

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

**August 12, 2024
7:00 PM**

I. CEREMONIAL MATTERS

1. Roll Call

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

Also Present: 2 – Scott Cochran and Judge Tom Cauthorn

Staff: 7 – Olivia Anderson, Joe Bennett, Jill Head, Dat Luu, Russell Martin, Heather Peacon-Corn, Joey Staubes

2. Call to Order

Mayor Derek Norton with Honorary Mayor of the Day, Jiselle Willis, called to order the August 12, 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. Dr. Jeff Pennington, Smyrna First Baptist Church (1275 Church Street)

Dr. Pennington was not present. Councilmember Charles Welch provided the invocation and led all in the Pledge of Allegiance.

4. Agenda Changes

5. Mayoral Report

- A. Introduction of Honorary "Mayor for the Day", Jiselle Willis, 4th Grade Student at St. Benedict's Episcopal School
Citywide

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. **Z24-010** Public Hearing - Zoning Request - Z24-010 - Zoning Amendment to allow modifications to the currently approved site plan - Land Lot 380 - 4.95 acres - 3240 S Cobb Drive - LBX Four Corners, LLC.
This item will be tabled at the request of the applicant until the September 23, 2024 Mayor and Council Meeting.
Ward 5 Councilmember - Susan Wilkinson

Councilmember Travis Lindley made a motion to table item Z24-010 to the September 23, 2024 Mayor and Council meeting at the request of the applicant; seconded by Councilmember Susan Wilkinson.

The motion to table carried with the following vote:

- Aye:** 7 – Councilmember Pickens, Councilmember Hines (virtual), 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. **RES2024-010** Approve Resolution RES24-010 authorizing the city to enter into an Intergovernmental Economic Development Agreement and other documents incident to the Downtown Smyrna Development Authority's issuance of bonds in an amount not to exceed \$16,700,000, with the proceeds to be used to finance the costs of acquiring and renovating economic development projects and authorize the Mayor or Mayor Pro Tem to sign and execute all related documents.
Citywide

Joe Bennett, City Administrator, provided the following background:

The DDA is being asked to issue bonds for the purchase and improvement of the First Baptist Church property as part of an expansion of the downtown district. The Bonds will be issued in accordance with the provisions of the Master Bond Resolution. The Intergovernmental Economic Development Agreement requires intergovernmental contract payments from the City to the Authority in amounts sufficient to cover all debt service on the bonds. The City Council has formed a study committee to coordinate

public input and, alongside the City's community development and economic development staff, to advise on next steps for the long-term use and development of the property being purchased.

Councilmember Travis Lindley made a motion to approve item RES2024-010; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

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

- B.** **2024-215** Authorization for the approval to purchase the previously leased Toro Reelmaster Mower 3100-D, 2018 Model, from Jerry Pate Turf & Irrigation (5350 Tulane Dr SW, Atlanta, GA 30336) for use in the parks system, at a total cost of \$19,500.00 to be paid monthly over the term of 36 months from the Parks Maintenance line item, to discontinue the current month to month lease and authorize the Mayor to sign and execute all related documents. Parks & Recreation recommends that Mayor and Council approve the purchase of a Toro Pre-Owned Reelmaster 3100-D, 2018 Model, mower for use in the parks system, at a cost of \$19,500.00.

Citywide

Joe Bennett, City Administrator, provided the following background:

Parks & Receptions, Parks Maintenance division has been under a lease contract for Toro mowers previously. After the lease ended on this mower, the city has paid month to month; however, this is no longer an option, and the owner of the mower (Jerry Pate Turf & Irrigation) is requesting the mower be returned or purchased. This equipment is crucial to proper maintenance of fields and parks areas, as it is one of only three mowers in the system. In the event one mower is out of commission for repairs, with the purchase of this mower, there would still be two in use for field/park maintenance which is imperative to maintain standards. The amount of purchase to own the mower is \$19,500.00. The cost of a brand new unit that would take approximately one year to receive due to production issues, is approximately \$55,000.00 to \$62,000.00.

