

# 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)

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

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

**April 08, 2024  
7:00 PM**

## **I. CEREMONIAL MATTERS**

### **1. Roll Call**

**Present:** 7 – Mayor Pro Tem Tim Gould, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Rickey N. Oglesby, Jr.

**Absent:** 1 – Mayor Derek Norton

**Also Present:** 1 – Scott Cochran

**Staff:** 7 – Joe Bennett, Jill Head, H. Houze, Eddie Matano, Russell Martin, Heather Peacon-Corn, and Joey Staubes

### **2. Call to Order**

Mayor Pro Tem Tim Gould called to order the April 8, 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 Thomas and Lady Vinson, Highpoint Christian Tabernacle (3269 Old Concord Rd)

### **4. Agenda Changes**

Ramona McCrary & Sally Knox of Creatwood Forest presented a Certificate of Appreciation to Mayor Pro Tem Tim Gould for all of his work with the neighborhood.

### **5. Mayoral Report**

Mayor Pro Tem Tim Gould invited those who were present who were running for elected office to come forward and speak briefly.

Sheila Edwards, resident of Mableton, is a candidate for the Chair of Cobb County. She was encouraged to run because of taxes – the 30-year tax, sewer tax, and property taxes. She expressed concern about fiscal responsibility of Cobb County, she does not like the infighting. She wants to see transparency and unity.

Yashica Marshall is a candidate for Mableton City Council, District 4. She is an attorney by trade and works for the Department of Juvenile Justice. She has lived in Cobb County for 11 years. She stated she wants to ensure that the Smyrna/Mableton area remains the right decision for those who are moving into the area by keeping the sense of safety, community engagement, and lower taxes. She stated she is not a politician; she is an advocate.

Gabriel Sanchez is a candidate for GA State House District 42. He is running because he believes everyone deserves housing, healthcare, and an economy that works for all. He expressed that too many politicians work for those at the top, he wants to work for the regular people. He also stated he wants to get money out of politics.

Erick Allen is a candidate for Cobb County Commissioner District 2. He is a former state representative. He has worked with most council members in the past and hopes to continue to work with them in future.

## 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**

#### A. **2024-073 Recognition of Campbell High School Theatre Group Citywide**

Members of the Campbell High School Theater Group announced their spring show “All Shook Up.” Show times: April 19, 20, 26, and 27 at 7:00 pm, plus a Matinee on April 27 at 1:00 pm

It’s 1955, and into a square little town in a square little state rides a guitar-playing young man who changes everything and everyone he meets. Loosely based on Shakespeare’s Twelfth Night, this hip-swiveling, lip-curling musical fantasy will have you jumpin’ out of your blue suede shoes with such classics as “Heartbreak Hotel,” “Hound Dog,” “Jailhouse Rock,” and “Don’t Be Cruel.”

#### B. **PRC2024-006 Proclamation in recognition of National Organ Donation Month Ward 5 Councilmember - Susan Wilkinson**

Kathie Neyman, Smyrna resident, donated a kidney in December 2022 to a stranger. It ended up 10 miles down the road in Marietta going to Sue Hoens. Ms. Hoens briefly explained that without Ms. Neyman, she would either be on life-long dialysis or dead. She thanked council for recognizing Ms. Neyman.

Dawn Martin, Smyrna resident, also donated a kidney in December 2021 to her brother who is a first responder / firefighter in Miami-Dade, FL. She has organized “Dawn’s Blue Kidney Run” to raise funds for the Public Safety Foundation. Battalion

Chief O'Bryan presented Ms. Martin with a Smyrna Fire Department Chief's Coin and a handwritten note from Fire Chief Brian Marcos.

Councilmember Suan Wilkinson read aloud the following proclamation:

A PROCLAMATION  
By the Mayor of the City of Smyrna  
In Recognition of National Donate Life Month April 2024

