

City Council Meeting Minutes - Final MAYOR AND COUNCIL



Smyrna Community Center
Magnolia Room
200 Village Green Cir
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)
Lewis Wheaton (Ward 7)

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

**March 20, 2023
7:00 PM**

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, and Councilmember Lewis Wheaton

Also Present: 1 – Jeffrey Tucker

Staff: 7 – Joe Bennett, Dan Campbell, Jill Head, Russell Martin, Penny Mocer, Heather Peacon-Corn, and Joey Staubes

2. Call to Order

Mayor Derek Norton called to order the March 20, 2023 Mayor and Council Meeting held at the Smyrna Community Center in the Magnolia Room at 7:00 PM.

3. Invocation and Pledge of Allegiance

A. Pastor Brian Downing, Oakdale Church of God (1631 Cooper Lake Rd)

4. Agenda Changes

5. Mayoral Report

Mayor Norton reported the following:

- Mayor's Reading Club, a Georgia Municipal Association program: The first one took place at the library where 15 families came, and they built a small town. The second one took place at the Fire Station. About 40 families attended. The City of Smyrna website has more information about it.
- At Fire Station 1, there was a well-attended community open house. Another one will be held soon at a different fire station.
- This past weekend, the St. Patrick's Day celebration was successful as usual.

- Little League had their first opening ceremony since 2019. Over 2,000 people attended.
- Progress is being made on the greenspace in front of the Community Center and Library. Physical infrastructure progress will begin soon. It will be substantially done by end of May.

6. Proclamations and Presentations

A. **PRC2023-004** Proclamation in Recognition of Education and Sharing Day, April 2, 2023 **Citywide**

Mayor Pro Tem Tim Gould read aloud the following proclamation and presented it to Rabbi Avremel Zaltzman:

A Proclamation by the Mayor of the City of Smyrna in Recognition of **Education and Sharing Day, April, 2, 2023**

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, 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 2, 2023, will mark 121 years since the Rebbe's birth, capping a year in which thousands of new institutions and initiatives were launched throughout the world in tribute to this celebration. This year has an added significance as a year of "Hakhel" a biblical event of unity, education and spiritual growth emphasizing how every person is crucial to perfecting the world; NOW

Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim Sunday, April 2, 2023, 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 Avremel Zaltzman presented Mayor Norton with Passover Matzo.

B. **PRC2023-005** Proclamation in Recognition of Women's History Month, March 2023 **Citywide**

Councilmember Susan Wilkinson read aloud the following proclamation:

A Proclamation by the Mayor of the City of Smyrna in Recognition of **Women's History Month**

Whereas: Women's History Month recognizes that women of every race, class and ethnic background have made significant and historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways; and
Whereas: Women's History Month recognizes that women have played and continue to play critical economic, cultural, and social roles in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside of the home and by providing most of the volunteer labor force; and
Whereas: Women's History Month recognizes women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and
Whereas: Women's History Month recognizes women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and
Whereas: Women's History Month recognizes American women who have served our country courageously in the military; and
Whereas: Women's History Month recognizes women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and
Whereas: In 1980, President Jimmy Carter issued a proclamation declaring the week of March 8th as National Women's History Week. Six years after the proclamation, Congress declared March of each year as Women's History Month; and
Whereas: the national theme for Women's History Month 2023 is "Celebrating Women Who Tell Our Stories" as announced by the National Women's History Alliance, which spearheaded the movement for March being declared National Women's History Month. Women's stories, and the larger human story, expand our understanding and strengthen our connections with each other; NOW
Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby recognize the month of March as Women's History Month to honor women everywhere for their outstanding achievements and invaluable contributions to society.

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. **Z23-001** Public Hearing - Zoning Request - Z23-001 - Allow rezoning from GC to RHR-PD for a 60-unit age restricted development - Land Lot 381 - 1.53 acres - 790 Smyrna Hill Drive - PDC Land Acquisition LLC
Ward 4 Councilmember – Charles Welch

Joe Bennett, City Administrator, presented a brief background:

PDC Land Acquisition, LLC is requesting rezoning from GC (General Commercial) to RHR-PD (Residential Highrise – Planned Development) for the development of a 60-unit age-restricted senior housing community. The proposed building will range in height from four stories to five stories to account for the change in grade. The site plan provides 56 parking spaces for the development at a ratio of 0.9 parking space per unit, which is above the minimum of 31 spaces. The site plan reflects an underground stormwater detention facility at the southern end of the site. The site includes an open space with

gazebo at the front of the property as well as a community garden at the rear of the property. An amenity area is included in the interior of the building.