Councilmember Glenn Pickens made a motion to approve item 2024-215; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

- C. **CHOR2024-010** Approval of the change order request from Baldwin Paving (1014 Kenmill Drive N.W., Marietta, GA 30060) in the amount of \$9,287.33 for tinted concrete for simulated brick pavers on the Windy Hill project versus applying color topically and authorize the Mayor to sign and execute all related documents.
Ward 5 Councilmember - Susan Wilkinson

Joe Bennett, City Administrator, provided the following background:

During a regular inspection of work performed at the Windy Hill Road project site, City staff identified that the color tint used to simulate brick pavers in the textured concrete was being applied to the surface after placement rather than being tinted by batch in the mixer. It is the cities practice to place batch tinted concrete for aesthetics of the concrete over time, but this constraint was not indicated in the bid documents. This change order is the difference in cost to meet City standards. All Windy Hill change orders will come before the Council for a vote.

Councilmember Susan Wilkinson made a motion to approve item CHOR2024-010; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- D. **RFQ25-001** Authorization and award of RFQ-25-001 to CSTE, Inc. (1337 Canton Road, Suite K, Marietta, Ga. 30066) in the amount of \$321,000.00 to be paid from 2022 SPLOST – Parking Deck line item for the construction of 44 parking spaces at 2688 Atlanta Road and authorize the Mayor to sign and execute all documents.
Ward 3 Councilmember - Travis Lindley

Joe Bennett, City Administrator, provided the following background:

The City of Smyrna requested bids to construct a 44-space surface parking lot at 2688 Atlanta Road. The scope of work includes the demolition of the existing parking area and building foundation, grading, sanitary sewer, potable water, curb and gutter, asphalt paving, parking lot lighting, storm sewer piping, and detention. Three (3) bids were received on July 12, 2024, and the lowest responsive and responsible bidder is CSTE Inc. in the amount of \$321,000.00. Bid results are shown below:

- CSTE Inc. (Marietta, GA) – \$321,000.00
- Summit Construction and Development LLC (Stone Mountain, GA) – \$434,136.97
- Internation Waste Service (Atlanta, GA) – \$471,927.64

Councilmember Travis Lindley made a motion to approve RFQ25-001; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

- E. **ATH2024-099** Approval of amended Cobb Framework Agreement ("CFA") between Cobb County Georgia and The City of Smyrna, Georgia for 2022 Cobb SPLOST Renewal Joint City Projects and authorize the Mayor to sign and execute all related documents.

Citywide

Joe Bennett, City Administrator, provided the following background:

At the May 20, 2024 regular meeting of the Mayor and Council, this body approved the Cobb Framework Agreement to jointly complete three identified projects. In implementing this agreement, the Cobb DOT Director and the Smyrna Public Works Director identified differences in the allocated budgets. The Windy Hill project cost remains at \$1,000,000, but the Sports Field Lighting is reduced to \$750,000. Regarding the EW Connector projects, as Cobb DOT would perform the work, it will simplify the tracking and accounting if the City does not receive the funds but they are allocated on the City's behalf. Additionally, the terms of the disbursement of the balance of funds is the letting of bid documents for construction, which does not apply to either the EW Connector projects or to the Windy Hill Road project. The new schedule will disburse the entire \$1,750,000 in a single payment, and there would be no monthly disbursements.

This amended CFA corrects the budget amounts and disbursement schedule while leaving all other terms unchanged.

Councilmember Travis Lindley made a motion to approve item ATH2024-099; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

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

10. Consent Agenda

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve the Consent Agenda as presented; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

A. MIN2024-111 Approval of the July 25, 2024 Committee of the Whole Meeting Minutes

This item was approved on the Consent Agenda.

B. MIN2024-113 Approval of the July 29, 2024 Pre-Council Meeting Minutes

This item was approved on the Consent Agenda.

C. MIN2024-115 Approval of the July 29, 2024 Mayor and Council Meeting Minutes

This item was approved on the Consent Agenda.

D. ATH2024-109 Approve road closures for Hispanic Heritage event to be held on September 21, 2024 from 10:00AM – 10:00PM from King Street from Bank Street to Powder Spring Street.

Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

E. APP2024-001 Appointment of Human Resources Manager, Gwen Spruiell, as the Civil Service Board Clerk.

Citywide

This item was approved on the Consent Agenda.

F. ATH2024-113 Approval of revisions to the City of Smyrna Public Art Policy and authorize the Mayor to sign and execute related documents.

Citywide

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

Pamela Barton – 1700 Hyssop Blvd – expressed concerns about persistent and repeated flooding to her home and others' homes in her neighborhood.

Mayor Norton asked that the City Administrator, Joe Bennett, and the Community Development Director, Russell Martin, to get her information and set up a meeting. He thanked her for attending and bringing this to the Council's attention.

