

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

**April 07, 2025
7:00 PM**

I. CEREMONIAL MATTERS

1. Roll Call

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

Also Present: 1 – Jeffrey Tucker

Staff: 5 – Tyler Addison, Jill Head, Russell Martin, Heather Peacon-Corn, Kristin Robinson

2. Call to Order

Mayor Derek Norton called to order the April 7, 2025 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 Dyke Verkerk, Life Church Assembly of God (4100 King Springs Rd)

4. Agenda Changes

5. Mayoral Report

Mayor Derek Norton mentioned that the City has closed King St from Bank Street to Powder Springs Street on the weekends 3:00 PM Friday to Sunday evening. Some residents have asked that the same be done for the Market Village. The City needs to speak to the business owners, tenants, and HOA before moving forward with something like that.

6. Proclamations and Presentations

A. **PRC2025-012** 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 and presented 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, childhood trauma can have long-term psychological, emotional, and physical effects throughout an individual's lifetime and impact future generations of their family; 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

Whereas, 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

Whereas, prevention remains the best defense for our children and families; NOW
Therefore, I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim April 2025 as *National Child Abuse Prevention Month* in the City of Smyrna and recognize April 6-12, 2025 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 the pinwheels represent what childhood should be about – a time of whimsy and play. Prevent Child Abuse Georgia is now Positive Childhood Alliance. It is still the same acronym PCA, but it is a shift from surveillance to support.

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***

7. Community Development Items

**A. V25-017 Public Hearing - Variance Request - V25-017 - Reduce the side setback from 10 feet to 1 foot - Land Lot 345 - 2596 South Cobb Drive - Silver Lodestone, Inc.
*Ward 5 Councilmember - Susan Wilkinson***

Kristin Robinson, Deputy City Administrator, provided the following brief background:

The applicant is requesting a variance to reduce the side setback from 10 feet to 1 foot for the placement of a free-standing ice vending machine at 2596 South Cobb Drive. Section 802 establishes the building setbacks for properties in the GC (General Commercial) zoning district.

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

The subject parcel is located on the west side of South Cobb Drive. The subject property and all adjacent properties are zoned GC (General Commercial) and are occupied by a variety of commercial uses.

The subject property is currently occupied by Hibachi Express, a 4,170 square foot drive-thru restaurant. The applicant is proposing a free-standing 154 square foot ice vending machine on the southern property line for customers of the restaurant and the general public alike.

There is currently a chained off section of concrete occupying a similar space proposed for the ice vending machine, which has caused no impediment to the current flow of traffic at the restaurant (see Figure 5). In fact, two full lanes around the restaurant would remain accessible to ensure traffic flow so there would be no negative impact to the restaurant (see Figure 6). The proposed area is also not formally designated for parking currently, so there would be no parking reduction variance required; the existing nonconforming parking condition will not be altered with the addition of the ice vending machine. Additionally, the applicant was able to move the ice vending machine 51 feet off the front property line so no additional setback variance would be required.

A similar variance was approved for an automatic teller machine (ATM) next door at 2552 South Cobb Drive in 2017 by Mayor and Council (Variance Case V17-054) so there is a precedence for this type of variance in the area. Community Development believes the variance requested is the minimum variance needed to construct an ice vending machine on the subject property. Community Development does not foresee any negative impacts to adjacent properties should the variance be approved. At the time of this report, Community Development has not received any calls in opposition to the request.

The applicant is requesting to deviate from the City's side setback requirements established for the GC (General Commercial) Zoning District. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request and believes that the variance will not adversely affect surrounding properties. Therefore, staff recommends approval of the requested variance with the following condition:

1. Approval of the requested variance shall be conditioned upon substantial compliance with the site plan submitted with the variance application.
2. The ice vending machine must not impact Fire Department access to and around the building and must not negatively impact the Fire Department access to any of the adjacent parcels which are recognized with cross-parcel access.

Councilmember Lindley asked if this had gone through the variance process, it would have been allowed. Mr. Martin stated that Community Development recommended approval and the License and Variance Board would likely have approved it.

Councilmember Wilkinson asked where people will park to get ice. Mr. Martin stated that on the streetside of the building there is approximately 50 feet, and there is additional parking on the west side. The vending machine process is about one minute and does not affect existing parking for the restaurant.

