

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)
Kathy Young (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

**July 13, 2023
6:30 PM**

1. Roll Call

Present: 5 – Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Travis Lindley (virtual), Councilmember Charles Welch, and Councilmember Susan Wilkinson

Absent: 3 – Councilmember Latonia P. Hines, Mayor Pro Tem / Councilmember Tim Gould, and Councilmember Kathy Young

Also Present: 1 – Jeffrey Tucker

Staff: 15 – Tyler Addison, Joe Bennett, Jill Head, Bo Jones, Brian Marcos, Penny Mocer, Paul Osburn, Heather Peacon-Corn, Eric Randall, Kristin Robinson, Joey Staubes, Steven Watts, Ashley White, Mark Wolff, and Keith Zgonc

Call to Order

Mayor Derek Norton called to order the July 13, 2023 Committee of the Whole meeting held at A. Max Bacon City Hall in the HR Training Room at 6:30 PM.

2. Staff M&C Agenda Items to Review

3. Formal Business and Presentations

A. 2023-148 Update on Traffic Calming Program in the City – City Engineers *Citywide*

Ashley White, Assistant City Engineer, presented a brief update on the Traffic Calming Program for the City of Smyrna. Ms. White will be presenting a more detailed presentation at the next Mayor and Council meeting.

B. COW2023-038 Presentation regarding Lead and Copper Mandates – Bo Jones *Citywide*

Bo Jones, Director of Water, Sewer & Utilities, provided information about the lead and copper mandates. He stated that they have verified just over half of the properties, and he was happy to announce that no lead has been found. They are well ahead of schedule. Mr. Jones explained the physical verification steps are:

- If customer side verified to be lead based material, customer will be notified.
- If public side verified to be lead based material, service line will be replaced.
- When city replaced public side, a Brita pitcher filter must be provided to the customer until required round of testing has been completed.
- Pictures are taken of replacement and uploaded to database.

4. Review of Current M&C Agenda

A. COW2023-039 Review of the July 17, 2023 Mayor and Council Meeting Agenda

- Joey Staubes, Planner II, presented the following:

The applicant is requesting a rezoning from R-8 to RDA-Conditional for the development of six (6) single-family detached units at a density of 4.87 units per acre. A land use change from Medium Density Residential is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-8 to RDA-Conditional for six new single-family detached units.

Planning & Zoning Board Recommendation:

Deny by a vote of 5-1 at the June 12, 2023 meeting.

Baebrook LLC is seeking approval of a rezoning for 2791, 2801, and 2811 Madison Street from R-8-Conditional to RDA-Conditional for the development of six single-family detached residences at a density of 4.87 units per acre. The property was annexed and rezoned to R-8 in 2021 (Z21-003) for the development of five single-family homes at a density of 4.07 units per acre. The plan featured three homes facing Madison and two homes facing Mildred, with access drives for rear-entry homes. The applicant is proposing to add an additional lot to the currently approved plan with each home having a front entry garage and access from the public right of ways. Five of the homes will face Madison Street and one will face Mildred Place. The proposed lots will be between 4,299 and 14,122 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

The zoning proposal shows a stormwater detention facility located at the southern end of the property. The applicant has provided a site plan with the rezoning application for reference. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property. The applicant will be required to add new sidewalk around the development.

The Fire Marshal's office has reviewed the revised site plan and believes there is sufficient access to provide emergency services to the six homes.

The proposed rezoning would provide for six (6) new residences at density of 4.87 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Medium Density Residential (up to 6 units per acre). The proposed lot sizes and widths would be significantly less than other lots in the area.

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The subdivision and construction of six new single-family homes result in a density of 4.87 units per acre on the subject property. The lot width and lot size are compatible with the other in-fill developments in the surrounding area. The applicant is requesting a rezoning from R-8 to RDA-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 4.87 units per acre to be below the 6 unit per acre threshold of Medium Density Residential land use. The proposed rezoning will require variances from the RDA zoning district in terms of lot size and lot width. Staff is supportive of the variances required for the proposed development.

Community Development recommends approval of the rezoning from R-8 to RDA-Conditional for the development of six single-family units at a density of 4.87 units per acre with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. All utilities within the development shall be underground.
3. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with city's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.
4. No debris may be buried on any lot or common area.
5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

9. The development shall maintain the following setbacks:
Front – 20'
Side – 5'
Rear – 15'
10. The minimum lot size shall be 4,299 sq. ft.
11. The minimum lot width shall be 40 feet.

12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Mildred Place and Madison Street.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. Approval of the subject property for the RDA-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/22/2023 and created by DGM Land Planning Consultants and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 3/10/2023.

Mayor Norton asked why Planning and Zoning denied this. Mr. Staubes explained that several people from the area came to the meeting to express their disapproval and concern. Brief discussion took place about driveway size, elevations, and setbacks.