12. Ward and Staff Reports

Councilmember Lationa P Hines – reminded all of the CMA meeting tomorrow evening.

Councilmember Rickey N. Oglesby, Jr. – Friday night lights, varsity Campbell HS v Chapel Hill.

Come out and support the local team

Mayor Derek Norton – August 15 – Spartan Shield at 6PM at Campbell High School, supports their football team

City Administrator, Joe Bennett – Campbell High School varsity softball team takes the field at 7:00 PM at Hillgrove High School.

13. Appeal Hearing - Atlantic Billboard / Webb, Klase & Lemond, LLC.

A. **SIGN24-70** 4480 North Cooper Lake Road – 117040400040

B. **SIGN24-71** 1669 Spring Road – 17063100410

C. **SIGN24-74** 0 Atlanta Road – 17044400280

D. **SIGN24-75** 2620 Cobb Parkway – 17084800050

E. **SIGN24-76** 2264 Atlanta Road – 17049100210

F. **SIGN24-77** 5240 South Cobb Drive – 17075400200

G. **SIGN24-78** 0 Atlanta Road – 17055900310

H. **SIGN24-79** 2410 South Cobb Drive – 17034600250

Franklin Lemond (attorney) with Mike Fitzgerald (appellant) – provided the following argument:

Filed two separate appeals. This is for the first eight.

- Background: March 28, 2024 Atlantic submitted 10 applications for signs in various locations around the city. These applications were submitted via the online portal system to receive permit applications. Two were submitted that were outside the city limits and were withdrawn.
- City sign code: chapter 82, sec. 82-5(f) provides that the city shall process application within 45 business days and notice of decision by hand delivery or mail to address on application. 45 days would have been June 3, 2024. Stated city did not provide notice. Under GA law, "shall" means the government must do what the ordinance requires. Smyrna did not follow the requirements.
- Appeal letter sets forth argument and provided the city with four decisions from various courts around the metro Atlanta area. Listed 4 cases – courts held that permits had to be issued based on city's failure to comply with time limits provided in the ordinance.
- Sign codes are required to have deadlines. Respectfully submit that the city's refusal to approve these applications should be reversed. Beyond the deadlines, as to the locations, submits that the denial to issue permits on railroad property is improper because railroads are not zoned. Their position is

that because there is no zoning of railroad property, their client is entitled to the free use of those properties. Beyond those two reasons, chapter 82 signs of the code, was not properly adopted. OCGA 26-66-4(a) – required notice be published in newspaper at least 15 days no more than 45 days prior to hearing including time, place, and purpose of the hearing. They submitted an open records request and a copy of legal notice was provided dated July 22, 2005 indicating that the sign code was going to be considered on August 15, 2005 council meeting. At the August 15, 2005 meeting – the sign ordinance/code was not adopted/passed. It wasn't until months later that the sign code was eventually adopted by the Mayor and Council in October 2005. They did not receive a copy of any advertisement for the October 2005 meeting.

- Also, they contend that Chapter 82, signs is unconstitutional under GA law. *Coffee vs Fayette County*, supreme court held that sign restrictions must follow the least restrictive means test – contends this ordinance does not comply with least restrictive means test. *Fulton County vs Galbraith*, supreme court held that a provision stating that signs are not allowed unless specifically approved is the antitheses of the 1st Amendment.
- Based on these four grounds, asked that his client's appeal be granted. Despite content of presentation, client does not want to fight with Smyrna or be involved in litigation with Smyrna; rather, he wants to do business in the city, and lease portions of property from small businesses. Client is willing to withdraw a certain number of applications (center of the city locations) and willing to be flexible and focus sign locations on the periphery of the city.

Scott Cochran – City Attorney – provided the following argument:

The issues raised today regarding the constitutionality and adoption of the ordinance are not to be decided today.

