



# City of Smyrna

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

## Meeting Minutes - Final City Council

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Monday, December 19, 2022

7:00 PM

A. Max Bacon City Hall - Council Chambers

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### 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 and Councilmember Lewis Wheaton

**Excused:** 1 - Scott Cochran

**Also Present:** 1 - Tom Cauthorn

**Staff:** 8 - Tyler Addison, Joe Bennett, Jill Head, Russell Martin, Penny Mocer, Heather Peacon-Corn, Eric Randall and Joey Staubes

### Call to Order

Mayor Derek Norton called to order the December 19, 2022 Mayor and Council Meeting held at A. Max Bacon City Hall in Council Chambers at 7:00 PM.

#### 1. Invocation and Pledge:

*The invocation and Pledge of Allegiance were led by Bishop Hilliard Castilla, Smyrna Worship Center (2600 Davenport Street).*

#### 2. Agenda Changes:

#### 3. Mayoral Report:

*Mayor Derek Norton reminded all that the Menorah Lighting and Giant Gelt Drop will be on December 20, 2022 at Brawner Hall at 5:30 PM.*

#### 4. Land Issues/Zonings/Annexations:

##### A. [Z22-014](#)

**Public Hearing** - Zoning Request - Z22-014 - Allow a rezoning from GC to MU for the development of 24 residential lofts and 9,450 sq. ft. of office/commercial area - 1.09 acres - Land Lot 559 - 2934 Atlanta Road, 0 Atlanta Road, and 2950 Atlanta Road - Tanalta LLC & Jamac Corp.

##### **Ward 3 / Councilmember Lindley**

*Councilmember Susan Wilkinson recused herself from the discussion and vote of this item. She left the dais at 7:05 PM.*

*Joe Bennett, City Administrator, read a brief background:*

*Tanalta LLC & Jamac Corp. is requesting to rezone 1.09 acres of assembled properties along Atlanta Road from GC to MU-Conditional for the development of a four-story, 37,800 sq.ft. mixed-use building, which includes 24 residential lofts at a density of 22 units per acre and 9,450 sq. ft. of commercial/office space. The applicant is proposing to demolish the existing restaurant and office building to construct the mixed -use development. The Planning & Zoning Board recommended approval by a vote of 4-3 at the November 14, 2022 meeting. The Urban Design Commission recommended approval by a vote of 7-0 at the December 12, 2022 meeting. Community Development recommends approval of the rezoning.*

*Russell Martin, Community Development Director, presented the following background:*

*Tanalta LLC & Jamac Corp. is requesting to rezone 1.09 acres of assembled properties along Atlanta Road from GC to MU-Conditional for the development of a four-story, 37,800 sq. ft. mixed-use building, which includes 24 lofts at a density of 22 units per acre and 9,450 sq. ft. of commercial/office space. The applicant is proposing to demolish the existing restaurant and office building to construct the mixed-use development.*

*The proposed development will consist of 24 lofts within a four-story building. Among the 24 lofts, 12 units will be one-bedroom/studio lofts, 12 units will be two-bedroom lofts. The lofts will be located within the second, third, and fourth floors of the building. The building will incorporate 9,450 sq. ft. of commercial/office space and on the ground level.*

*The proposed development will be accessed by a right-in and right-out entrance on Church Street and a full access drive on Atlanta Road. The proposed development will have 73 total parking spaces which exceeds the city requirement of 34 spaces. The majority of the parking for the development will located within a two-level parking deck in addition to five surface level parking spaces.*

*There will be two underground stormwater detention facilities planned for the development.*

*Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets the zoning requirements of the MU zoning district.*

*Zoning Review:*

*Community Development has also reviewed the proposed plan against the site design requirements of the Urban Design District (Appendix E of the City's Code of Ordinances). The proposed zoning plan is consistent with the requirements of the Urban Design District except for three issues. The applicant is seeking the following variance from Appendix E of the City's Code of Ordinances:*

