



## City Council Meeting - Final

January 06, 2025  
7:00 PM

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A. MIN2025-001 Approval of the December 5, 2024 Committee of the Whole Meeting Minutes

# 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)  
Rickey N. Oglesby, Jr. (Ward 7)

A. Max Bacon City Hall  
Human Resources Training Room  
2800 King Street SE  
Smyrna, GA 30080

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

**December 05, 2024  
6:30 PM**

## 1. Roll Call

**Present:** 5 – Mayor Pro Tem Tim Gould, Councilmember Latonia P. Hines (virtual)  
Councilmember Charles Welch, Councilmember Susan Wilkinson,  
Councilmember Rickey N. Oglesby, Jr.

**Absent:** 3 – Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Travis  
Lindley

**Also Present:** 1 – Scott Cochran

**Staff:** 9 – Joe Bennett, Richard Garland, Dat Luu, Russell Martin, Heather Peacon-Corn,  
Eric Randall, Kristin Robinson, Gwen Spruiell, Joey Staubes

## Call to Order

Mayor Pro Tem Tim Gould called to order the December 5, 2024 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

**ATH2024-205:** John Knop, Oakbridge Insurance, presented the following:

2025 Worker's Compensation Renewal Discussion

Past Year's (2024) Recommendations:

- Lock in \$508,996 annual premium with \$2,500 deductible
- Protect Smyrna from a potential bad year by removing \$100,000 exposure on every claim
- Aggressively implement Oakbridge's Proactive Services to improve safety and risk management culture
- Implement 2-4 year plan to reduce claims and lower first dollar/low deductible premiums for next few renewals
- Review claims after 2-3 years of proper risk management to determine if taking greater risk is appropriate to lower cost even further

2024 Claims: \$974,225  
Premium: \$508,996

Worker's Compensation Premiums and Claim Costs Analysis 2019-2024

Year	Total Claims	Premium	Claims Paid or Reserved	Total Cost
2019-2020	34	\$247,332	\$229,125	\$476,457
2020-2021	49	\$268,979	\$327,965	\$596,944
2021-2022	33	\$272,679	\$183,534	\$456,213
2022-2023	33	\$294,662	\$240,788	\$535,450
2023-2024	20	\$305,137	\$151,401	\$456,401
2024-2025	33	\$508,999	\$35,210	\$544,209

2024 Results Comparison:

Prior Plan Structure with \$100k Deductible		New Plan Structure with \$2500 Deductible	
2024 Proposed GMA Premium	\$322,931	2024 Actual Premium	\$508,999
Deductible expenses for all claims under \$100k	\$317,225	Deductible expenses for all claims under \$2,500	\$35,210
Total Expense	<b>\$640,156</b>	Total Expense	\$544,209

2024 Annual Savings with \$2500 Deductible: \$95,947.00

2025 Recommendations:

- Continue with \$2,500 deductible structure to protect from shock claims until claims have been reduced and management/loss control is comfortable with safety strategies
- Continue implementing Oakbridge's Proactive Services to improve safety and risk management culture
- Continue 2-4 year plan to reduce claims and lower first dollar/low deductible premiums for next few renewals
- Review claims after 1-2 years of proper risk management to determine if taking greater risk is appropriate to lower cost even further

Value added in 2024: Proactive Services

Service	Effort	Value	Impact
Drug Free Workplace Implementation	2 hours	\$625	\$45,260
Fleet Safety Program Review	4 hours	\$1,000	\$1,500
Incident Investigation Form	2 hours	\$500	\$1,500
Mineral Signup & Overview	1 hour	\$625	\$68,240
Post-Accident Checklist	2 hours	\$500	\$7,511
Refusal of Treatment Form	2 hours	\$325	\$1,260
Worker's Comp Claims Review	3 hours	\$750	\$0
Total		<b>\$4,325</b>	<b>\$125,271</b>

### 3. Formal Business and Presentations

#### A. **COW2024-080** Cobb County DOT – Eric Randall

Summary of proposed intersection improvements on the East West Connector at Fontaine Road and Cooper Lake Road

Joanathan Yee, Deputy Director, Program Delivery, of Cobb County Department of Transportation presented the following:

#### **East West Connector Safety Improvements Project**

##### Agenda

- ☐ Project Background
- ☐ Recommendations
  - ☐ East West Connector at Cooper Lake Rd
  - ☐ East West Connector at Fontaine Rd
- ☐ Next Steps
- ☐ Questions

##### Project Background

2022 SPLOST Booklet identified a joint City & County project

- ☐ East West Connector Safety Improvements with \$1.25 million budget
- ☐ January to June 2024
  - ☐ Cobb County DOT completed a Traffic and Safety Analysis Report
  - ☐ Analyzed traffic delays and crashes along East West Connector
- ☐ Traffic and Safety Analysis Report findings
  - ☐ Cooper Lake Rd ranked #2 in delays and #2 in crashes
  - ☐ Fontaine Rd ranked #1 in AM delay, #4 in PM delay, and #3 in crashes

Intersection	2023 AM		2023 PM	
	Delay (sec)	Level of Service	Delay (sec)	Level of Service
Fontaine Rd	78.5	E	20.8	C
Cooper Lake Rd	42.2	D	38.7	D
United Dr	8.3	A	2.8	A
Highlands Ridge Rd	9.8	A	37.9	D
Camp Highland Rd	10.8	B	3.9	A
Gaylor St	11.7	B	20.5	C
S Cobb Dr	58.3	E	59.4	E

##### **Jan 2021 to Dec 2023**

Intersection	Killed	Serious Injury	Visible Injury	Complaint of Injury	No Injury	Total
Fontaine Rd	0	2	6	19	42	69
Cooper Lake Rd	0	7	8	20	51	86
United Dr	0	1	1	1	15	18
Highlands Ridge Rd	0	0	1	2	16	19
Camp Highland Rd	0	0	2	2	21	28
Gaylor St	0	1	4	5	28	38
S Cobb Dr	0	1	11	58	196	266

##### Recommendations

- ☐ East West Connector at Cooper Lake Rd

- ☐ Narrow median and travel lanes
- ☐ Improve left turn line of sight
- ☐ Estimated cost is \$400,000
- ☐ East West Connector at Cooper Lake Rd
  - ☐ Extend westbound left turn lane
  - ☐ Improve left turn storage and reduce risk of rear end collisions
  - ☐ Estimated cost is \$450,000
- ☐ East West Connector at Fontaine Rd
  - ☐ Extend westbound left turn lane
  - ☐ Improve left turn storage and reduce risk of rear end collisions
  - ☐ Estimated cost is \$400,000

#### Next Steps

- ☐ December 2024 to February 2025
  - ☐ Bid and award engineering work
- ☐ March 2025 to December 2025
  - ☐ Complete survey and engineering design
- ☐ January 2026 to March 2026
  - ☐ Bid and award construction work
- ☐ April 2026 to September 2026
  - ☐ Complete construction

Councilmember Oglesby expressed concerns that some of these proposed solutions do not address resident concerns: did not talk about lighting and other problems in other specific areas. Eric Randall, Public Works Director, stated that they have not been able to get someone from Greystone Power to address the lighting to add six overhead lights to the intersection. This project is specifically for intersection improvements to fix safety issues. There is a much bigger project that addresses the entire corridor and bigger concerns. Joanathan Yee explained that there will be a full blown planning study to take a deeper look into problem areas along the East West Connector which will take into account lack of lighting and capacity issues. Public outreach would be included. Councilmember Oglesby asked about studying the flow of traffic and the extended rush hour and how the timing of the traffic signals adjusts. Mr. Yee explained that there are synchronization plans throughout the day. He will need to determine if some of these signals are on an adaptive system. Councilmember Oglesby also said that at Camp highland Pkwy, people will run the red light because it is too long.

Councilmember Welch mentioned that according to the chart, at Cooper Lake there were 86 accidents in three years. He asked if they were left hand turn accidents. Mr. Randall answered that they are both left hand turn accidents and rearend collisions. At Fontaine, those are more often rearend collisions.

Councilmember Wilkinson asked if when lanes narrow, does it cause people to slow down. Mr. Randall answered that narrower lanes do have a traffic calming effect.