**Whereas:** one of the most meaningful gifts that a human being can bestow upon another is the gift of life; and  
**Whereas:** more than 100,000 men, women, and children await lifesaving or life-enhancing organ transplants, of which nearly 3,000 reside in Georgia; and  
**Whereas:** the need for organ, eye, and tissue donation remains critical as a new patient is added to the national waiting list for an organ transplant every 10 minutes and millions more could experience improved quality of life through tissue transplantation; and  
**Whereas:** the critical donor shortage remains a public health crisis as an average of 20 people die daily due to the lack of available organs; and  
**Whereas:** organ, eye, and tissue donation can provide families the comfort of knowing the gift of donated organs and tissue endows another person with renewed hope for a healthy life; and  
**Whereas:** donating life through organ, eye, and tissue donation is the ultimate act of generosity and kindness we Smyrna citizens can perform; and  
**Whereas:** more than 3.8 million Georgians have already registered their decision to give the Gift of Life at [www.donatelifegeorgia.org](http://www.donatelifegeorgia.org), when getting or renewing their driver license or state identification card at a driver license office, or when getting a hunting or fishing license through the Department of Natural Resources; NOW  
**Therefore:** I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim April 2024 as DONATE LIFE MONTH in Smyrna, Georgia, to honor all those who made the decision to give the gift of life, to focus attention on the extreme need for organ, eye and tissue donation, to encourage all residents to take action and sign up on Georgia's Donor Registry, to discuss the miracle of transplantation as a family, and to make a family commitment to organ, eye, and tissue donation.

**C. PRC2024-007 Proclamation in recognition of National Child Abuse Prevention Month and National Crime Victims' Rights Week  
Ward 2 Councilmember - Latonia P. Hines**

Councilmember Latonia P. Hines read aloud the following proclamation:

A PROCLAMATION  
By the Mayor of the City of Smyrna  
In Recognition of National Child Abuse Prevention Month and National Crime Victims' Rights Week

**Whereas,** children are our most valuable resource, and they are also our most vulnerable. All of Georgia's children have a right to be safe and an opportunity to thrive, learn and grow in an environment that fosters healthy development; and  
**Whereas,** in Federal fiscal year 2021, 3.9 million reports were made to child protective services; and  
**Whereas,** child abuse and neglect are a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and

**Whereas**, child abuse and neglect can be prevented by supporting and strengthening Georgia's families, thus preventing the far-reaching effects of abuse and neglect, and providing the opportunity for children to develop healthy, trusting family bonds, and consequently, building the foundations of communities; and

**Whereas**, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community- and faith-based organizations, businesses, law enforcement agencies, and families; and

communities must make every effort to promote programs and activities that create strong and thriving children and families; and

we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment; and

prevention remains the best defense for our children and families; NOW

I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim April 2024 as National Child Abuse Prevention Month in the City of Smyrna and recognize April 21-27, 2024 as National Crime Victims' Rights Week and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families and victims of crime.

Irene Barton, Cobb Collaborative, explained that pinwheels are the symbol of child abuse prevention to remind all that childhood should be a time of whimsy and fun and cheer. She stated that we all play a role as community leaders in strengthening families to prevent child abuse.

**D. PRC2024-008 Proclamation in recognition of Education and Sharing Day, April 19, 2024  
*Citywide***

Mayor Pro Tem Tim Gould read aloud the following proclamation:

**A PROCLAMATION**

By the Mayor of the City of Smyrna

In Recognition of Education and Sharing Day – April 19, 2024

**Whereas**, the basis for the continuity of any society is education; and in the great city of Smyrna the education of our youth is a priority; and

**Whereas**, in order to achieve its highest goals, education must not only impart knowledge but also teach the students how to live, forming and strengthening their moral character to make a better life for themselves as individuals and for society as a whole; imparting moral and ethical values that have been the bedrock of society since the dawn of civilization, including the values known as the Seven Noahide Laws; and

**Whereas**, a global spiritual leader and leading advocate for the advancement of education, the Rebbe, Rabbi Menachem M. Schneerson, of righteous memory, stressed that a moral and ethical education empowers every individual to develop their full potential in making the world a better place; and

**Whereas**, "Education & Sharing Day" is observed each year on the Rebbe's birthday in recognition of his outstanding and lasting contributions toward the improvement of education, morality, and acts of charity around the world; a day to pause and reflect on our responsibility to ensure our youth have the foundation necessary to lead lives rich in purpose and fulfillment through service and good works; and

**Whereas**, April 19, 2024, will mark 122 years since the Rebbe's birth, and this year begins the celebrations of the 75th anniversary of his leadership of the Chabad-Lubavitch movement. "Chabad" is an acronym of three Hebrew words for "wisdom,

understanding and knowledge." The name "Lubavitch" comes from the city which served as the movement's headquarters for over a century and means city of love. Of all the ethical values which inform our civilization, none is more important than love - love of wisdom, love of our fellowman, and love of our Creator. These values, rooted in the Seven Noahide Laws, have guided the Chabad-Lubavitch movement throughout its history, and are the essence of education at its best, and we should be certain to pass on this precious heritage to all young Americans; NOW

**Therefore**, I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim Friday, April 19, 2024, to be EDUCATION AND SHARING DAY in the City of Smyrna and call upon everyone to work together to create a better, brighter, and more promising future for all.