- 1. Allow a driveway curb cut on an arterial street when a driveway curb cut can be provided on a side or rear street. (Section 2.14.2(m)(2)) (Staff Support);*
- 2. Increase the maximum allowable parking from 41 spaces to 73 spaces. (Section 2.14.3(a)(4)) (Staff Supports); and*
- 3. Eliminate requirement for parking spaces in excess of the required minimum to be porous concrete or grasscrete. (Section 2.14.3(a)(6)) (Staff Supports).*

*Community Development has reviewed the variance requests and is supportive of the variances as submitted. The variance regarding the driveway curb cut reduces*

*the existing driveway curb cuts from three to two. Also, two driveway curb cuts are needed to access each level of the proposed parking deck. The upper level of the deck will be accessed from the Church Street curb cut and the lower portion of the deck will be accessed from the Atlanta Road curb cut. The variances regarding the parking spaces are appropriate due to the use of the building. The applicant is proposing 33 parking spaces for the 24 residential units and 38 parking spaces of the office/retail uses. Finally, the parking spaces are provided for in a parking deck and therefore can't meet the porous concrete requirement.*

*The developer proposes 24 residential lofts combined with 9,450 sq. ft. of office/commercial area. The development will contain a two-level parking deck with 68 spaces, along with 5 surface level parking spaces.*

*Community Development is supportive of the requested variances because the proposed development plan is in line with the intent of the Mixed Use zoning district.*

*Transportation Review:*

*Based upon the review of the development by the Transportation Engineer, the city recommends the two existing curb cuts on Atlanta Road, closest to the traffic signal at the intersection of Atlanta Road and Church Street, be closed and replaced with curb & gutter, a grass strip, and trail in-kind with the remainder of Atlanta Road. A deceleration lane and/or large turning radius is recommended for the access on Atlanta Road. Additional right-of-way is recommended along Church Street and Atlanta Road.*

*Stormwater Management Review:*

*The applicant is proposing two below-ground stormwater management facilities. The City Engineer takes no exception to the stormwater management concept as shown. He anticipates the design submitted during permitting will consider site constraints such as topography, utilities, and tree/landscaping requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.*

*Environmental Review:*

*The proposed site plan does not depict any stream buffers impacting the subject property.*

*Water and Sewer Review:*

*Adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Any required improvements are the responsibility of the developer. Water and sewer are located within the right-of-way of Atlanta Road.*

*Fire Marshal Review:*

*The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access requirements. The applicant has provided a fire truck turn analysis process that verifies maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.*

*Planning Review:*

*The proposed development plan includes a mixed-use development with residential lofts, and office/commercial space. The proposed development will consist of 24 loft units within a four-story building. Among the 24 lofts, 50% will be one-bedroom or studio lofts, and 50% will be two-bedroom lofts. The development along will incorporate 9,450 sq. ft. of office and commercial space. The proposed development will be accessed by a right-in and right-out connection to Church Street and full*

access drives on Atlanta Road. The proposed development will have 73 total parking spaces. 68 spaces are in a two-level parking deck and 5 spaces are surface level.

The City's 2040 Future Land Use Map designates the subject property as Mixed Use. The proposed development is compatible with the Mixed Use future land use designation. In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

*Housing:*

- Goal 3 – Encourage the development of a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.
  - o Policy 3.1 Encourage the construction of affordable and accessible housing in order to accommodate the growing senior population.
  - o Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.
  - o Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.
  - o Policy 3.5 Encourage opportunities for mixed use, live/work housing.

*Economic Development:*

- Goal 5 – Promote revitalization of declining commercial & industrial areas.
  - o Policy 5.1 – Promote adaptive reuse and mixed-use redevelopment of declining strip commercial centers.
- Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed-use center for residential, government, office, retail and entertainment activities.
  - o Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future land Use Map.

*Land Use:*

- Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.
  - o Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
  - o Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
  - o Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.

*Quality of Life:*

- Goal 20 – Provide lifestyle amenities that improve the “quality of life” in Smyrna.
  - o Policy 20.1 Continue to support for pedestrian-oriented, mixed-use development in and around Smyrna Market Village.