#### **B. COW2024-088 Resolution Supporting Amicus Brief – City of Milton**

Scott Cochran, City Attorney, explained the following:

- City of Milton had a jury trial over a single car accident
- A young man coming home from college veered off the road and hit a large planter/flower pot
- The young man was sadly killed

- The family sued the City of Milton, and the jury awarded them \$35M and growing at \$10K/day in interest
- The wreck occurred off the roadway but on the right-of-way
- The Court of Appeals upheld the verdict
- The waiver is that the city and government has a ministerial duty to maintain their roads are free of obstructions
- City of Milton wants to appeal this to the Supreme Court of Georgia because this sets a bad precedent – rights-of-way often have mailboxes, lampposts, fire hydrants, etc.
- City of Milton has asked metro-Atlanta cities to pass a resolution petitioning the Supreme Court to hear the case
- This is to join in an Amicus

Councilmember Welch asked if there is a downside to passing this resolution. Mr. Cochran said there is no downside. Councilmember Wilkinson asked if insurance covered any of it. Mr. Cochran stated that GIRMA has this case in their pool which affects all cities in the pool including Smyrna. Councilmember Hines agreed that the Amicus is a good move, and she supports the resolution.

#### 4. Review of Current M&C Agenda

##### A. **COW2024-082** Review of the December 9, 2024 Mayor and Council Meeting Notice and Agenda

**Z24-014:** Russell Martin, Community Development Director, presented the following:

Shamarra Goba is seeking approval of a rezoning for 4820 Camp Highland Road from GC to R15 for the development of one (1) single-family detached residence at a density of 2.17 units per acre. The previous single-family home was demolished and a rezoning is required to build a new single-family home. The applicant is requesting a rezoning to R-15 to build the single-family home. The proposed lot will be approximately 19,000 sq. ft.

The proposed rezoning would provide for one (1) new residence at density of 2.17 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Moderate Density Residential (up to 4.5 dwelling units per acre) and Industrial.

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 construction of one (1) new single-family detached home results in a density of 2.17 units per acre on the subject property. The lot width and lot size are compatible with the R-15 zoning district and no variances are required. The applicant is requesting a rezoning from GC to R-15 and the proposed zoning is in compliance with the Future Land Use Plan.

**Z24-015:** Russell Martin, Community Development Director, presented the following:

Davin Harris is seeking approval of a rezoning for 3767 & 3777 King Springs Road from R-15 to RDA-Conditional for the development of eight (8) single-family detached residences at a density of 5.0 units per acre. The existing two (2) single-family homes will be demolished to allow the construction of the proposed development. Five (5) of the homes will have a rear-entry garages and face King Springs Road. Three (3) of the homes

will have front-entry garages accessed from a new public street. The proposed lots will have a minimum lot size of 4,436 sq. ft. and an average lot area of 5,036 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

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. If necessary, the applicant will be required to dedicate property along King Springs Road for the installation of a sidewalk.

The two (2) properties are currently utilizing septic systems for the existing homes. The proposed development will extend a sewer main on Springwood Drive to serve the proposed development. The extension of the sewer main will provide sewer access to additional lots on King Springs that are currently utilizing septic systems.

The proposed rezoning would provide for eight (8) new residences at density of 5.0 units per acre. The subject property is located in the Low Density Residential (up to 3 dwelling units per acre) future land use designation and requires the designation be changed to Medium Density Residential (up to 6 dwelling units per acre). However, much of the surrounding properties have a future land use designation of Medium-High Density Residential (10 dwelling units per acre or greater) and are occupied by duplexes. The proposed development will provide a gradual increase between the Low Density Residential to the north and the Medium-High Density Residential to the east and south. Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.

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 eight (8) new single-family detached homes result in a density of 5.0 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-15 to RDA-Conditional and the proposed zoning will require a change of the Future Land Use Plan to Medium Density Residential.

Staff is supportive of the rezoning for the proposed development and the requested variances:

1. Allow reduction of the minimum lot area from 7,260 sq. ft. to 4,436 sq. ft. (Staff Supports).
2. Allow reduction of the minimum front setback from 25 ft. to 20 ft. (Staff Supports).
3. Allow reduction of the minimum rear setback from 30 ft. to 20 ft. (Staff Supports).
4. Allow an increase in the maximum lot coverage from 45% to 55% (Staff Supports).