Rabbi Zaltzman explained that the late John Lewis collaborated with Newt Gingrich and awarded Rabbi Schneerson with the Congressional Gold Medal. Annually the President of the United States as well as governors and mayors proclaim his birthday as Education and Sharing Day. It is not just about teaching math and other subjects but also about teaching morals.

## 7. Community Development Items

- A. **Z24-004** Public Hearing - Zoning Request - Z24-004 - Allow rezoning from R-20 to R-8 for the development of three single-family detached homes - Land Lot 664 - 1.28 acres - 2571 Davenport Street - Xcel Properties Inc.  
**Ward 2 Councilmember - Latonia P. Hines**

Joey Staubes, Planner II, provided the following background:

**Proposed Use:** The applicant is requesting a rezoning from R-20 to R8-Conditional for the development of three (3) single-family detached units at a density of 2.34 units per acre. A land use change from High Density Residential is not required for this rezoning.

**Staff Recommendation:** Approval of the rezoning from R-15 to R-8 Conditional for three new single-family detached units.

**Planning & Zoning Board Recommendation:** Approve by a vote of 6-0 at the March 4, 2024 meeting.

Xcel Properties Inc. is seeking approval of a rezoning for 2571 Davenport Street from R-20 to R8-Conditional for the development of three single-family detached residences at a density of 2.34 units per acre. The existing single-family home will be demolished to allow the construction of three single-family homes. All of the homes will have a front-entry garage. The proposed lots will be 17,684 sq. ft., 18,803 sq. ft., and 19,322 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

Community Development considers the proposed density of 2.34 units per acre to be below the 10 unit per acre threshold of High Density Residential land use. The development will require the following variance: 1. Allow reduction of minimum lot width from 50 ft. to 42 ft. (Staff Supports) Staff is supportive of the rezoning for the proposed development and the requested variance.

Community Development recommends approval of the rezoning from R-20 to R-8-Conditional for the development of three single-family units at a density of 2.34 units per acre with the following conditions:

**Standard Conditions Requirements # 2, 3, 4, 5, 8, 9, 10, 12, 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. All utilities within the development 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 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.
4. No debris may be buried on any lot or common area.
5. 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.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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
9. The development shall maintain the following setbacks: Front – 25' Side – 5' Rear – 25'
10. The minimum lot size shall be 17,684 sq. ft.
11. The minimum lot width shall be 42 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Davenport Street.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. Approval of the subject property for the R-8-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/5/2024 and created by Betterton Surveying & Design Inc. and all zoning stipulations above.
16. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 2/1/2024.

Councilmember Hines stated she is happy for the addition of more single-family homes. Councilmember Wilkinson asked if there will be a requirement for an HOA. Mr. Staubes explained that usually when there is an HOA requirement, it is for shared water detention. These will have individual water quality on each lot, so there is no requirement for an HOA.

Rick Stringer, representative for Xcel Properties Inc., had no additional information to add.

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

Councilmember Latonia P. Hines made a motion to approve item Z24-004; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby

**Nay:** 0 – None

**Recuse:** 0 – None

**B. Z24-005 Public Hearing - Zoning Request - Z24-005 - Allow rezoning from LC to OI for the use as a medical clinic - Land Lot 520 - 1.43 acres - 1300 Hawthorne Ave - Tabono Holdings LLC.  
**Ward 3 Councilmember - Travis Lindley****

Joey Staubes, Planner II, provided the following background:

**Proposed Use:** The applicant is requesting a rezoning from LC to OI. The future land use will remain as NAC – Neighborhood Activity Center.

**Staff Recommendation:** Approval of the rezoning from LC (Limited Commercial) to OI (Office-Institutional).

**Planning & Zoning Board Recommendation:** Approve by a vote of 6-0 at the March 4, 2024 meeting.

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the NAC (Neighborhood Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed rezoning against the requirements of the Zoning Ordinance and believes the OI zoning district is the most appropriate zoning category. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of LC to OI.

The subject property is currently zoned LC which does not permit ambulatory care or medical dispensary. Rezoning the property to the OI zoning district will allow the applicant to operate a physician's office, ambulatory care, and medical dispensary on the subject property. Community Development recommends approval of the rezoning from LC to OI at 1300 Hawthorne Ave.