Joey Staubes, Planner II, provided the following background:

PDC Land Acquisition, LLC is requesting rezoning from GC (General Commercial) to RHR-PD (Residential Highrise – Planned Development) for the development of a 60-unit age-restricted senior housing community. The building has 44 one-bedroom and 16 two-bedroom units. The proposed housing units will be age restricted and would be rental units. The submitted site plan reflects a four-story building fronting on Smyrna Hill Drive. Due to the topography of the site a portion of the building may be five feet in height. The site will be accessed from Smyrna Hill Drive via a full access drive on the east side of the building. The site plan provides 56 parking spaces for the development at a ratio of 0.93 parking space per unit, which is above the minimum of 30 spaces. The site plan reflects an underground stormwater detention facility at the southern end of the site. The site includes an open space with gazebo at the front of the property as well as a community garden at the rear of the property. An amenity area is included in the interior of the building.

PDC Land Acquisition, LLC has submitted building elevations with the rezoning application. The submitted building elevations are of projects previously developed by the developer, to reflect the type and quality of the development planned for this site. The elevations propose to use a mixture of façade materials for the buildings, including but not limited to brick, fiber cement siding, cast stone, and board & batten.

Engineering Review

The City Engineer has reviewed the proposed site plan with respect to transportation, stormwater management and stream buffer issues. The site will be served by a full access drive on Smyrna Hill Drive. The applicant may be required to dedicate of right-of-way along Smyrna Hill Drive to ensure a minimum of 25 feet from the centerline of the road. The developer will install a 5-foot sidewalk and 2 foot grass strip.

The applicant has provided a preliminary hydrology report that shows the conceptual plan should satisfy city requirements. The proposed site plan reflects an underground stormwater detention facility located at southern end of the site. The City Engineer believes the development has allocated enough area to meet the requirements of the city's Stormwater Management Ordinance.

The site is not impacted by any stream buffers.

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 and building separation requirements. The applicant will have to provide a fire truck turn analysis during the permitting process to verify maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal requires a Future Lane Use Plan change from Community Activity Center to High Density Residential. The zoning proposal meets several senior housing goals and policies outlined in the Comprehensive Plan. These goals and policies include the following:

- H1.1 – Consider ways to offer a reduced price point in new quality apartments, such as through incentives for moderately priced units (Page 104).
- H1.3 - Encourage the construction of affordable senior housing in order to accommodate the growing senior population (Page 104).
- H3.1 – Incorporate a park into every neighborhood or provide safe pedestrian and bicycle access from every neighborhood to larger community parks (Page 106).
- H4.4 – Ensure that infill housing development is compatible with surrounding established neighborhoods (Page 107).

Community Development has reviewed the proposed development against the zoning standards in Section 801 & 1015 of the Zoning Ordinance with respect to the senior residential high-rise developments. The proposed development meets nearly all the zoning requirements for residential high-rise development except for setback requirements. Community Development Staff is supportive of the requested variances listed below.

The requested variances are:

1. Reduction of minimum front setback 50' to 10' (Section 801 of the Zoning Ordinance) (Staff Support);
2. Reduction of the side setback from 40' to 10' (Section 801 of the Zoning Ordinance) (Staff Support);
3. Reduction of the rear setback from 40' to 10' (Section 801 of the Zoning Ordinance) (Staff Support);
4. Reduction of the required 75' buffer strip adjacent to a single-family residential district to 10' (Section 1015.3 of the Zoning Ordinance) (Staff Support).

The requested variances are necessary due to the geometry of the parcel and the topography of the site. The proposed front setback was approved for the adjacent age restricted development to the north. Additionally, the front and rear setback reductions are primarily required to accommodate the gazebo in the front and community garden in the rear. Furthermore, the residential buffer is required because the property is adjacent to Lake Court Park which has a residential zoning. All these issues meet the review standards for variances, such as, being unique circumstances that are not created by the applicant and the strict application of the zoning requirements eliminates reasonable use of the property.