*Urban Design Commission Review:*

The proposed development is within the Urban Design District that requires review by the Urban Design Commission. The Urban Design Commission recommended approval by a vote of 7-0 at the December 12, 2022 meeting.

Community Development recommends approval of the rezoning from GC to MU-Conditional on 1.09 acres for a mixed-use development at a density of 22 units per acre, including those variances supported by staff as shown above, with the

*following conditions:*

*Standard Conditions*

*Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.*

- 1. The composition of the mixed-use building 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 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.*
- 2. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a ten percent reduction in a 100-year storm event. The city engineer shall approve all plans.*
- 3. All utilities within the development shall be underground.*
- 4. 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 2' shall be provided between the back of curb and sidewalk.*
- 5. No debris may be buried on any lot or common area.*
- 6. The developer will install decorative streetlights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".*
- 7. 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.*
- 8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
- 9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

*Special Conditions:*

- 10. The development shall maintain the following minimum building setbacks:*

*Front – 0'*

*Side – 0'*

*Rear – 20'*

- 11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 14. The developer shall provide a sidewalk connection from the development to the Atlanta Road sidewalk/multi-use trail.*
- 15. The minimum floor area for attached dwelling units, condominium units and other residential units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).*
- 16. Parking for the commercial, office, and lofts within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ "shared" parking among the respective components and will provide sufficient and adequate parking for the total development.*
- 17. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility*

components at ground level may be screened by landscaping.

18. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.

19. A five-foot sidewalk and two-foot grass strip shall be installed along the frontage of Church Street and shall connect to the existing sidewalk to the west.

20. The access on Church Street shall be restricted to right in/right out.

21. The access on Atlanta Road shall provide a large turning radius.

22. The access on Atlanta Road shall be designed to accommodate queuing for left turns into the development which may require modifying the centerline striping on Atlanta Road. Final design to be determined in plan review.

23. The two existing curb cuts on Atlanta Road, closest to the traffic signal at the intersection of Atlanta Road and Church Street shall be closed and replaced with curb & gutter, a grass strip, and trail in-kind with the remainder of Atlanta Road.

24. Right-of-way dedication shall be provided on Church Street for the new sidewalk to be located within the City right-of-way.

25. Right-of-way dedication on Atlanta Road to be a minimum of 50 ft from the roadway centerline or a minimum of 3 ft from the back of sidewalk.

26. The maximum number of residential units shall not exceed 24 Class A amenitized residential units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.

27. All residential units shall be maintained in a Class A/First Class manner.

28. The residential units shall include the following interior finishes:

i. Minimum nine-foot (9') ceilings;

ii. Forty-two inch (42") upper cabinets in the kitchen;

iii. Decorative lighting fixtures shall be utilized in the in the kitchen area of the units and spot track or recessed lighting shall be used in both the kitchen and dining areas of the units;

iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;

v. Sheet vinyl flooring shall be prohibited;

vi. Tile flooring shall be required in both the kitchen and bathrooms;

vii. All bathrooms shall have tile tub/shower surrounds;

viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;

ix. All kitchen counter tops shall be horizon style counter tops; and

x. All kitchen sinks shall be under-mounted.

29. The approximate mixture of unit types shall consist of the following: fifty percent (50%) one bedrooms and fifty percent (50%) two bedroom lofts.

30. Allow building height of 66 feet.

31. The parking deck shall provide a decorative brick exterior where visible from the public right-of-way.

32. The loading area shall be screened through the use of solid brick walls, latticework, trees or shrubbery.

33. A maximum of 73 parking spaces shall be included in the development.

34. Eliminate requirement for parking spaces in excess of the required minimum to be porous concrete or grasscrete.

35. A driveway curb cut on an arterial street shall be allowed.

36. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted October 14, 2022 and created by Doulgierakis Consulting Engineers, Inc. all zoning stipulations above.