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 Z24-005; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

**C. Z24-006 Public Hearing - Zoning Request - Z24-006 - Allow rezoning from R-15 to R-10 for the development of two single-family detached homes - Land Lot 489 - 0.76 acres - 1070 Fleming Street - Thomas & Kathryn Sobeck.  
**Ward 3 Councilmember - Travis Lindley****

Joey Staubes, Planner II, provided the following background:

**Proposed Use:** The applicant is requesting a rezoning from R-15 to R-10-Conditional for the development of two (2) single-family detached units at a density of 2.85 units per acre. A land use change from Moderate Density Residential is not required for this rezoning.

**Staff Recommendation:** Approval of the rezoning from R-15 to R-10 Conditional for two new single-family detached units.

**Planning & Zoning Board Recommendation:** Approve by a vote of 5-1 at the March 4, 2024, meeting.

Thomas & Kathryn Sobeck are seeking approval of a rezoning for 1070 Fleming Street from R-15 to R-10-Conditional for the development of two (2) single-family detached residences at a density of 2.85 units per acre. The existing single-family home will be demolished to allow the construction of two (2) single-family homes. One home will have a side entry garage and one will have a front-entry garage. The proposed lots will be 12,226 sq. ft. and 18,166 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

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 two (2) new single-family homes result in a density of 2.85 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 R-10-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 2.85 units per acre to be below the 4.5 unit per acre threshold of Moderate Density Residential land use. Staff is supportive of the rezoning for the proposed development.

Community Development recommends approval of the rezoning from R-15 to R-10-Conditional for the development of two single-family units at a density of 2.85 units per acre with the following conditions:

**Standard Conditions**

**Requirements # 2, 3, 4, 5, 8, 9, 10, 12, 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. All utilities within the development 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 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.
4. No debris may be buried on any lot or common area.
5. 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.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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**

9. The development shall maintain the following setbacks:
  - Front – 25'
  - Side – 7.5'
  - Rear – 25'
10. The minimum lot size shall be 10,000 sq. ft.
11. The minimum lot width shall be 50 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Fleming Street.
14. The developer shall dedicate 10 ft. of right-of-way dedication along Fleming Street.
15. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
16. Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/5/2024 and created by Gaddy Surveying & Design Inc. and all zoning stipulations above.
17. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 2/13/2024.

Mr. Staubes mentioned that the Planning and Zoning Commission expressed some concern about stormwater. During the Land Disturbance Planning process, they will submit grading plans and a hydrology report as well as a tree plan. At this point, they are in the conceptual phase.

Thomas & Kathryn Sobeck – 1070 Fleming Street – stated they are 15-year residents of Smyrna. They are glad to be building a home across the street from the elementary school.

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 Z24-006; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby

**Nay:** 0 – None

**Recuse:** 0 – None

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

**9. Formal Business**

**A. RES2024-006 Resolution of support for submission of the Cobb Parkway Pedestrian Bridge to the Atlanta Regional Commission's Transportation Improvement Program (TIP).**

***Ward 1 Councilmember – Glenn Pickens***

Joe Bennett, City Administrator, provided the following background:

The concept of a safe, coordinated pedestrian crossing over Cobb Parkway/US-41 north of I-285 was first identified as a project need through the Cumberland Community Improvement District (CID) Blueprint Cumberland 3.0 Master Plan, adopted by the Community Improvement District Board of Directors in 2017.

The City of Smyrna developed and adopted the Spring Road Corridor Livable Centers Initiative (LCI) Plan, which echoed a need for an alternative pedestrian crossing of the parkway, as well as in Guide Smyrna, the City's Comprehensive Plan also updated in 2022 and the City has previously committed 2022 SPLOST Transportation Improvements Program funding, in an amount not to exceed \$3,680,000.00 for the construction of the Cobb Parkway/US 41 pedestrian bridge.

The Atlanta Regional Commission conducts an annual solicitation for project funding proposals in its Transportation Improvement Program (TIP), which allocates federal funds for use in the construction of the highest-priority projects in the Regional Transportation Plan with applications for the 2024 solicitation due by May 6, 2024. The Cumberland Community Improvement District (CCID) desires to submit a TIP project funding proposal for the Cobb Parkway Pedestrian Bridge to reduce its potential cost and streamline its implementation. This resolution is supported by the City of Smyrna City Council and the Cumberland Community Improvement District's submission of the Cobb Parkway Pedestrian Bridge to the Atlanta Regional Commission's Transportation Improvement Program (TIP).