- First discuss the process re the application: Opposing counsel contends that the process Community Development undertook violates the ordinance because it was not done in a timely manner.
- Practical effect: The applications were completed through the online portal. There was communication between the applicant and Community Development through the portal up until a few days before the denial letter. The application was filed on the portal, communication took place through the portal to the email address entered on the application, and finally the denial letter was sent to the same address in the same manner. If the denial letter had been sent in a different manner than all other communication that took place, that would be questioned and/or challenged. That is the practical effect.
- Technical effect: 82-5(f) says “[T]he community development department or its designee shall give notice to the applicant of its decision by hand delivery or by mailing a notice to the address on the *sign* permit application...” The ordinance does not designate what kind of mailing. Community Development's position is that email is a type of “mail” and emailing through the portal as all other communication had taken place complies with the ordinance. The City technically complied with the ordinance.
- There is also a process issue on the appeal: 82-17-(e)(1) states that an appeal from the denial of a permit is authorized “provided that...written notice of appeal with the city clerk within ten business days of the mailing of the community development” director. The mailing requirement does not specify that it has to be a certain kind of mailing. Emailing is a type of mailing. Their appeal was late. The denial was submitted through the portal – the designee – on May 6, 2024. Ten business days from May 6 is May 20. The appeal reached the Clerk's Office on June 5, 2024 via email.

- Community Development contends: The appeal for the initial eight signs were submitted in an untimely manner. As a result, the appeal should be denied.
- Next discuss the merits: The denial letters specify why the applications were denied. One reason is because the city ordinance prohibits pole signs, and all of the proposed signs are pole signs. Another reason is that none are ground-based monument signs which the city's ordinance requires. All are also in zoning categories that limits the size of the sign to 32 sq. ft. and a height of 8 feet and the proposed signs would violate these provisions. Six of the eight were on properties where there were already ground-based monument signs. The city's ordinance limits the number of ground-based monument signs to one.
- Regarding the Railroad properties: While the railroad right-of-way is sometimes not subject to zoning, railroads can own properties that are not in the railroad right-of-way, and that is the case here.
- Community Development's position: Appeal should be denied as untimely and unmerited.

Councilmember Travis Lindley made a motion to deny the appeals because they were not timely filed in the manner required by the sign ordinance, contrary to Section 82-17 e1 and affirm the decision of the Community Development Department denying these permits, each for the reasons set forth in the denial letters dated May 6, 2024 regarding each application; and direct the city attorney to prepare a written summary of this decision and provide it via email to the city clerk and counsel for the applicant, seconded by Councilmember Charles Welch.

The motion to deny the appeals and affirm the decision of the Community Development Department carried with the following vote:

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

Nay: 0 – None

Recuse: 0 – None

Clerks note: a copy of the written summary of the decision is attached to these minutes.

14. **Appeal Hearing - Atlantic Billboard / Webb, Klase & Lemond, LLC.**

A. **SIGN24-120 0 Highlands Parkway – Right of Way – No Parcel ID**

Franklin Lemond (attorney) with Mike Fitzgerald (appellant) – provided the following argument:

Appeal – SIGN24-120

- Background: This application was timely and properly denied via email and mail. Noted the code is silent on how appeals must be filed.
- Railroad location: Railroad location is unzoned, and the City does not have the authority to deny the application. Had a similar case against the City of Clarkston and Dekalb County. Courts ruled in favor of his clients.
- Adoption of ordinance: Zoning procedures argument mentioned for the first eight is the same here, the ordinance was not properly adopted.

- Contends: The City’s code is unconstitutional under GA law based that it violates the least restrictive means test. Asked that the arguments for the first eight be on record for this appeal as well.

Scott Cochran – City Attorney – provided the following argument:

- Explanation: SIGN24-93 was not appealed because the City determined it is not within Smyrna city limits.
- As to the appeal for SIGN 24-120, even if the location is within the railroad right-of-way, it does not matter because it is prohibited by a provision in the ordinance that is not tied to zoning.
- Prohibitions: Pole signs are prohibited. Issue of height and size are tied to zoning. Not tied to zoning is the requirement that all signs are to be ground-based monuments. This requirement is for all signs regardless of location. For that reason, the Community Development decision should be upheld.
- Process: No arguments as to the process even though the email address was on the application just like the other eight. The City sent both email and mailed the denial letter out of an abundance of caution, not because there was a belief that this was the requirement, but because they had raised the issue.

Councilmember Travis Lindley made a motion to affirm the decision of the Community Development Department denying permit SIGN24-120 because the proposed sign is not a ground-based monument sign; seconded by Councilmember Glenn Pickens.

The motion to deny carried with the following vote:

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

Nay: 0 – None

Recuse: 0 – None

B. Sign24-93 0 Highlands Parkway - 17054400070

This item is withdrawn due to the location being outside Smyrna city limits.