Community Development recommends approval of the rezoning from GC to RHR-PD on 1.53 acres for the development of a 60-unit age restricted senior community at a density of 39.21 units per acre, including those variances supported by staff as shown above, with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 8, 10, 16 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 percent hardy plank siding.
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. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
6. No debris may be buried on any lot or common area.
7. 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".
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

11. The development shall maintain the following setbacks:

Front – 10'

Side – 10'

Rear – 10'

12. The single-family residential district buffer shall be 10'.

13. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

14. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

15. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

16. The trash dumpsters shall utilize rubber tops and be appropriately screened with a three-sided brick enclosure.

17. The development shall include a minimum of 56 parking spaces.

18. The sight distance triangle must be clear of any object over 3.5 ft, including trees, and additional warning signage may be required during plan review.

19. Utilization of low intensity, environmental type lighting shall be allowed within the development. The illumination of which shall be confined within the perimeter of the subject property using "full cut-off lighting".

20. Approval of the subject property for the RHR-PD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/15/2023 and created by Doulgerakis Consulting Engineers, Inc. and all zoning stipulations above.

21. The applicant shall be bound to the elevations submitted on 1/13/2023. Approval of any change to the elevations must be obtained from the Director of Community Development.

Councilmember Susan Wilkinson asked about the three-sided dumpster enclosure. Mr. Staubes stated there would be a gate on the fourth side.

Applicant, Josh Marks, Prestwood Development Company, complimented Community Development staff, and said that they have been very responsive and helpful. Mr. Marks

explained this is the fourth development in the City of Smyrna. This will be a 60-unit senior housing community. They have done around 50 of these in the metro-Atlanta area for the last 15 years.

Mayor Norton asked if the development across the street is already at capacity. Mr. Marks stated they have not actively started pre-leasing activities, but there has been much interest.

Councilmember Welch asked what materials will be used. Mr. Marks stated it will be brick on the bottom and hardiplank fiber cement upward. It will have a similar look as across the street. These developments typically have 1-to-1 parking spaces, but inevitably some residents do not require spaces.

Councilmember Lindley asked about the timeline. Mr. Marks stated they expect to close on construction financing and begin construction in May 2024.

Mayor Pro Tem Gould asked what the makeup of the bedroom configurations are. Mr. Marks stated that there will be 44 one-bedrooms and 16 two-bedrooms. A large majority of these will be affordable to those earning between \$35K – \$52K.

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

Councilmember Charles Welch made a motion to approve item Z23-001, a public hearing and zoning request (Z23-001) to allow rezoning from GC to RHR-PD for a 60-unit age restricted development on land lot 381 on 1.53 acres located at 790 Smyrna Hill Drive by applicant PDC Land Acquisition LLC; 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 Wheaton

Nay: 0 – None

Recuse: 0 – None

8. Privilege License and Show Cause Hearing

9. Formal Business

- A. **AGR2023-013** Approval of the agreement with KONE, Inc. (1800 Sandy Plains Pkwy, Ste 200, Marietta, GA, 30066) for elevator door lock monitoring in the amount of \$78,740.00.

Citywide

Joe Bennett, City Administrator, presented the following background:

The Office of Commissioner of Insurance, Safety Fire commissioner and Industrial Loan Commissioner Bureau has adopted ASME Elevator Safety Code A17.3 Section 3.10.12, Safety Code for Existing Elevators and Escalators. This new Safety Code includes Section 3.10 Operating Devices and Control Equipment, Requirement 3.10.12 System to Monitor and Prevent Automatic Operation of the Elevator with Faulty Door Contact Circuits. All conveyances licensed by the State of Georgia Rules and Regulations for Elevators and Escalators must comply with the above Code by January 1, 2025.

This code requires the use of elevator door lock monitoring devices. A door lock monitoring device is a safety system for all passenger and freight elevators that utilize power operation doors. The system is designed to prevent the elevator from leaving the landing with the doors in the open position and monitors for door lock circuit integrity in the event of a wiring short.

The Office of Commissioner of Insurance, Safety Fire commissioner and Industrial Loan Commissioner Bureau is retroactively requiring these devices to be installed on all elevators. The City's elevator equipment is lacking door lock monitoring devices.