37. The applicant shall be bound to the elevations submitted on October 14, 2022. Approval of any change to the elevations must be obtained from the Director of

*Community Development.*

*38. The applicant shall receive approval by the Urban Design Commission of architectural plans and building materials prior to the issuance of building or land disturbance permit.*

*Councilmember Charles Welch expressed concern because he would like to see some improvements made to the plan. He asked if they would have to come back to Council if changes are made. Mr. Martin stated that with this request they are asking that the Council give authority to the UDC to approve any negotiated changes.*

*Councilmember Latonia P. Hines asked Mr. Martin to discuss the greenspaces and islands that will be placed throughout. Mr. Martin explained that the developers are proposing flowering trees in the landscape island in between storefronts. The building is reflected as being five feet off the multiuse trail off Atlanta Road.*

*Councilmember Travis Lindley asked how far from the curb is the actual building when factoring in the greenspace and the islands. Mr. Martin stated that the trail will be about 10 feet wide with a two foot grass strip and a five foot setback for the building based on this plan, so it is a total of approximately 17 feet from the curb.*

*Councilmember Lewis Wheaton referenced the condition regarding street lighting. He asked if it was going to be consistent with the lighting in downtown. Mr. Martin explained that Atlanta Road has its existing lighting, but the condition refers to the lighting on Church Street.*

*Kevin Moore, representative of the applicant, came forward. The two-level parking structure will be bricked to match the areas exposed to the right-of-ways, and there will be screening. What is being proposed is consistent with MU and future land use. The design, intent, and vision of MU policies. He stated that it was important that they meet the 16 goals and policies set forth in MU, one being walkability to add to the fabric of downtown Smyrna. Currently, this property is zoned general commercial (GC) which has a wide range of potential uses not all of which are appropriate for downtown. What this proposal does is limit the uses under MU and adds to the downtown area. Mr. Moore assured that these builders do an excellent job and will produce a building that the City can be proud of. Staff, the Planning and Zoning Commission, and the UDC all recommended approval, and he requested that Council approve this request.*

*Councilmember Charles Welch asked if the developers would be agreeable to changing the roof line so it is less boxy. He also asked if the trees in the rendering actually reflect their desire to have trees. Joe Knight, developer, said they would be agreeable to make changes to the roof line, and the goal is to have trees along the front.*

*Mayor Pro Tem Tim Gould asked Mr. Moore to discuss the placement of the parking deck and the trees. Mr. Moore stated that it is important to have the storefronts engage with the Atlanta Road area and the pedestrian-friendly area. He further reiterated that the zero to five feet setback is misleading because it will actually be approximately 17 feet off the curb.*

*A public hearing was called. Judge Cauthorn swore in those who wanted to speak during the public hearing.*

*Chris Anulewicz - 1121 Parkview Place - stated that when he and his family moved to Smyrna about 18 years ago, it was because of the walkability of this community. He stated he speaks in favor of this zoning request because it is completely within the*

vision and land use plan by this council and prior councils. He expressed that he is very excited about the new restaurants and businesses coming to Smyrna.

Ed James - 2431 Reed Street - stated he echoes the comments of prior individual. This is very much in line with how the City is functioning and growing. Looks forward to the project.

Andrew Howard - 1707 Rose Mill Way - expressed concerns with the appearance of the building. He stressed that it is not so much the finer details of the building that concern him, but rather that the building has the appearance of a hotel/motel space, and he worries that if the building does not live up to the potential of what is being proposed, that then it could easily transition into a hotel/motel situation.

Mike Mitchell - 1181 Church Street - stated he fully supports this plan. He mentioned that he has friends who live in the development in Sandy Springs, and they are very expensive loft homes that drive up the value around the area. He is a proponent of anything that exposes the world outside of Smyrna to Smyrna, Georgia. He is excited to have cool, trendy businesses in Smyrna. He believes that this will only enhance and improve Smyrna.

Shaun Martin - 2884 Anderson Circle - stated that with this particular development there is an opportunity to mark how Smyrna grows. Ms. Martin mentioned three central issues:

1. Design and architecture - wants screening; this is a brick city
  2. Parking deck - sticks out like a sore thumb; brick is not a veneer
  3. Precedence - set a good precedent along Atlanta Road.
- She stated that Smyrna is more than a numbers game. The development is great in theory, but in her opinion, there is no vision.