15. Adjournment

Mayor Derek Norton adjourned the August 12, 2024 Mayor and Council Meeting at 8:12 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**

Summary of Mayor and Council Decision Regarding Appeal of Atlantic Billboard LLC

After a hearing on August 12, 2024, the mayor and council determined that the appeals of the denial for permits 24-70, 24-71, 24-74, 24-75, 24-76, 24-77, 24-78 and 24-79 were not timely filed in the manner required by the sign ordinance. The appeals were filed more than 10 business days after the mailing of the community development decision, and this is contrary to Section 82-17(e)(1) of the Smyrna Sign Ordinance. As a result, the appeals are untimely and should be denied.

Additionally, addressing the merits of the appeal, the city voted to affirm the decision of the community development department denying permits 24-70, 24-71, 24-74, 24-75, 24-76, 24-77, 24-78 and 24-79, each for the reasons set forth in the denial letters dated May 6, 2024, issued by the community development department, regarding each application. A copy of each letter is attached hereto.

As to appeal of application 24-120, the city voted to affirm the decision of the community development department denying permit 24-120 because the proposed sign is not a ground-based monument sign.

The mayor and council directed the city attorney to prepare this summary and forward it to counsel for the applicant as well as the city clerk.



City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-70
4480 Cooper Lake Rd
17040400040

The application for permit SIGN-24-70 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Also, this sign would exceed the number of allowable signs at this location because there is already one ground based monument sign at this location.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

Mayor – Derek Norton

City Council Ward 1 – Glen Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley / Ward 4 – Charles Welch
Ward 5 – Susan Wilkinson / Ward 6 – Tim Gould / Ward 7 – Ricky Oglesby, Jr.

City Administrator – Joe Bennett / City Clerk – Heather Corn / City Attorney – Scott Cochran
Municipal Court Judge – Phyllis Gingrey Collins



City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-71
1660 Spring Rd
17063100410

The application for permit SIGN-24-71 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Also, this sign would exceed the number of allowable signs at this location because there is already one ground based monument sign at this location.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

Mayor – Derek Norton

City Council Ward 1 – Glen Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley / Ward 4 – Charles Welch
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City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-74
0 Atlanta Rd
17044400280

The application for permit SIGN-24-74 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

Mayor – Derek Norton

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City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-75
2620 Cobb Pkwy
17084800050

The application for permit SIGN-24-75 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Also, this sign would exceed the number of allowable signs at this location because there is already one ground based monument sign at this location.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

Mayor – Derek Norton

City Council Ward 1 – Glen Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley / Ward 4 – Charles Welch
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City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-76
2264 Atlanta Rd
17049100210

The application for permit SIGN-24-76 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Also, this sign would exceed the number of allowable signs at this location because there is already one ground based monument sign at this location.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

Mayor – Derek Norton

City Council Ward 1 – Glen Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley / Ward 4 – Charles Welch
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City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-77
5240 S Cobb Dr.
17075400200

The application for permit SIGN-24-77 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Also, this sign would exceed the number of allowable signs at this location because there is already one ground based monument sign at this location.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

Mayor – Derek Norton

City Council Ward 1 – Glen Pickens / Ward 2 – Latonia P. Hines / Ward 3 – Travis Lindley / Ward 4 – Charles Welch
Ward 5 – Susan Wilkinson / Ward 6 – Tim Gould / Ward 7 – Ricky Oglesby, Jr.

City Administrator – Joe Bennett / City Clerk – Heather Corn / City Attorney – Scott Cochran
Municipal Court Judge – Phyllis Gingrey Collins



City of Smyrna

3180 Atlanta Road

Smyrna, Georgia 30080

(678) 631-5387 / Community Development

May 6, 2024

Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-78
0 Atlanta Rd
17055900310

The application for permit SIGN-24-78 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

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Michael B Fitzgerald, Manager Atlantic Billboards, LLC
3162 Johnson Ferry Rd #260-441
Marietta, GA 30062

RE: Sign Permit: SIGN-24-79
2410 S Cobb Dr
17034600250

The application for permit SIGN-24-79 is denied based on the non-compliance with the regulations established in Chapter 82, Section 15 of the Smyrna Code of Ordinances. The proposed sign exceeds both the maximum area (32 square feet) and maximum height (8 feet) specified by the ordinance, is not a ground based monument sign as required by the ordinance and is a pole sign as prohibited by the ordinance.

Also, this sign would exceed the number of allowable signs at this location because there is already one ground based monument sign at this location.

Due to the non-compliance with these standards established in Chapter 82 of the Smyrna Code of Ordinances, the sign permit is denied.

Joey Staubes
Planner II
Community Development

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