made a motion to approve item ATH2024-009 to award RFP 23-016 Municipal Branding, Placemaking & Marketing Strategic Services to Chandlerthinks for \$81,331.00 to be paid from the General Fund and authorize the Mayor to sign and execute all related documents; seconded by Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

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

- D. **ATH2024-002** Approval to award Consolidated Pipe and Supply located at 3400 Novis Pointe NW Acworth, Ga 30101 in the amount of \$242,212.90 for water pipe supplies to replace water main line and services on Creatwood Trail to be funded from water CIP FY2024 and 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:

As part of Water Sewer and Utilities overall water main line replacement program Creatwood trail is one of the ARPA funded projects that was approved by the state to be funded. This project consists of 9,000 LFT of main line to be replaced and 199 service connects. Consolidated Pipe will provide all materials for this project to take place. Finance and staff recommend approval.

Mayor Pro Tem Gould stated that this is a big project. He will ask residents to be patient because it will be time-consuming, but it is necessary.

Mayor Pro Tem Tim Gould made a motion to approve item ATH2024-002 to award Consolidated Pipe and Supply located at 3400 Novis Pointe NW, Acworth, GA 30101 in the amount of \$242,212.90 for water pipe supplies to replace water main line and services on Creatwood Trail to be funded from water CIP FY2024 and ARPA and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

Aye: 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby

Nay: 0 – None
Recuse: 0 – None

- E. AGR2024-002** Authorization to allow Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, Ga) to manage the day to day construction and inspection for the Windy Hill Boulevard Project through December 2024 in the amount not to exceed \$557,640.00, to be funded from SPLOST 2016, which will cover the cost of a Senior Professional 2 and a Construction Manager to be accrued on an hourly basis and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember – Travis Lindley

Ward 5 Councilmember – Susan Wilkinson

Joe Bennett, City Administrator, provided the following background:

The Windy Hill Boulevard Project has required additional time and resources, and City staff is not able to provide the dedicated time and effort the project needs for proper management and inspection. Therefore, the City would like to re-enter into a contract with Croy Engineering to allow them to manage the day-to-day construction and inspection for this project at a cost not to exceed \$557,640.00 to be funded from SPLOST 2016, and to cover the cost of a Senior Professional 2 and a Construction Manager to be accrued on an hourly basis.

Mayor Norton stated that this item approves this through the end of the year, but they are anticipating it will not require all of that time.

Councilmember Charles Welch made a motion to approve item AGR2024-002 to allow Croy Engineering (200 Cobb Parkway North, Building 400, Suite 413, Marietta, GA) to manage the day-to-day construction and inspection for the Windy Hill Boulevard Project through December 2024 in the amount not to exceed \$557,640.00, to be funded from SPLOST 2016, which will cover the cost of a Senior Professional 2 and a Construction Manager to be accrued on an hourly basis and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

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

- F. ATH2024-010** Authorization for the approval for a playground replacement at Chuck Camp Park, (2270 Benson Poole Road SE, Smyrna, GA 30082) 2–5-year-old playground, to GameTime (150 Playcore Dr SE, Fort Payne, AL 35967) at a cost of \$149,378.04, to be funded by the Community Development Block Grant and authorize the Mayor to sign and execute all related documents.

Ward 5 Councilmember – Susan Wilkinson

Joe Bennett, City Administrator, provided the following background:

The City of Smyrna requested proposals for a playground, designed for 2–5-year-olds at Chuck Camp Park. Three companies presented proposals, two of them offered two different options and each were evaluated by Parks & Recreation staff based on aesthetics, quality, quantity and variety of play components, durability, warranty, references and cost. After all evaluations GameTime (Option 1) was the clear choice in the amount of \$149,378.04 was the clear choice. Parks & Recreation and Purchasing recommend approval.

Councilmember Susan Wilkinson made a motion to approve item ATH2024-010 for a playground replacement at Chuck Camp Park (2270 Benson Poole Road SE, Smyrna, GA 30082) 2-5 year-old playground to GameTime (150 Playcore Dr SE, Fort Payne, AL 35967) at a cost of \$149,378.04 to be funded by the Community Development Block Grant and authorize the Mayor to sign an execute all related documents; seconded by Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

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

10. Consent Agenda

Mayor Pro Tem Tim Gould made a motion to approve the Consent Agenda as read; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

**A. MIN2024-003 Approval of the December 13, 2023 Committee of the Whole Meeting Minutes
*Citywide***

This item was approved on the Consent Agenda.

