

Committee of the Whole Minutes - Final MAYOR AND COUNCIL



Derek Norton, Mayor
Tim Gould, Mayor Pro Tem (Ward 6)
Glenn Pickens (Ward 1)
Latonia P. Hines (Ward 2)
Travis Lindley (Ward 3)
Charles "Corkey" Welch (Ward 4)
Susan Wilkinson (Ward 5)
VACANT (Ward 7)

A Max Bacon City Hall
HR Training Room
2800 King Street SE
Smyrna, GA 30080

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

**May 11, 2023
4:00 PM**

1. Roll Call

Present: 7 – Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, and Mayor Pro Tem / Councilmember Tim Gould

Also Present: 1 – Scott Cochran

Staff: 13 – Joe Bennett, Jill Head, Dat Luu, Russell Martin, Penny Mocer, Landon O'Neal, Paul Osburn, Heather Peacon-Corn, Kristin Robinson, Carol Sicard, Joey Staubes, Ashley Youmans, and Keith Zgonc

Call to Order

Mayor Derek Norton called to order the May 11, 2023, Committee of the Whole Meeting held at A. Max Bacon City Hall in the HR Training Room at 4:03 PM.

2. Staff M&C Agenda Items to Review

3. Formal Business and Presentations

A. COW2023-020 FY2024 Budget Presentation – Part 2 – 4:00PM – 4:30PM

Changes to Budget:

\$10,579 increase shown in multiple places

- Total Budget
- Enterprise Funds
- Water / Sewer Fund
 - Changes to reclassifications
 - Expenditure increase – \$11K
 - No revenue change

– W/S/ transfer to cash reserves – \$705K

Reclassification Requests Recommended

Dept	Old Title	Old Grade	New Title	New Grade	Budget Impact
Comm Dev	Chief Building Official	GOVT-14	Asst. Comm Dev Dir	GOVT-14	5,685
Fire Prevention	Fire Div Chief – Fire Marshall	FD-7	Deputy Fire Chief	FD-8	5,516
Parks Maint	Park Maint Supervisor	GOVT-9	Parks Maint Supervisor	GOVT-10	6,276
Recycling	Sanitation Truck Driver	GOVT-4	Equipment Operator III	GOVT-6	3,068
Sanitation	Sanitation Truck Driver	GOVT-4	Equipment Operator III	GOVT-6	2,679
Water Admin	Utility Services Manager	GOVT-13	Utility Services Supervisor	GOVT-10	-
Water Dist	Asst Public Works Dir	GOVT-14	Water, Sewer & Utility Director	MGMT-2	6,412
Water Dist	Water Sewer Manager	GOVT-12	Asst Dir of Water, Sewer & Utility	GOVT-14	10,478
TOTAL					36,557

Total Proposed Budget

- Internal Service Fund – \$1,557,000
- Special Revenue Funds – \$9,519,774
- Capital Project Funds – \$800,000
- Enterprise Funds – \$26,348,172
- General Fund – \$62,033,000
- TOTAL – \$100,257,946

Comparison to Prior Year

Fund	FY23 Revised	FY24 Proposed	Increase/(Decrease)	% Change
General Fund	59,809,951	62,033,000	2,223,049	3.7%
Special Revenue Funds	9,630,457	9,519,774	(110,683)	(1.1%)
Capital Project Funds	31,406,549	800,000	(30,606,549)	(97.5%)
Internal Service Funds	1,164,937	1,557,000	392,063	33.7%
Enterprise Funds	24,074,314	26,348,172	2,273,858	9.4%
TOTAL BUDGET	126,086,208	100,257,946	(25,828,262)	(20.5%)

Discussion took place regarding potential overages received for SPLOST. Councilmember Welch expressed that he would like to make a formal commitment that those overages go toward paving and resurfacing of streets. Mayor Norton stated he would be fine doing so, and all Council Members affirmed they, too, would be agreeable to making such commitment.