Chris Zweifel - 3289 Lee Street - stated he supports this project for the following reasons:

1. Comprehensive plan - MU fulfills many goals outlined in the plan
2. Vibrant, dynamic, energy-filled downtown
3. Sustainability - MU projects use land efficiently
4. Environment - MU allows people to live, work, play, and shop in the same area
5. Lower crime and public safety
6. Economic development - this project adds additional businesses, a stronger tax base, and this development is a large investment in downtown
7. More housing
8. Transit
9. Protect neighborhoods
10. My increasing property value

Michael Williams - 3317 Pretty Branch Drive - stated he lives in Forrest Hills and grew up in Smyrna and has lived in Smyrna over 35 years. This property is currently zoned general commercial. There are a myriad of commercial uses that could be placed on this property, there are fewer controls in place. When a developer requests a less intense zoning, that should be considered a benefit. MU allows for more walkability and livability.

The public hearing was closed.

Mayor Norton asked what rates will be charged for rent. Mr. Knight stated that this will be a \$13 million development. Pricing will be a price per square foot, approximately \$2.00/sq.ft.



Councilmember Charles Welch asked if downtown zoning has restrictions as to what types of businesses can go in, for example tattoo parlors, etc. Mr. Martin explained that there are no special restrictions, but tattoo parlors and such are not permitted uses in MU zoning. Mayor Pro Tem Tim Gould asked Mr. Martin to explain the possibility of a hotel that was mentioned by a previous speaker. Mr. Martin explained that a hotel is a permitted use in MU, but the changes that would be made to transition to a hotel would be so significant that they would have to come before Council for approval.

Councilmember Travis Lindley thanked Mr. Knight and Mr. Moore for being there. He stated that they sat down with the City a year ago, and they have gone through a number of versions. There was lengthy discussion with the neighboring church about the parking which is why there is an elaborate parking structure solution. Mr. Lindley stated that after several discussions with Economic Development Director Andrea Worthy, it was necessary to get a clear sense of Smyrna's needs, where Smyrna ranks in metro Atlanta. It was very telling that after an initial conversation with Ms. Worthy about three years ago versus one that was had earlier this afternoon is that those same deficiencies from three years ago are still here. Ms. Worthy mentioned that she had 13 restaurants/eateries approach her, but here is no where for them to go. The same with retail and with office space. This project would include the first Class A office space in Smyrna. Same goes for Class A restaurant space. This development checks so many boxes within a master plan, it is a sizeable investment, and he is excited to have lofts in the City.

Councilmember Travis Lindley made a motion to approve item Z22-014, a public hearing and zoning request (Z22-014) to allow a rezoning from GC to MU for the development of 24 residential lofts and 9,450 sq. ft. of office/commercial area on 1.09 acres on land lot 559 located at 2934 Atlanta Road, 0 Atlanta Road, and 2950 Atlanta Road by applicant Tanalta LLC & Jamac Corp.; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

**Aye:** 6 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**Recuse:** 1 - Councilmember Wilkinson

**B. [Z22-013](#)**

**Public Hearing** - Z22-013 - Special Land Use Permit to allow a modular classroom - 8.09 acres - Land Lot 596 - 3130 Atlanta Road - David Stallings

**Ward 6 / Mayor Pro Tem/Councilmember Gould**

*Councilmember Susan Wilkinson returned to the dais at 8:08 PM.*

*Joe Bennett, City Administrator, read the following background:*

*Covenant Christian School was originally approved by the Mayor and Council on March 3, 2008 to place a temporary prefabricated modular building on church property at 3130 Atlanta Road. The applicant is requesting an extension of the permit. The Planning & Zoning Board recommended approval by a vote of 7-0 at the December 12, 2022 meeting.*

*Joey Staubes, Planner II, presented the following background:*

*Covenant Christian School is seeking reapproval for the modular building at 3130*