- Mr. Staubes presented information about the following: Prestwick Drift LLC is dedicating 2.66 acres of land south of Riverview Road to the City of Smyrna. The land extends approximately from Nichols Drive to Dickerson Drive and adjacent to the Chattahoochee River and is described in Exhibit A.

- Kristin Robinson, Assistant City Administrator/Finance Director, explained that the millage rate public hearing to take place on July 17, 2023 is the first of three required by the state. The recommendation is to leave the millage rate at 8.99. If a resident has a homestead exemption, there will not be an increase on property taxes for those individuals. The millage rate in Smyrna has not changed in several years.

- Brian Marcos, Fire Chief, provided information regarding the purchase of a Pierce 110' Aerial Fire Truck.

- This was a vehicle replacement for \$1.3M;
- By paying for it in full, about 20% on the purchase and 6.5% on tariffs was saved;
- During a pre-construction walkthrough in Wisconsin, they learned that a generator would be needed;
- The generator would cost \$34,977.00.

- Eric Randall, Public Works Director, provided the following information:

At some point in the past, a storm drain system was installed by the City to collect water from the back yard at 3260 Concord Circle and convey it to the inlet in front of 3276 Concord Circle. There is no record of this system in the files at Public Works, but Public Works is reasonably confident that it was constructed by City crews. The City was recently informed that it was not functioning correctly, and through investigation, it was found that it was not installed properly. A survey and engineering design was approved by this body on November 7, 2023 (AGR2022-32) and completed earlier this Spring. The Public Works Department solicited bids from it prequalified contractors for storm drainage work, and K.M Davis provided the lowest cost.

- Paul Osburn, Assistant Public Works Director, explained that Russell Landscape who was recently contracted to take over lawn maintenance in the City, provided a quote and

renderings of updating the landscaping around City Hall, Village Market, Community Center, Library, Police Department, and Wolfe Center. If the Council approves this, it will require a budget amendment as an add on to the contract. Councilmember Welch stated that the City buildings really need to be pressure washed and asked if that should be done before the landscaping is done. Mr. Osburn stated that they are working with a group that utilizes a drone method that uses a soft wash.

- Keith Zgonc, Chief of Police, provided information regarding the updated intergovernmental agreements between City of Acworth and Smyrna and City of Powder Springs and Smyrna. These agreements allow for consistent booking procedures and increase the per day cost to house their inmates in the Smyrna jail. Sandy Springs and Marietta will be forthcoming soon.

Chief Zgonc discussed the formal acceptance of federal money for the Public Safety and Community Violence Reduction grant in the amount of \$236,000.00 which will cover costs for three years of the FUSU's software. The software allows for real time partnership with Cobb County and other cities that are partnering as well.

- Brief discussion took place regarding water line replacements. Ms. Robinson explained that there would be several of these projects coming in the future, and she asked if there is a threshold that Council is comfortable with before bringing each item to them. It was suggested \$500,000.00 be a good threshold before being brought before Council. All were in agreement.

5. Other Business / Staff Comment

Joe Bennett, City Administrator, updated the Council on the following:

- Council Chambers – refinished wood panels are being reinstalled; new speakers have been installed; wall lighting is still to be decided.
- Downtown project – seat walls are in and are being faced with granite; concrete pour for the feature itself is scheduled for Monday.
- Memorial Green – grass installed, still a work in progress.
- Village Green Park – pre-construction meeting scheduled for Monday; plans for park have been approved and sent to POND.
- Oak Bridge benefits provider – consistent cost-savings for both prescription and medical.
- River Line splash pad – re-engineered by POND; in progress.
- Turf fields – phase I engineering is complete; phase II is being worked on now; first or second week of August, phase II will be complete.
- Rose Garden and Davenport – re-painted street numbers to remedy public safety issues.

Paul Osburn updated Council on the following:

- Downtown Fountain – Will be completed within the next month.
- Dumpsters rodent issue – removing all vegetation from all enclosures and concrete those areas.
- City Hall ERU – the majority of the prep work is done; September delivery date.
- 2023 LMIG Funds – bundle them with 2024 funds to get more paving completed throughout City.

Councilmember Welch discussed a call from a resident who had cut down trees without permits. When the resident went to get permits after the fact, he was charged quite a bit which Councilmember Welch feels might be excessive. Would like the fees to be reviewed.

Penny Mocer, Deputy City Administrator, announced that the artist team for the Fanny Williams project will be here on July 25, 2023 for discussions and formal introduction. The project is estimated to be completed by January 2024.

6. Executive Session (As Needed)

7. Adjournment

Mayor Derek Norton adjourned the July 13, 2023 Committee of the Whole meeting at 7:37 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