Revenues vs. Expenditures

Fund	Revenues	Expenditures	Transfer To/(From) Cash Reserves
General Fund	62,033,000	62,033,000	-
Special Revenue Funds	8,036,774	9,519,774	(1,483,000)
Capital Project Funds	800,000	800,000	-
Internal Service Funds	1,718,000	1,557,000	161,000
Enterprise Funds	27,052,850	26,348,172	704,678
Total Budget	99,640,624	100,257,946	(617,322)

Schedule

- May 11 – Discuss any changes at COW
- May 15 – Formal budget presentation and public hearing at Council meeting
- June 1 – Discuss any changes at COW
- June 5 – Formal budget adoption at Council meeting

B. COW2023-025 Discussion regarding Smyrna Jail – 4:30PM – 4:55PM

Chief Keith Zgonc provided the following information:

- Smyrna currently houses for Sandy Springs, Acworth, Marietta, Powder Springs, and Smyrna. There is an agreement with Kennesaw should they need to house with Smyrna.
- Smyrna jail is a 70-bed jail.
- Currently housing approximately 35 – 45 inmates from different jurisdictions.
- All but one MOU was completed prior to Covid-19 pandemic which affects costs.
- Draft MOU's were sent to cities.
- There are different agreements and processes with each city which present many challenges.
- There are staffing challenges; Smyrna loses jailers to Cobb County because of higher pay.
- There is minimum staffing on each shift – three detention officers per shift; sometimes they utilize records staff to cover shifts.
- Proposing a \$68 - \$72 per diem to close the budget gap.
- Two-week basic jailer school is required which is a P.O.S.T. certification.

Carol Sicard, Director of Human Resources, provided some background on the proposed salary for incoming jailers. The total impact would be approximately \$60,000.00. There are currently seven vacancies.

C. COW2023-021 Committee to Honor Fanny Williams – Legacy Project – 4:55PM – 5:25PM

Penny Mocer, Deputy City Administrator, presented the Committee to Honor Fanny Williams' choice for the Fanny Williams Legacy Project:

FIRST CHOICE:

Wilson + Hayes + Gonzales

DESIGN SPECIFICATIONS

Size: 8 ft. 9in. Curved Metal Framed Backdrop

5 ft. 7in. Fanny Williams Statue

Medium: Concrete, Metal and Bronze

PROJECT BUDGET

Artist Fee David Wilson and Stephen Hays \$18,000

Design, Document and Project Mgmt. \$9,000

Structural Engineering \$2,000

Backdrop Fabrication \$12,000

Bronze Sculpture \$50,000

Plinth \$12,000

Foundation \$8,000

Lighting \$1,000

Transport \$5,000

Travel \$2,000

Documentation \$1,000

Contingency \$5,000

PROPOSED TIMELINE

6 Months

(approximately December 2023)

PLINTH IMAGE – OLD FOURTH WARD

Testimony of Redemption comprises a 7' diameter concrete plinth topped with a life-size bronze statue of Fanny Williams. A series of laser-cut panels will be cut to recreate the "Old Fourth Ward" map and anchored to the plinth's top. The metal panels will be powder coated and will not rust or fade over time.

BACKDROP IMAGE – WHAT ST. BAPTIST CHURCH

Behind the figure of Fanny Williams is a curved 8'-9" tall metal framed backdrop that will contain a perforated image of the Wheat Street Baptist Church. On the rear of the backdrop, the lyrics to "In the Sweet By and By", a Hymn by Joseph Philbrick Webster, will be etched onto the powder-coated metal surface.

SECOND CHOICE:

Vinnie Bagwell

DESIGN SPECIFICATIONS

Size: 6 ft.

Medium: Bronze

Color: Black (polished patina)

PROJECT BUDGET

Artist Fee \$25,000

Artwork \$100,000

Lead Artist/Project Management

Professional Fee(s)-Architectural Design/Planting Plan

Fabrication

Mesabi Granite Pedestal/Apron

Shipping to studio-foundries and installer
Documentation: Photography/Video
Liability Insurance
Transportation/Accommodations
Installation Contingency of \$12, 500 for foundation sidewalk

PROPOSED TIMELINE

Fall 2024

(approximately 1 year, 5-6 months)

Mayor Norton stated that an item will be added to the June 5, 2023, agenda for the Council to vote on the Committee's recommendation.