*Atlanta Road. The modular building will allow for additional classrooms until a permanent facility is constructed. Community Development recommends approval of the requested modular building with the following condition:*

*1. The modular building shall only be allowed for a period 24 months after the date of approval. If the applicant shall need the modular building for a longer period of time, the applicant shall reapply for approval of the modular building.*

*Community Development and the Planning and Zoning Commission recommend approval.*

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

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item Z22-013, a public hearing and Special Land Use Permit (Z22-013) to allow a modular classroom on 8.09 acres on land lot 596 located at 3130 Atlanta Road by applicant David Stallings; seconded by Councilmember Lewis Wheaton.

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 and Councilmember Wheaton

## 5. Privilege Licenses:

## 6. Formal Business:

- A. [CON2022-14](#) Approve the purchase of Tyler Hosted Enterprise ERP to replace our current internally hosted Munis system and authorize the Mayor to sign any related documents.

***Ward / Citywide***

*Joe Bennett, City Administrator, read the following background:*

*In order to improve our service to our citizens we need to upgrade our current in-house hosted Munis system to the newer version, which is now called Tyler Enterprise ERP and is hosted in the cloud by Tyler Technologies. The hosted version is charged as a subscription, paid annually. It is expected to take several months to accomplish this and any remaining maintenance fees that have been paid for the in-house system will be applied to the new system. The expected annual subscription will be \$273,542.*

Councilmember Travis Lindley made a motion to approve item CON2022-14 for the purchase of Tyler Hosted Enterprise ERP to replace our current internally hosted Munis system and authorize the Mayor to sign any related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- B.**     [2022-608](#)     Purchase two (2) single sided 17' x 10' mobile LED trailers from Insane Impact (MAX 1710) on GSA contract: 47QSWA19D0030 for a total of \$300,000.00 from FY2023 CIP funds and authorize the Mayor to execute any related documents.

**Ward / Citywide**

Councilmember Latonia P. Hines made a motion to approve item 2022-608 to purchase two (2) single-sided 17' x 10' mobile LED trailers from Insane Impact (MAX 1710) on GSA contract: 47QSWA19D0030 for a total of \$300,000.00 from FY2023 CIP funds and authorize the Mayor to execute any related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:**   7 -   Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- C.**     [2022-628](#)     Adoption of the City of Smyrna Classification and Compensation Plan and recommendations contained therein, as presented by the University of Georgia

**Ward / Citywide**

*Joe Bennett, City Administrator, read the following background:*

*In July 2021 the City contracted with the University of Georgia's Carl Vinson Institute of Government to conduct a comprehensive classification and pay study. In October 2021 the City adopted the recommended classification and pay changes for sworn police position and in April 2022 the City adopted the classification and pay changes for fire personnel, general government and management positions.*

*While we have made several subsequent adjustments to our classifications, pay grade, and pay rates since that time, the City still needs to adopt the classification and pay plan, which includes recommendations for several actions that the City of Smyrna should consider to keep the proposed compensation plan current*

*Additionally, several positions were reviewed to confirm and correct the appropriate FLSA classification. Several changes are also recommended. Staff recommends the formal adoption of the City of Smyrna Classification and Pay Plan.*

Councilmember Latonia P. Hines made a motion to approve item 2022-628 to adopt the City of Smyrna Classification and Compensation Plan and recommendations contained therein, as presented by the University of Georgia; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:**   7 -   Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- D.**     [2022-629](#)     Approval to set and publish the qualifying fees for the 2023 City General Election, November 7, 2023 as based on the current salary structure for the year 2022 at \$756 for Mayor and \$567 for Council, Wards 1-7.