Councilmember Glenn Pickens made a motion to approve item RES2024-006; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

- B. ATH2024-062** Authorization for the review and approval of the selected restoration firms to serve as recommended vendors to citizens that have experienced residential damage and are in need of reputable, licensed and insured contractors.

***Citywide***

Joe Bennett, City Administrator, provided the following background:

After sustaining property damage, many citizens are left unsure about damage restoration processes. Citizens are also susceptible to fraudulent contracting services that seek to exploit their circumstances. To assist their citizens in these situations, numerous Metro Atlanta municipalities have established a list of credible general contracting services that the property owner may be referred to for damage restoration.

To establish a list for the City of Smyrna, the Fire Department sponsored a Request For Qualifications (RFQ 24-027) for reputable damage restoration firms that can be vetted and recommended to citizens in the event of residential damage. The three (3) selected firms would serve in a monthly rotation.

The three (3) firms that were rated highest by the Evaluation Committee are:

1. 1-800-Boardup (Belfor Property Restoration)
2. GSAT Restorations (Paul Davis of North Atlanta)
3. Southeast Emergency Response

Councilmember Travis Lindley made a motion to approve item ATH2024-062; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

- C. RFP24-026** Approval to award RFP24-026 for the design-build and repair the Downtown Greenspace Water Feature to Specialty Fountain and Waterscape, Inc, (1025 Nine North Drive, Suite B, Alpharetta, Ga. 30004) in an amount not to exceed \$178,000.00 to be paid from SPLOST Downtown Project line item nd authorize the Mayor to sign and execute all related documents.

***Ward 3 Councilmember - Travis Lindley***

Joe Bennett, City Administrator, provided the following background:

The water feature was completed as part of the Downtown Greenspace Improvement project and includes a reflective pool & interactive water jets. The construction was reviewed by staff from Cobb-Douglas Health Department and was found not compliant for ongoing use without strict stipulations set in place by Cobb-Douglas Health until compliance is met. The selected vendor will meet all operating and mechanical requirements to ensure compliance of operations for Cobb-Douglas Health.

Councilmember Wilkinson stated that because this item is paid from the SPLOST Downtown Project line-item. That line-item is shared with S. Cobb Dr., so that is why she will not be supporting this. Councilmember Lindley stated that the health department will shut it down. Councilmember Wilkinson stated that no other funding sources were looked at, and that is why she opposes.

Councilmember Travis Lindley made a motion to approve item RFP24-026; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 5 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Oglesby  
**Nay:** 1 – Councilmember Wilkinson  
**Recuse:** 0 – None

- D. **ATH2024-064** Approval to amend the FY 2024 adopted budgets of the General Fund CIP (Fund 370) to increase the Chuck Camp Batting Cages project in the amount of \$20,000 and the American Rescue Plan Fund (ARPA) to allocate additional funding in the amount of \$25,000 for project overruns in the Brinkley Park Improvements project.

***Citywide***

Joe Bennett, City Administrator, provided the following background:

Brinkley Park: The Parks Department is requesting a budget adjustment for Brinkley Park batting cages in the amount of \$25,000.00. This request is being made due to the pricing received for batting cage netting and turf. We received four quotes with the lowest acceptable quote of \$66,000.00 coming from Windscreen Factory, the budget allocation for this item was \$45,000.00. Additionally, the final cost of concrete for materials and labor was \$54,000.00. The budget allocation for this item was \$50,000.00.

Chuck Camp Park: The Parks Department is requesting a budget adjustment for the batting cages at Chuck Camp Park of \$20,000.00. Initially, we saved the turf removed from the old batting cages at Chuck Camp Park hoping to be able to reuse and did not account for new turf in our budget proposal. However, it has been determined the old turf will not work on the new cages because there is not padding on the turf and the turf was laid on a crushed gravel base and it will not adhere to a backing or the pad. The Parks Department received 3 quotes with The Windscreen Factory being the lowest quote of \$20,420.00 for materials and labor to install.

Councilmember Glenn Pickens made a motion to approve item ATH2024-064; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

- E. ATH2024-066** Authorization for the purchase of a replacement F-550 quad cab flatbed dump truck for streets department from Wade Ford (3860 South Cobb Drive, Smyrna, Ga. 30080) using state contract 99999-001-SPD0000155 in the total amount of \$96,930.00; \$54,663.75 paid by insurance and \$42,266.25 paid from Emergency Vehicle Replacement Fund and authorize the Mayor to sign and execute all related documents.