D. COW2023-022 Smyrna Youth Council Presentation – 5:25PM – 5:40PM

The following members of the Smyrna Youth Council presented their final project to the Mayor and Council:

Fiona McDermott
Sophie Balzuweit
Dia Sashittal
Claire Gundersen
Coralie-Anne Hilaire
Kiara Chery
Ebrahim Darbo
Caitlyn Hardaway
Haily Shah
Abigail Streger
Shawn Freeman

4. Review of Current M&C Agenda

A. COW2023-023 Review of the May 15, 2023 Mayor and Council Meeting Agenda

Russell Martin, Community Development Director, presented the following background for item Z23-004, a public hearing and zoning amendment (Z23-04) to modify the currently approved density, site plan, and elevations on land lot 690 & 691 on 5.4 acres located at 4788 & 4840 Hanson Drive and part of 4838 S Cobb Drive by applicant Jason Lewis:

The Mayor and Council approved the annexation and rezoning (Z08-010) of the subject property from R-20 (Cobb County) to MU-Conditional (Smyrna) on December 15, 2008 by a vote of 5-2. The approval of the rezoning allows for the construction of a mixed use development that would consist of a two-story 69 unit assisted living facility and a four-story mixed use building consisting of 120 independent senior living units and 70,000 sq. ft. of commercial retail and office space. The development was rezoned to a specific site plan and building elevations, which provided an assisted living facility on the southern portion of the site (phase I) and a mixed-use building (retail and office on the ground floor and age restricted condominiums and senior apartments on the top floors) on the northern portion of the site (phase II). Both building were proposed to have parking structures underneath each building to support each use. The independent senior living units were to be accessed off Hanson Drive and the assisted living facility was to be accessed off South Cobb Drive. The specific site plans and building elevations were approved as conditions of the zoning. Subsequently, in September 2013, the applicant requested a zoning

amendment for assisted living facility in phase I. The zoning amendment for the assisted living facility dealt with modifications to the site plan and building elevations. These modifications included the elimination of the structured parking and the increase of the number of beds from 78 beds to 108 beds because the applicant wanted to add a terrace level to address geological and topographical issues on site. The Mayor and Council approved the zoning amendment by a vote of 7-0. Since the approval of the zoning amendment, the assisted living facility has been constructed and has received its Certificate of Occupancy.

The applicant requested a zoning amendment to modify the site plan and building elevations in Zoning Amendment Z15-012 for the independent senior living on the norther portion of the site (phase II). The previous zoning plan from Rezoning Case Z08-010 allowed a mixed use building with 120 independent senior living units over 70,000 sq. ft. of commercial retail space. The building included a four-story building over a two-level parking deck. The applicant acquired the adjoining residential property at 4788 Hanson Drive (~0.6 acres) and annexed and rezoned the property to include it into the overall development project. The zoning plan was approved to eliminate the 70,000 sq. ft. of commercial retail space and increase the number of independent senior living units from 120 to 200. This resulted in a change from a four-story building over structured parking to a ten-story building over structured parking. In addition there were slight modifications to internal site circulation and access.

The currently approved zoning plan (Z15-012) includes a building ten-stories tall on top of structured underground parking garage with 200 independent senior living units at 243,000 sq. ft. and 37,500 sq. ft. of common area and accessory uses for the exclusive use of the residents. The common area for the development includes a lobby, reception, staff offices, multiple dining venues, a commercial kitchen, a teaching kitchen, a general store/coffee shop, theater, library, wellness center, beauty shop, business center, arts and crafts room, and an indoor swimming pool.

The applicant is requesting a zoning amendment to the currently approved plan in Z15-012 for (phase II) with an increase in density, as well as site plan and building elevation modifications. The applicant is proposing to develop the site independently from the memory care facility as originally planned. The applicant is requesting to maintain the height of the currently approved plan at 133 feet but increase the unit count from 200 independent senior living units to 295 units. The 295 units will be 50% independent senior living units and 50% without age restrictions. The increase in units is possible by decreasing the amenity area from 37,500 sq. ft. to 8,930 sq. ft. and additional levels of parking below grade. The proposed amenity area includes a communal kitchen and party room, lounge, fitness room, indoor and outdoor pool, sky deck, pet spa, and conference and game room. Additionally, the roof of the proposed building includes public and private terraces as an additional amenity.