Doug Stoner, Silver Lodestone, Inc., stated this used to be a Dairy Queen, and it was sold to Hibachi Express. There will be a lease with the owner of Hibachi Express. They have been operating this type of machine for about seven years throughout Cobb County. At the proper time, they will adhere to any future sign requirements. The machine bags the ice and presents it immediately. They want to put these machines in sites that are reputable with good property owners. Councilmember Wilkinson asked if there is a maintenance or service schedule that occurs. Mr. Stoner stated that the company has car washes that has its own in-house maintenance crew who will maintain the machine. Preventative maintenance is done twice a year. There will also be a trash can, cameras, and good lighting on site that will be maintained by the company.

A public hearing was called.

Terry Stookey, owner of Reliable Hydraulics, Inc. (2600 S. Cobb Drive), stated he was not sure about the one-foot variance off the property line because it is a very congested area. During the work week there is a lot of truck traffic. Councilmember Welch asked what he would feel comfortable with. Mr. Stookey was not sure it made sense, and one foot is very close.

Councilmember Wilkinson expressed she has concerns about the traffic congestion, including the truck traffic in the area where the machine would be. Mexico Lindo restaurant is also right there. She is not convinced that people who stop to get ice will utilize the Hibachi Express area and will congest other areas.

Councilmember Susan Wilkinson made a motion to deny item V25-017; seconded by Councilmember Charles Welch.

The motion to deny failed with the following vote:

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

Councilmember Travis Lindley made a motion to approve item V25-017; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

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

8. Privilege License and Show Cause Hearing

9. Formal Business

- A. ATH2025-058** Authorization to approve the contract based off RFQ-25-022 to SCA Construction (19 Blue Bird Circle, White, Ga. 30184) in an amount not to exceed \$454,516.76 to be paid from the 2022 SPLOST 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

Kristin Robinson, Deputy City Administrator, provided the following background:

This project is 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. This company is the third lowest bidder. The other two bidders included a contractor who had been awarded this work previously but was not able to complete the work resulting in a terminated contract. The other bidder during the reference check had been discovered to be substantially behind on other projects and that they had liquidated damages. It is the recommendation of Public Works to award the contract to the third lowest bidder.

Councilmember Travis Lindley made a motion to approve item ATH2025-058; 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

- B. ATH2025-060** Authorization to allow the City's financial officer and the Mayor to establish bank accounts and be named as authorized signatories.
Citywide

Kristin Robinson, Deputy City Administrator, presented the following background:

The City desires to establish a banking relationship with a bank it does not currently do business with. The bank requested a resolution or other official document from the governing body authorizing the City's financial officer and the Mayor to establish bank accounts and be authorized signatories.

Councilmember Welch stated that he will not support this because typically when the city selects a bank, there is an established selection process. This did not happen in this situation, so he does not feel comfortable with this.

Ms. Robinson explained that the main banking relationship is with Truist which was established through an RFP process years ago. This is a one-time occurrence because of a previous relationship with an individual who has moved to this bank. They are active in the community and have been actively speaking to the city to establish a small portion of the funds at this bank. Banking at the city-level is a huge endeavor. The city has recently renegotiated terms and services with Truist pertaining to all other accounts.

Mayor Pro Tem Tim Gould stated that engaging with local community banks serves multiple purposes: 1) engagement in the community and, 2) offers the experience of a different level of service.

Councilmember Travis Lindley made a motion to approve item ATH2025-060; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

Aye: 5 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby Jr.
Nay: 2 – Councilmember Welch, Councilmember Wilkinson
Recuse: 0 – None

- C. **ATH2025-062** Authorization for the approval of exchanging whatever interest the city has in approximately 7,347.53 square feet of property situated in land lot 684 of the 17th District for approximately 9969.84 Square feet of property now or formerly owned by Foundry Watkins Property, LLC situated in land lot 684 of the 17th district and authorize the mayor to execute a quit claim deed and all related documents.

Citywide

Kristin Robinson, Deputy City Administrator, provided the following background:

The value of both parcels has been established by appraisals. The property to be conveyed to the city is of greater value than the property that it proposes to convey. The appropriate legal notices for the exchange have been published.