Community Development recommends approval of the rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family units at a density of 5.0 units per acre with the following conditions:

**Standard Conditions Requirements # 2, 8, 9, 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. 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. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. 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.
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 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.
7. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
8. No debris may be buried on any lot or common area.
9. 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.
10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
12. 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.

**Spe**

**cial Conditions**

13. The development shall maintain the following setbacks: Front – 20' Side – 5' Rear – 20'
14. The minimum lot size shall be 4,436 sq. ft.
15. The minimum lot width shall be 50 feet.
16. The maximum impervious lot coverage shall be 55%.
17. Driveway – 22' minimum length from building face to back of sidewalk.
18. The developer shall dedicate 5 feet of property along King Springs Road.
19. The developer shall install a 5' sidewalk and 2' grass strip along King Sprigs Road.
20. The front elevations of Lots 1-5 shall face King Springs Road and the rear elevations shall face the new street within the development.
21. Fencing within the front yard shall be a maximum 4' in height and decorative. Both street frontages of Lots 1-5 shall be defined as a front yard.
22. 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 10/13/2024 and created by SJM Murphy LLC. and all zoning stipulations above.



23. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 10/13/2024.

**ORD2024-001:** Russell Martin, Community Development Director, presented the following:

#### BACKGROUND

Community Development is proposing a code amendment to the Zoning Ordinance to allow animal cremation as a permitted use within the Office-Distribution (OD) zoning district. The Heavy Industrial (HI) zoning district allows human and animal crematories, but no other zoning district allows animal cremation as a singular use.

#### ANALYSIS

Community Development has reviewed the City's Zoning Ordinance and found that animal and human crematories are identified as permitted use within the Heavy Industrial (HI) zoning district. However, animal cremation is not permitted in any other zoning district. The proposed code amendment would allow animal cremation as a permitted use within the Office-Distribution zoning district. Community Development is proposing to amend Section 713 of the Zoning Ordinance to add animal cremation as a permitted use under the Office-Distribution (OD) zoning district.

#### STAFF COMMENTS

Community Development proposes the following code amendment to allow animal cremation as a permitted use within the Office-Distribution zoning district. Therefore, Community Development recommends approval of the proposed code amendments below to the City's Zoning Ordinance: Section 713 of the Zoning Ordinance shall be amended to add animal crematory to the list of permitted uses under the Office-Distribution (OD) zoning district. The proposed sections shall read as follows (amended portions are highlighted). (713.3) Reserved. Animal crematory.

**RES2025-002, RES2025-003, RES2025-004:** These resolutions are passed each year so Smyrna can collect the 911 fees. Discussion took place as to how it is known which jurisdiction receives the fees. It was said that fees go to the jurisdiction where the bill is sent.

**ATH2024-194:** These banquet chairs will be purchased for the Community Center to replace the old chairs. The old chairs will be kept for overflow.

**ATH2024-195:** This is for the renovation of the playground equipment at Creatwood Park.

**ATH2024-201:** Kristin Robinson, Deputy City Administrator/Finance Director, stated this is a new program. As of January 1, 2018, all legally organized fire departments in Georgia are required by House Bill 146 to provide certain cancer benefits to their firefighters. This program provides financial protection to firefighters and their families in the event they contract cancer attributed to their job. The program provides a Lump Sum Cancer Benefit as well as Long-Term Disability coverage. The City needs only to obtain coverage for the Lump Sum portion of the program, as the City already provides LTD coverage for its employees.

**ATH2024-202:** Kristin Robinson, Deputy City Administrator/Finance Director, stated that implementation of the Georgia First Responder PTSD Program, effective January 1, 2025, as required by HB 451 (2024) Georgia House Bill 451 (2024) mandates all public entities that have employed or volunteer first responders provide lump-sum and income

replacement (long-term disability) PTSD benefits, effective January 1, 2025. There are two coverage components required by House Bill 451 (2024) effective January 1, 2025:

- 1) Lifetime Critical Illness Lump Sum PTSD Diagnosis Benefit
- 2) Lifetime Long-Term PTSD Disability Benefit (Income Replacement)

The Ashley Wilson Act (HB 451) requires several specific coverage features for the disability portion of the PTSD benefits. Our existing group long term disability policy does not meet the disability benefit requirements of the Act.