The proposed project also includes a 625 sq. ft. coffee shop accessible for the general public or residents within the development. The proposed zoning amendment also includes a stand alone parking deck with four levels. The fourth level will include a 5,317 sq. ft. restaurant also accessible for the general public or internal residents. The main building will include three levels of parking below the building, surface parking, as well as a stand alone four level parking deck. The proposal includes 539 spaces compared to the 250 spaces in the currently approved plan.

The applicant is proposing a subsurface stormwater detention facility within the parking deck. The City Engineer has reviewed the proposed location and believes it will be

adequate to meet the requirements of the City's Stormwater Ordinance. The final design of the facility will be required during plan review and the permitting process and will be reviewed and approved by the City Engineer.

The applicant is providing a deceleration lane and improvements for the entrance, and new sidewalk along South Cobb Drive. The applicant has worked with the City's Fire Marshal's Office and the City Engineer to make sure the access drive meets City standards.

The proposed building will not be a significant change from what was originally approved in 2015. The proposed building is to be eleven-stories tall, with rooftop amenities, on top of structured underground parking garage. The applicant has provided building elevations with the zoning amendment request. The building façade will consist of stucco and brick and have minimal changes to the existing approved elevations. The proposed elevation changes include green roof top terraces, a different color palette, consists of a new covered entrance, and eliminates the elevated pedestrian connection to phase I. Additionally, a secondary stand alone parking deck is proposed on the northern side of the property. The parking deck will consist of a stucco and brick exterior.

The building will support 295 living units at 313,955 sq. ft. and 8,930 sq. ft. of common area and accessory uses for the exclusive use of the residents. The common area for the development will include a communal kitchen, party room, lounge and fitness room, indoor pool and outdoor pool deck, sky deck, pet spa, remote office, as well as conference and game room. The 295 proposed dwelling units shall include 3 different unit plans. These unit plans include:

1. 24 Units – Studio (8%)
2. 122 Units – One Bedroom Plus a Den Units (41%)
3. 149 Units – Two Bedroom Units (51%)

The proposed development will be restricted to residents aged 55 and older for 50% and no age restriction for 50%. The proposal also includes 625 sq. ft. for a coffee shop on the ground level of the main building and a 5,317 sq. ft. restaurant on the top level of the external parking deck.

The site plan also has minimal changes to the existing approved plan. The proposed site plan contains a revision to the surface parking as well as an secondary external parking deck with four levels. The parking for the development will be mostly comprised of structured parking. The proposed layout provides three underground parking levels below the building for a total of 375 underground parking spaces. The four level external parking deck will include 100 parking spaces. In addition, the applicant has provided 63 surface parking spaces on the outside of the building. The total number of parking spaces for the development is 539 spaces. Per Section 906.14.3 of the Zoning Ordinance, high-rise senior housing is required to provide 0.5 spaces per dwelling unit. Per Section 906.14.2 standard high rise housing is required to provide 1.75 spaces per dwelling unit. Per Section 906.10 general retail services are required to provide 5.5 per 1,000 sq. ft. The proposed parking meets the parking ratio established in the City's Zoning Ordinance.

The applicant is proposing a stormwater detention facility along the between the amenities deck on the building and the proposed retaining wall along the stream buffer. The City Engineer has reviewed the proposed location and believes it will be adequate to meet the requirements of the City's Stormwater Ordinance. The final design of the facility will be

required during plan review and the permitting process and will be reviewed and approved by the City Engineer.

A combination plat will be required to incorporate part of 4838 S Cobb Drive in the development. Additionally, the applicant will petition Cobb County to abandon the right of way on Hanson Drive.