Councilmember Travis Lindley made a motion to approve item ATH2025-062; 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

10. Consent Agenda

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

The motion to approve carried with the following vote:

Aye: 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. MIN2025-065 Approval of the March 13, 2025 Committee of the Whole Meeting Minutes

This item was approved on the Consent Agenda.

B. MIN2025-067 Approval of the March 17, 2025 Pre-Council Meeting Minutes

This item was approved on the Consent Agenda.

C. MIN2025-069 Approval of the March 17, 2025 Mayor and Council Meeting Minutes

This item was approved on the Consent Agenda.

D. ATH2025-054 Authorization for a road closure for the 2025 College Football Saturdays at Village Green Park on Saturday, September 27th, Saturday, October 18th and Saturday, November 15th, 2025 beginning at 8:00AM until 11:00PM from King Street at Bank Street to King Street at Village Green Circle SE (one way street) next to Village Green Park.
Ward 3 Councilmember – Travis Lindley

This item was approved on the Consent Agenda.

E. ATH2025-056 Authorization for a road closure for painting the two crosswalks crossing King Street SE in front of City Hall, at Spring Street SE on Tuesday, April 8th, 2025 beginning at 7:00AM through Monday, April 14th, 2025 ending at 7:00AM, and for closing Bank Street in conjunction with the Village Green Park weekend road closure (approved March 21, 2025) and the crosswalk painting closure at Bank Street and Village Walk on Friday, April 11th, 2025 beginning at 3:00PM through Monday, April 14th, 2025 ending at 7:00AM.

Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

III. CITIZEN PARTICIPATION

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

11. Public Comment

Sherece and Michael Upton, Gathered By Love Foundation, stated that they are hosting an Easter Giveaway at Rose Garden Park. They also have a cleaning company (residential and commercial), so they are new to the non-profit world. They are asking for financial support for this event on April 19.

Mayor Norton explained that from a city perspective, financial support using taxpayer funds to support an organization is not allowed; however, council members can promote the event and help connect them with potential sponsors. Mayor Norton thanked them for what they are doing.

Councilmember Latonia P. Hines stated that Lisa Castleberry is a good resource because she holds events at Rose Garden, and she mentioned there are many other resources out there that might be able to help. She asked them to stay behind so she could speak to them afterward.

12. Ward and Staff Reports

Councilmember Latonia P. Hines: Cobb Magistrate Court, Cobb Legal Aid, and the State Clerks Office are holding a legal pop-up clinic at Smyrna First United Methodist on May 3, 2025, which is also when the Jonquil Jog and Garden Tours are being held.

Councilmember Travis Lindley: Reminder that the Downtown Redevelopment Public Engagement is underway. There will be several events throughout the summer, and he encouraged people to participate. He also mentioned the legal pop-up clinic which was incredibly successful last year and thanked Councilmember Hines for her work bringing that to Smyrna. In speaking about correspondence with council, they all try to be accessible and open with email addresses, phone numbers, town hall meetings, public events, but he wanted people to understand that they do not conduct business through social media.

Councilmember Charles Welch: Reminder that this Saturday is Keep Smyrna Beautiful clean up day.

Councilmember Susan Wilkinson: Encouraged people to get tickets for the Garden Tour for May 3. She also announced that the Jonquil Garden Club will have plants for sale.

Mayor Pro Tem / Councilmember Tim Gould: Monday, April 21, the 27th Annual Golf Tournament for Campbell High School Education Foundation. On May 17, the city will be recognized by the Cobb Preservation Foundation for their efforts in recognizing Fanny Williams. Live Safe Resources recently had their annual gala where they honored 15

amazing women throughout the county, and his wife, Judy Fitzgerald, was one of them, so he wanted to recognize her as an impactful non-profit organization leader.

Councilmember Rickey N. Oglesby, Jr.: The crosswalks have been cleaned up and will be redone the right way this week, weather permitting. On Mother's Day Weekend, 14 hydrants will be decorated by artists as part of the ARTery project.

13. Adjournment

Mayor Derek Norton adjourned the April 7, 2025 Mayor and Council meeting at 7:47 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