**ATH2024-204:** ARPA Funds have to be encumbered by the end of the year. The Creatwood Project will be added to ARPA to cover the playground equipment and renovation. It will be increased by \$373K. Several amendments are to shore up the fund by the deadline of 12/31/2024. New projects will include new chairs to be purchased for the HR Training Room and Admin Conference Room, as well as baseball netting to be replaced at Chuck Camp and Brinkley Parks.

Councilmember Oglesby asked if the city is able to help Campbell High School with upgrades they want to do on their athletic fields. Mrs. Robinson said ARPA funds would not be able to be used. Scott Cochran, City Attorney, said that it is tricky and complicated to use city taxpayer dollars to assist payment for another taxing authority (Cobb County School District).

**ATH2024-206:** Mrs. Robinson explained each year cost of living pay adjustments and merit increases for eligible staff are included in the budget in the contingency line item of each fund. As part of the maintenance plan recommended in the adopted 2022 classification and compensation study, Council committed to annual adjustments to the pay bands and cost of living (COLA) pay adjustments based on the Employment Cost Index (ECI) published at the end of the third quarter each year. According to the 10/31/24 Economic News Release, compensation for state and local government workers increased 4.7% for the 12 month period ended 9/30/2024 (compared to a 4.8% increase 9/30/2023). The FY 2025 Budget was adopted with a cap on the COLA adjustment at 3%. The amounts budgeted for ECI (COLA) adjustments totaled \$581,800.00 (GF-\$538,000.00, WS-\$19,000.00, E911-\$19,00.00, HM-\$5,800.00). Merit raises were also included in the budget contingencies lines items in each of the individual funds. Initial amounts budgeted totaled \$448,100.00 (GF-\$390,000.00, WS-\$27,000.00, E911-\$27,000.00, HM-\$4,100.00). Total budgeted for merit and ECI/ COLA was \$1,029,900.00. The estimated total for a 3.0% COLA, and merit raises at 2.5% (performance rating of 3), and 3.5% (performance ratings of 4 and 5) totals \$804,196.23.00 at January 1, 2025, including FICA. Staff anticipates as employees come off working test we will need additional adjustments to the budget that will be pulled from the remaining balance in the contingency line item.

Councilmember Wilkinson expressed that she would like to see more neighborhood parks. Mayor Pro Tem Gould suggest that she talk with Joe Bennett, City Administrator, and Richard Garland, Community Services Administrator to discuss potential locations for possible additional parks to accommodate residents who are currently not within walking distance of a park.

**ATH2024-199:** A second artist has been chosen for the second crosswalk in front of City Hall which will be done in a couple weeks.

## 5. Other Business / Staff Comment

Scott Cochran, City Attorney, discussed the following:

- Fox Creek – underlying land is owned by the city, and next door the underlying land is owned by the county
- Both have to be recreational by deed restriction
- Same owners of both golf courses – owners have come to city and county to improve the land
- This would require an extension of the agreement
- An added item for the Monday agenda would be an amendment to the agreement and that it runs parallel to the county's agreement – January 2056

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

- In November, HB581 was approved – homestead exemption
- A meeting with the county and other cities – a decision needs to be made whether the city should opt in or opt out
- Staff believes the city should opt out because the city already has an exemption that is better than HB581
- All cities have to opt out
- A meeting will be held on December 18
- If the city opts out, three public meetings have to be held with explanation as to why the decision is to opt out
- There has been no formal action from council on the rebranding

## **6. Executive Session (As Needed)**

## **7. Adjournment**

Mayor Pro Tem Tim Gould adjourned the December 5, 2025 Committee of the Whole meeting at 8:23 PM.

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

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**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](http://www.smyrnaga.gov)  
City Hall, 2800 King Street SE, Notice Boards**