The existing approved plan will required several variances a apart of the amended zoning plan. These variances include the following:

1. Increase in the maximum front setback from 20' to 131'.

- *This variance was granted with the currently approved site plan. The applicant is not able to meet the maximum front setback due to the presence of an existing gas easement and stream buffer. The stream buffer runs almost parallel with South Cobb Drive for the length of the property making it impossible to meet this requirement. Community Development is supportive of this requested variance.*

2. Reduction of landscape buffer from 10' to 5' for the access drive as shown on site plan;

- *This variance was granted with the currently approved site plan. This variance is needed due to the location of the gas easement and stream buffer along South Cobb Drive, as well as the geometry of the property. The variance is minimal and provides the Fire Department with better turning radiuses. Community Development is supportive of this requested variance.*

~~3. Reduction of the landscape buffer from 10' to 2' for the trash compactor as shown on site plan;~~

- ~~• *This variance is no longer required as the development will have an internal trash compactor.*~~

4. Reduction of impervious surface area setback along stream from 75' to 65' as shown on the site plan; and

- *This variance was granted with the currently approved site plan. This variance is for four areas of the building that slightly encroach into the impervious surface area setback along stream buffers as shown on the plan. The proposed encroachment into the setback is 3,190 sq. ft. and the applicant is proposing to preserve 3,500 sq. ft. to remain pervious. This encroachment is due to the geometry and topography of the site and the location of the gas easement, which limit the location of the building. Buffer averaging has been a common practice for development in the city along stream buffers. Community Development is supportive of this requested variance.*

5. An increase in the maximum building height from six-stories or 66' to eleven-stories.

- *This variance was granted with the currently approved site plan. This variance is to increase the allowable building height from six-stories to eleven-stories. Due to the site and environmental constraints above, the only option is to construct a taller building. The applicant is proposing to preserve 36% of the site area in open space. Community Development is supportive of this requested variance.*

6. Reduction of the rear setback from 20' to 0' as shown on the site plan

- *This variance is required for the four-level parking deck. The deck is proposed in this location in the event another phase is possible the placement will provide a connection to that development. Community Development is supportive of this requested variance.*

Community Development, the City Engineer and Fire Marshal's Office have met extensively with the applicant regarding the proposed zoning amendment. Staff believes the proposed site plan and building elevations adequately address staff's concerns. Therefore, Community Development recommends approval of the proposed zoning amendment with the following conditions carried over from Zoning Case Z13-016 & Z15-012 (changes are highlighted in yellow):

Standard Conditions

(Requirements #2, 16 and 17 from Section 1201 of the Zoning Code are not applicable)

1. The composition of the buildings in the development shall include mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The buildings whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot or unit. This common space shall be developed with improvements for the residential development such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners' Association.
4. The detention pond shall be placed and screened appropriately to be unobtrusive to buildings inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. 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 development and outside the development 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
7. The developer shall install a deceleration lane at the entrance for the development. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.
8. A strip of brick pavers or stamped concrete shall be installed on the street at the development entrance for a minimum distance of 20 feet.
9. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. 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”.

12. The developer will comply with the City’s current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.

13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions:

15. The development shall maintain the following setbacks:

Two-Story Assisted Living:

Minimum Front – 0’

Minimum Side – 5’

Minimum Rear – 20’

~~Ten~~ Eleven-Story Independent Mixed Use Building:

Minimum Front – 0’

Minimum Side – 5’

Minimum Rear – 20’

Four Level Parking Deck:

Minimum Front – 0’

Minimum Side – 0

Minimum Rear - 0

16. A 10’ landscape buffer shall be provided and maintained along the property lines, except where varied by the approved site plan.

~~17. The applicant shall provide a covered entrance way over the passenger drop-off zone at the Assisted Living site.~~

~~18. If deemed necessary by the City Engineer or Cobb County during construction plan review, a second deceleration shall be provided.~~ The site driveway includes a right turn lane a minimum of 50 ft with a 50 ft taper, and a left turn lane a minimum of 50 ft

19. A deceleration lane at the entrance on South Cobb Drive that is a minimum of 150 ft with a 50 ft taper.

20. All access points, including the entrance and access isles, intended for two-way traffic be a minimum of 24 ft wide.

21. A GDOT permit will be required for the improvements on South Cobb Drive/SR 280.

22. A sidewalk (a minimum of 5 ft wide) shall be installed along the frontage of South Cobb Drive.

23. The trash dumpsters shall utilize rubber tops and/or trash compactors be appropriately screened with a three-sided brick enclosure.