**Ward / Citywide**

Councilmember Charles Welch made a motion to approve item 2022-629 to set and publish the qualifying fees for the 2023 City General Election, November 7, 2023 as based on the current salary structure for the year 2022 at \$756 for Mayor and \$567 for Council, Wards 1-7; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**E. [2022-632](#)**

Authorization to adopt the Georgia Department of Transportation Services Procurement Manual for projects that will receive, or are anticipated to receive, funding through the Federal Highway Administration (FHWA) and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Joe Bennett, City Administrator, read the following background:*

*The City needs to adopt the Georgia Department of Transportation Services Procurement Manual to be eligible to receive and utilize Federal Highway Administration funding. The City is currently pursuing certification as a Local Public Agency for Local Administered Projects (LAP) to be able to manage City projects that will utilize FHWA funding.*

*The City currently has an agreement in place with Cobb County to serve in this capacity until the City receives this certification.*

Councilmember Travis Lindley made a motion to approve item 2022-632 to adopt the Georgia Department of Transportation Services Procurement Manual for projects that will receive, or are anticipated to receive, funding through the Federal Highway Administration (FHWA); 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 and Councilmember Wheaton

**F. [2022-638](#)**

Authorization to purchase from Wade Ford (3860 South Cobb Drive, Smyrna, Ga. 30080) a fleet services truck and service truck for water / sewer in the total amount not to exceed \$173,000.00 to be paid using State Contract and paid from Vehicle Replacement at the approved budget pricing and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

*Joe Bennett, City Administrator, read the following background:*

*Wade Ford has recently opened vehicle ordering and an allotment of one small truck and one large truck has been given to us. Public works needs to be able to order a fleet services truck and a water / sewer service truck. The current fleet truck will be sold and the revenue from it will go towards the higher purchase price and cover the difference between the allotted budget price and actual price.*

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item 2022-638 to purchase from Wade Ford (3860 South Cobb Drive, Smyrna, Ga. 30080) a fleet services truck and service truck for water / sewer in the total amount not to exceed \$173,000.00 to be paid using State Contract and paid from Vehicle Replacement at the approved budget pricing and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**G. [2022-639](#)**

Authorization for repairs and maintenance in the amount of \$110,000.00 for Cooper Lake Bridge by Tidwell Construction Company (P.O. Box 1466, Douglasville, Georgia, 30133), Gracie Gray Contractors, Inc. (110 Bluffs Parkway, Suite 207, Canton, Ga. 30114) and Need-A-Fence, Inc. (3470 Lake Drive, Smyrna, Ga. 30082) for guardrail replacement, addition of fall protection and vegetation clearing and authorize the Mayor to sign and execute all related documents.

**Ward 7 / Councilmember Wheaton**

*Joe Bennett, City Administrator, read the following background:*

*After receipt of a deficiency notice from Cobb County, we assessed Cooper Lake Road Bridge and found it to be in need of immediate repair. as a result we need to replace the guardrail, add fall protection and do some vegetation cleaning.*

Councilmember Lewis Wheaton made a motion to approve item 2022-639 for repairs and maintenance in the amount of \$110,000.00 for Cooper Lake Bridge by Tidwell Construction Company (P.O. Box 1466, Douglasville, Georgia, 30133), Gracie Gray Contractors, Inc. (110 Bluffs Parkway, Suite 207, Canton, Ga. 30114) and Need-A-Fence, Inc. (3470 Lake Drive, Smyrna, Ga. 30082) for guardrail replacement, addition of fall protection and vegetation clearing and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**7. Commercial Building Permits:**

**A. [2022-601](#)**

Approval of the issuance of a commercial building permit for construction of a new commercial building to support an industrial use - 1885 Mitchell Road - The Conlan Company

**Ward 7 / Councilmember Wheaton**

*Joe Bennett, City Administrator, read the following background:*

*A commercial building permit has been issued at 1885 Mitchell Road for the construction of a new 191,806 square foot industrial building. The project consists of an industrial building with associated loading docks, parking, and drive areas to*

*support industrial use. The total estimated cost of the project is \$14,679,000 and The Conlan Company is listed as the general contractor for the project.*

Councilmember Lewis Wheaton made a motion to approve item 2022-601, the issuance of a commercial building permit for construction of a new commercial building to support an industrial use located at 1885 Mitchell Road by applicant The Conlan Company; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