**B. MIN2024-004 Approval of the December 18, 2023 Pre-Council Meeting Minutes
*Citywide***

This item was approved on the Consent Agenda.

C. MIN2024-005 Approval of the December 18, 2023 Mayor and Council Meeting Minutes

Citywide

This item was approved on the Consent Agenda.

- D. **MIN2024-006** Approval of the January 3, 2024 Special Called Meeting of the Mayor and Council Minutes

Citywide

This item was approved on the Consent Agenda.

- E. **BCA2024-001** Approval of the re-appointment of Ward 2 resident, Mr. Jonathan Gordon, to the Smyrna Parks and Recreation Commission. This is a two-year term to expire December 31, 2025.

Ward 2 Councilmember - Latonia P. Hines

This item was approved on the Consent Agenda.

- F. **BCA2024-002** Approval of the re-appointment of Ward 2 resident, Mr. Jonathan Howard, to the Smyrna Planning and Zoning Commission. This is a two-year term to expire December 31, 2025

Ward 2 Councilmember - Latonia P. Hines

This item was approved on the Consent Agenda.

- G. **BCA2024-004** Approval of the re-appointment of Ward 5 resident, Jill Gordon-Evans, to the Smyrna Planning and Zoning Commission. This is a two-year term to expire December 31, 2025.

Ward 5 Councilmember – Susan Wilkinson

This item was approved on the Consent Agenda.

- H. **BCA2024-003** Approval of the appointment of Ward 7 resident, Mr. Larry Powell, to the Keep Smyrna Beautiful board. This is a two-year term to expire December 31, 2025.

Ward 7 Councilmember – Rickey Oglesby, Jr.

This item was approved on the Consent Agenda.

- I. **ATH2024-004** Authorize Atkins Park Tavern (Kevin Drawe) and Red Bird Events (Bettie Cagle) to host Smyrna's 12th Annual Oysterfest on Fri., Feb. 2, 2024 from 6:00 pm until 11:00 pm, on Sat., Feb. 3, 2024 from 11:00 am until 11:00 pm and on Sun., Feb. 4, 2024 - extending Atkins Park service/event area onto sidewalks and parking spaces immediately in front of the Atkins Park establishment for the annual festival to include closing the upper circle of the Smyrna Market Village to vehicle traffic during the operational hours of the festival on each day of the festival for pedestrian safety.

Ward 3 Councilmember – Travis Lindley

This item was approved on the Consent Agenda.

11. Ward and Staff Reports

Councilmember Glenn Pickens thanked all who attended the joint town hall last weekend. There were a lot of good questions and lots of discussion. The next one will be in April.

Councilmember Latonia P. Hines acknowledged that yesterday was Martin Luther King, Jr. Day. She recognized the library and all the programs they have for youth to honor Dr. King. She reminded all that the Black History Month Celebration dinner will be on February 23, 2024 at the Community Center in the large gym. Dr. Daniel Black from Clark-Atlanta will be the honored guest.

Councilmember Travis Lindley echoed the Mayor's comments about the retreat. It was a meaningful time together with fellow council members and staff. He is excited to see what can be accomplished the next few years.

Councilmember Charles Welch also reiterated the successful retreat. It was a lot of hard work, and much was accomplished.

Councilmember Susan Wilkinson mentioned the successful retreat. She also asked that everyone stay safe in these very cold temperatures.

Mayor Pro Tem Tim Gould thanked Public Works crews who responded to a water main break on Atlanta Road over the weekend. Mr. Gould also announced that February 10, 2024 is the upcoming gala for Smyrna Public Safety Foundation. There will be a lot of entertainment to support a great cause.

Councilmember Rickey N. Oglesby, Jr. stated that throughout Cobb County there were many wonderful celebrations for MLK Day. He also mentioned that he will be attending an annual Wetherbrooke Community HOA meeting this Saturday at 2:00 PM. He is looking forward to meeting the residents there.

Joe Bennett, City Administrator, stated that the library often operates in the shadows without a lot of fanfare, but he asked them to provide how many physical visitors they got in 2023. They had 145,339 visitors. He thanked the library staff. Smyrna's library is one of only two municipal libraries in the state of Georgia.

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: **Public Comment - Three (3) Minutes***

12. Public Comment

13. Adjournment

Mayor Derek Norton adjourned the January 16, 2024 Mayor and Council Meeting at 7:34 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