~~24. The applicant must obtain an easement to access the private sewer system on the adjacent property to the south or if the applicant elects to use the sewer along South Cobb Drive, approval must be obtained from the appropriate jurisdiction.~~

25. 50% of the units shall be limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time. This requirement shall be included in the protective covenants developed for the property.

~~26. The development should incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath with ample maneuvering space.~~

27. Each unit must be protected by a fire sprinkler system.

~~28. The mandatory homeowners association must include the following rule for the independent senior living units:~~

- ~~• No more than 20% of the total units may be leased by individual owners at a time and for no term less than one year in duration.~~

~~29. The applicant shall provide a refundable deposit of \$3,000.00 per acre at the issuance of a building permit for the cost of general site maintenance should the property be abandoned and no site maintenance is provided. At the completion of the overall project and the issuance of a Certificate of Occupancy, all or a portion the deposit shall be refunded to the person or entity that provided the deposit. If the developer is unable to provide a deposit, a five-year bond or letter of credit shall be an acceptable alternative. This bond or letter of credit may be a two-year bond or letter of credit that is automatically renewed for a period of five year. At the completion of the overall project and the issuance of a Certificate of Occupancy, the bond or letter of credit should be released to the developer.~~

30. The proposed development shall conform in substantial compliance to the site plan dated ~~4/11/2016~~ 3/31/2023 for the independent senior living facility and the site plan submitted on 8/9/2013 in Zoning Case ~~Z43-046~~ Z15-012 for the assisted living facility. Slight deviations to the site plan may be approved by the Community Development Director. Any significant changes to the site plan will require an amendment to this rezoning.

31. The proposed development shall conform substantially to the conceptual elevations submitted on ~~4/11/2016~~ 3/31/2023 for the independent living facility and the elevations submitted on 8/9/2013 in Zoning Case ~~Z43-046~~ Z15-012 for the assisted living facility. Detailed elevations indicating building materials and colors shall be submitted to Community Development prior to final approval. Slight deviations to the elevations may be approved by the Community Development Director. However, any significant changes to the elevations will require an amendment to this rezoning.

~~32. The following uses shall not be permitted on subject property:~~

- ~~• Check Cashing Offices~~
- ~~• Pawn Shops~~
- ~~• Package Stores~~

- ~~Tattoo Parlor~~
- ~~Arcades~~
- ~~Pool Halls~~
- ~~Cigar Shops~~
- ~~Automotive Shops and Service Centers~~
- ~~Adult Entertainment~~

33. If any fence is constructed on the southern property line, it shall be wooden or decorative metal.

34. Decorative metal fencing shall be constructed along the top of all retaining walls providing a structural safety barrier as well as an attractive architectural element.

35. The parking deck shall have an exterior with decorative brick for all elevations visible from public right-of-way.

5. Other Business / Staff Comment

Mayor Norton discussed the Ward 7 seat vacancy and the timeline. Upon Dr. Wheaton's resignation of the Ward 7 seat as of May 10, 2023, Councilmember Welch called into question whether the six-month time limit was met because Dr. Wheaton sold his house in early April. According to City Attorney Scott Cochran, there is case law that supports the Mayor and Council appointing someone to hold the seat until December 31, 2023. Because the seat was not vacated until Dr. Wheaton's chosen date of May 10, 2023, the seat remained filled until said date. May 10, 2023 falls within the six-months required by Smyrna city charter to not have to hold a special election, but rather to appoint someone. Mayor Norton expressed that Dr. Wheaton's choice of Kathy Young remains in limbo now because of the way in which this was questioned; she does not want to be the subject of controversy.

Russell Martin, Community Development Director, briefly presented the Code Enforcement Dashboard to the Mayor and Council.

6. Executive Session (As Needed)

7. Adjournment

Mayor Derek Norton adjourned the May 11, 2023, Committee of the Whole meeting at 5:56 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