## 8. Consent Agenda:

A motion was made by Councilmember Latonia P. Hines, seconded by Councilmember Glenn Pickens, that the Consent Agenda be approved. The motion carried with the following vote:

**Aye:** 7 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

- A. [MIN2022-89](#) Approval of the December 1, 2022 Committee of the Whole Meeting Minutes  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- B. [MIN2022-90](#) Approval of the December 5, 2022 Pre-Council Meeting Minutes  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- C. [MIN2022-91](#) Approval of the December 5, 2022 Mayor and Council Meeting Minutes  
**Ward / Citywide**  
These Minutes were Approved on the Consent Agenda.
- D. [2022-621](#) Approval of the adoption of fees for Short-term Rental Licenses and Wholesale Alcoholic Beverage Licenses.  
**Ward / Citywide**  
This Authorization was Approved on the Consent Agenda.
- E. [2022-604](#) Approval of the Reappointment of Heather Bacon to the Downtown Development Authority (DDA) for a one-year term, January 1, 2023 thru December 31, 2023.  
**Ward / Citywide**  
This Reappointment was Approved on the Consent Agenda.
- F. [2022-605](#) Approval of the Reappointment of Heather Bacon to the Urban Design

Commission (UDC) for a one-year term, January 1, 2023 thru December 31, 2023.

**Ward / Citywide**

This Resppointment was Approved on the Consent Agenda.

**G. [2022-631](#)**

Authorization for a road closure for Terri Meyer Drive at Turpin Road for a period of five (5) days for a storm drain replacement by Ardito Construction (1290 Austell Drive, Marietta, Ga. 30008) from January 9, 2023 through January 13, 2023.

**Ward / Citywide**

This Authorization was Approved on the Consent Agenda.

**H. [2022-626](#)**

Approval of renewal with Georgia Municipal Association for 2023 Worker's Compensation Insurance Coverage and Administration

**Ward / Citywide**

This Renewal was Approved on the Consent Agenda.

**I. [2022-643](#)**

Authorization for a Road Closure at Campbell High School on December 21 and 22 as well as December 27 and 28, 2022 for the reinstallation of the raised speed table on Powder Springs Street.

**Ward / Councilmember Gould**

This Authorization was Approved on the Consent Agenda.

**J. [2022-644](#)**

Approval of Amendment No. 4 to the Community Development Block Grant (CDBG) PY21 Subrecipient Agreement No: CD21-C21SA-A and CD21-C21SA-F to extend the termination date for the agreement to March 31, 2023 and authorize the Mayor to sign and execute all related documents.

**Ward / Citywide**

This Authorization was Approved on the Consent Agenda.

**9. Ward / Committee Reports:**

*Councilmembers Glenn Pickens, Latonia P. Hines, Charles Welch, Susan Wlikinson wished all a happy holidays.*

*Councilmember Travis Lindley thanked everyone for their well wishes during his recovery. He wished everyone a happy and healthy 2023.*

*Mayor Pro Tem/Councilmember Tim Gould announced that this past week Dr. Jean Walker, former principal of Campbell High School, was recognized as the Smyrna Citizen of the Year. He also mentioned the Menorah Lighting and Giant Gelt Drop taking place at Taylor Brawner at 5:30 the following day.*

*Councilmember Lewis Wheaton wished all safe travels during the holidays.*

**10. Show Cause Hearings:**

**11. Citizen Input:**

*Steven Jones - 2823 Spring Drive - expressed his thoughts of appreciation. he thanked Councilmember Glenn Pickens who always responds and serves the ward well. He expressed his appreciation to the Mayor for calling faith leaders together to help those in need in the City. His faith leader stated that the Mayor had a joy and passion to help. He expressed his appreciation to Councilmember Wilkinson for her heart for her people. He also thanked Officers Steve Brennan and Larry Muzzoni for their friendship and openness.*

**12. Adjournment:**

Mayor Derek Norton adjourned the December 19, 2022 Mayor and Council Meeting at 8:29 PM.