**Citywide**

Joe Bennett, City Administrator, provided the following background:

This request is for the replacement of vehicle 1411, an F-550 quad cab flatbed dump truck that was totaled out while performing a city project on Oakdale Road. Insurance paid a total of \$ 54,663.75. The difference of \$42,266.25 will be paid from the emergency vehicle replacement fund.

Councilmember Charles Welch made a motion to approve item ATH2024-066; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

- F. RES2024-007** Adopt resolution RES2024-007 authorizing joint Service Delivery Strategy negotiations, both informal and through mediation and authorizing legal actions as necessary to secure a Service Delivery Strategy Agreement with Cobb County and further authorizing a joint SDS Proceedings Agreement with the cities of Acworth, Austell, Kennesaw, Marietta, and Powder Springs.

**Citywide**

Joe Bennett, City Administrator, provided the following background:

State law requires each county and affected municipalities located therein to develop, approve, and implement a service delivery strategy that specifies the way all local governmental services will be provided and funded. Smyrna has worked together with Acworth, Austell, Kennesaw, Marietta, and Powder Springs attempting to reach an agreement with Cobb County as required by state law. After nearly two years of negotiations, the cities have been unable to reach an agreement with Cobb County.

State law governs how local governments resolve disputes regarding the review and revision of a service delivery strategy and this resolution authorizes those steps. Smyrna wishes to cooperate with its fellow cities in negotiation, alternative dispute resolution, and possible litigation and work jointly to achieve a fair Service Delivery Strategy agreement in accordance with state law and by joining those Cities in a joint SDS Proceedings Agreement.

Councilmember Travis Lindley made a motion to approve; item RES2024-007 seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

## 10. Consent Agenda

Councilmember Travis Lindley made a motion to approve the Consent Agenda as presented; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Oglesby  
**Nay:** 0 – None  
**Recuse:** 0 – None

**A. MIN2024-041 Approval of the March 21, 2024 Committee of the Whole Meeting Minutes  
*Citywide***

This item was approved on the Consent Agenda.

**B. MIN2024-042 Approval of the March 25, 2024 Pre-Council Meeting Minutes  
*Citywide***

This item was approved on the Consent Agenda.

**C. MIN2024-043 Approval of the March 25, 2024 Mayor and Council Meeting Minutes  
*Citywide***

This item was approved on the Consent Agenda.

## 11. Ward and Staff Reports

Councilmember Glenn Pickens thanked all of those who came to the joint ward meeting yesterday. They had a good turn out and good discussions. The next one will be in July.

Councilmember Latonia P. Hines stated they City is partnering with Chief Judge Murphy of magistrate court for a pop-up legal clinic on April 27, 2024 from 10:00 – noon at Smyrna United Methodist Church. People can receive free legal advice for small claims, family law, bankruptcy, etc.

Councilmember Travis Lindley also mentioned the great opportunity of the pop-up legal clinic. He also echoed what was said about the joint ward meeting. He reminded all of the Keep Smyrna Beautiful Garden Tour will be held on May 4, 2024. Councilmembers Gould, Pickens, and Lindley attended the M-SPLOST discussion, and he encouraged interested people to attend.

Councilmember Susan Wilkinson said she attended the downtown eclipse party and thanked staff for their hard work. It was well-attended. She also encouraged all to check out the Keep Smyrna Beautiful Garden Tour as it is one of her favorite events. She announced that the Jonquil Garden Club will be having a plant sale at the Smyrna Handmade Market on May 5.

Councilmember Rickey N. Oglesby, Jr was honored to stop by Argyle Elementary's Career Day. She commended the staff and teachers. He looks forward to many more events like that. He also announce he will be sending out his first Ward 7 newsletter, and if anyone would like to be on the mailing list, send Mr. Oglesby an email by Friday.

Mayor Pro Tem Tim Gould thanked those who attended the joint Ward meeting. Andrea Worthy (Economic Development Director) and Joey Staubes (Planner II) were both there to present and give an overview of ongoing projects. He also announce the Jonquil Jog will be on Saturday, April 20, 2024 with proceeds going to Support Smyrna and the Campbell High School Education Foundation. And on Monday, April 22, 2024, Campbell High School will have their Golf outing.

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

#### **12. Public Comment**

Maryline Blackburn – stated she is a 24-year-resident of Smyrna. She attended the March 25, 2024 Mayor and Council meeting. She expressed her disappointment in what she witnessed after Ken Hymes spoke at that meeting. She stated that public comment is for public comment, not a time to rebuke those making comments.

#### **13. Adjournment**

Mayor Pro Tem Tim Gould adjourned the April 8, 2024 Mayor and Council meeting at 8:13 PM.