The agreement with KONE, Inc. will include the installation and monitoring of the required safety door locks so the City will remain in compliance with all safety standards.

Councilmember Travis Lindley made a motion to approve item AGR2023-013, the agreement with KONE, Inc. (1800 Sandy Plains Pkwy, Ste 200, Marietta, GA 30066) for elevator door lock monitoring in the amount of \$78,740.00; 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, Councilmember Wheaton

Nay: 0 – None

Recuse: 0 – None

- B. AGR2023-014** Approval of the agreement with KONE, Inc. (1800 Sandy Plains Pkwy, Ste 200, Marietta, GA, 30066) for new stair lift installation at the Community Center in the amount of \$60,000.00.

Citywide

Joe Bennett, City Administrator, provided the following background:

Description of Work: KONE, Inc. proposes to furnish and install the labor, materials, tools and supervision to perform the following work on the Community Center Stair Lift. KONE will provide a team of mechanics to install a Delta Inclined Platform Lift, including fold up seat with belt. Capacity will be approximately 550 lbs.

Budget Price: The total price to perform the above-mentioned work amounts to \$60,000. The price includes applicable labor, material, and permit fees.

Councilmember Charles Welch made a motion to approve item AGR2023-014, the agreement with KONE, Inc. (1800 Sandy Plains Pkwy, Ste 200, Marietta, GA 30066) for new stair life installation at the Community Center in the amount of \$60,000.00; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

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

Nay: 0 – None

Recuse: 0 – None

- C. **AGR2023-015** Authorization to award replacement of the downtown Market Village fountain to Specialty Fountain & Waterscape Inc. (1025 Nine N Dr Suite B, Alpharetta, GA 30004) in the amount of \$249,000.00 based on the proposal response and scheduled completion timeframe and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember – Travis Lindley

Joe Bennett, City Administrator, provided the following background:

During the winter freeze in December 2022, the fountain in the Market Village froze and sustained irreparable damage. The submersible pumps are no longer manufactured and the fiber resin material the fountain is made of are subject to freezing damage. The fountain will be replaced with concrete and the pumps will not be submersible. It will be a three-tier fountain like what was previously there.

Public Works and Finance recommend authorization to award replacement of the downtown Market Village fountain to Specialty Fountain & Waterscape Inc.

Councilmember Travis Lindley made a motion to approve item AGR2023-015 to award replacement of the downtown Market Village fountain to Specialty Fountain & Waterscape Inc. (1025 Nine N Dr., Suite B, Alpharetta, GA 30004) in the amount of \$249,000.00 based on the proposal response and scheduled completion timeframe and authorize the Mayor to sign and execute all related documents; 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 Wheaton

Nay: 0 – None

Recuse: 0 – None

10. **Consent Agenda**

Councilmember Travis Lindley made a motion to approve the Consent Agenda; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

1. **MIN2023-023** Approval of the March 2, 2023, Committee of the Whole Meeting Minutes.
Citywide

This item was approved on the Consent Agenda.

2. **MIN2023-024** Approval of the March 6, 2023, Pre-Council Meeting Minutes.
Citywide

This item was approved on the Consent Agenda.

3. **MIN2023-025** Approval of the March 6, 2023, Mayor and Council Meeting Minutes.
Citywide

This item was approved on the Consent Agenda.

4. **2023-060** Authorization to close King Springs Road from Concord Road to Starline Drive from April 3, 2023, through April 7, 2023, for Stamped Speed Table Installation / Elevated Cross Walks.
Ward 3 Councilmember – Travis Lindley

This item was read aloud with a change, and it shall read as:
2023-060 Authorization to close King Springs Road from Concord Road to Pinehurst Drive from April 3, 2023, through April 7, 2023, for Stamped Speed Table Installation / Elevated Cross Walks.

This item was approved on the Consent Agenda as read aloud.

11. Ward and Staff Reports

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***

12. Public Comment

13. Adjournment

Mayor Derek Norton adjourned the March 20, 2023, Mayor and Council Meeting at 7:32 PM.

Facilities are provided throughout City Hall for convenience of persons with disabilities.

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN O.C.G.A. 50-14-3:
The City of Smyrna website – www.smyrnaga.gov
City Hall, 2800 King Street SE, Notice Boards