



## City Council Meeting - Final

June 20, 2023  
7:00 PM

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C. MIN2023-061 Approval of the June 5, 2023, Mayor and Council Meeting Minutes.

# City Council Meeting Action Summary - 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)

Smyrna Community Center  
Magnolia Room  
200 Village Green Circle  
Smyrna, GA 30080

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

**June 05, 2023  
7:00 PM**

## **I. 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, Councilmember Kathy Young

**Also Present:** 1 – Scott Cochran and Phyllis Gingrey Collins

**Staff:** 10 – Tyler Addison, Jennifer Bennett, Joe Bennett, Jill Head, Dat Luu, Russell Martin, Landon O'Neal, Heather Peacon-Corn, Kristin Robinson, and Joey Staubes

### **2. Call to Order**

Mayor Derek Norton called to order the June 5, 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 Christian Salzillo, Life Church Assembly of God (4100 King Springs Rd)

### **4. Agenda Changes**

### **5. Mayoral Report**

Mayor Derek Norton introduced former Councilmember, Dr. Lewis Wheaton. He stated that it was an honor serving with Dr. Wheaton. He is of the highest moral character, and he brought a lot of great ideas to this body.

Councilmember Travis Lindley stated that it was a pleasure to serve with him. Mr. Lindley stated that he, Dr. Wheaton, Councilmember Pickens, and former Councilmember Wagner all got to know each other before the Covid shutdown; It was wonderful to get to know him. Mr. Lindley hopes that Dr. Wheaton will continue to be part of the fabric of this community.

Mayor Pro Tem Tim Gould thanked Dr. Wheaton for his service. He stated it was a pleasure to get to know him and serve with him.

Councilmember Latonia P. Hines thanked Dr. Wheaton. She stated that he has fought for diversity and shown the importance of representation. And she thanked him for always being available and answering calls.

Councilmember Charles Welch stated that he enjoyed working with Dr. Wheaton.

Scott Cochran, City Attorney, stated that it was great to have someone who is such a linear thinker who always supported staff. He stated he really enjoyed working with Dr. Wheaton.

Joe Bennett, City Administrator, stated there is much respect for Dr. Wheaton, and he thanked him for his service to the city.

Mayor Norton presented Dr. Wheaton with a glass-blown jonquil.

Councilmember Travis Lindley made a motion to approve item ATH2023-014, the appointment and swearing in of Ward 7 Councilmember Kathy Young to fulfill the term of resigned Ward 7 Councilmember Lewis Wheaton (Effective May 10, 2023) through the date of December 31, 2023; seconded by Mayor Pro Tem Tim Gould.

The motion to approve carried with the following vote:

**Aye:** 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould  
**Nay:** 0 – None  
**Recuse:** 0 – None

Judge Phyllis Gingrey Collins swore in Ms. Kathy Young as Ward 7 Councilmember. The following oath was read:

I, Katherine Young, do solemnly swear that I will well and truly conduct myself as Council Member of the City of Smyrna for the ensuing term, that I will faithfully enforce the charter and ordinances of the City of Smyrna to the best of my ability, without fear or favor, that I am not the holder of any unaccounted public money due the State or any political subdivision or authority thereof, and in all my actions as Council Member act as I believe for the best interests of the City of Smyrna. So help me God.

**B. APP2023-001 Approval to confirm Mr. Dat Luu as the Information Systems Director for the City of Smyrna effective immediately.  
*Citywide***

Joe Bennett, City Administrator, provided the following background:

Following the announcement of a December 31, 2023, retirement for IT Director Chris Addicks after 23 years of service, Mr. Addicks and administrative staff are recommending Assistant IT Director Dat Luu be promoted to the role of IT Director effective immediately. Mr. Addicks will fill the open position of Network Administrator with the intention of working through December 31, 2023, to assist with the transition. Additionally, the position of Assistant Information Systems Director will be advertised and applications accepted for vetting.

Mr. Luu grew up in Jacksonville, Florida. His parents migrated from Vietnam as refugees in 1989. As first-generation Vietnamese Americans, Mr. Luu was the first in his family to earn his bachelor's degree from Florida International University, and he earned his graduate degree in Management of Information Systems from Nova Southeastern University. He also has several highly sought-after certifications including Certified Information System Security Professional and Certified Ethical Hacker. He is on his way to earning his Certified Government Chief Information Officer certification in August 2023 from the Carl Vinson Institute of Government, University of Georgia. In his spare time, Mr. Luu volunteers as a member of the Cobb County Search and Rescue Team. He currently resides in Marietta, GA with his wife Chrissy.

Councilmember Travis Lindley made a motion to approve item APP2023-01, confirmation of Mr. Dat Luu as the Information Systems Director for the City of Smyrna effective immediately; 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 Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

Mr. Dat Luu thanked Mayor and Council for giving him the opportunity to lead the six great men and women of the IT department. He thanked Chris Addicks for his dedicated 23 years of service to the city. He also thanked his wife and his parents. He stated he is excited to lead the IT department into the next generation and hopes to become the next model city.

## II. **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***

### 6. **Proclamations and Presentations**

#### A. **PRC2023-012 Proclamation in Recognition of LGBTQ Pride Month Citywide**

Members of the Smyrna Is Fabulous group were present to accept the proclamation which was aloud by Mayor Pro Tem Tim Gould:

A PROCLAMATION

BY THE MAYOR OF THE CITY OF SMYRNA  
In Recognition of LGBTQ Pride Month June 2023

Whereas, for more than 50 years, June has been celebrated as LGBTQ Pride Month nationwide in honor of the LGBTQ citizens that rose up and fought discriminatory laws at Stonewall; and

Whereas, the historical riot at Stonewall in New York City on June 28, 1969, is considered a turning point for LGBTQ liberation in the United States; and

Whereas, the City of Smyrna cherishes the value and dignity of each person and appreciates the importance of equality and freedom; and

Whereas, all are welcome in the City of Smyrna to live, work and play, and every family, in any shape, deserves a place to call home where they are safe, happy, and supported by friends and neighbors; and

Whereas, the City of Smyrna denounces prejudice and unfair discrimination based on age, gender identity, gender expression, race, color, religion, marital status, national origin, sexual orientation, or physical attributes as an affront to our fundamental principles; and

Whereas, the City of Smyrna appreciates the cultural, civic, and economic contributions of the LGBTQ community; and

Whereas, it is imperative that young people in our community, regardless of sexual orientation, gender identity, and expression, feel valued, safe, empowered, and supported by their peers and community leaders; NOW

Therefore, I, Derek Norton, Mayor of the City of Smyrna, do hereby proclaim and recognize June 2023 as LGBTQ Pride month in the City of Smyrna, Georgia and urge residents to recognize the contributions made by members of the LGBTQ community and actively promote the principles of equality, liberty, and justice.

Smyrna Is Fabulous is the only Pride group on Cobb County and the second largest Pride group in the state of Georgia. Smyrna Is Fabulous' motto is "Live Where You Are Loved." There will be a Pride even on Saturday, June 17, 2023, in the Market Village.

**B. PRC2023-013 Proclamation in Recognition of Juneteenth (June 19, 2023)**  
***Ward 2 Councilmember - Latonia P. Hines***

Councilmember Latonia P. Hines read and presented the following proclamation:

A PROCLAMATION  
BY THE MAYOR OF THE CITY OF SMYRNA  
In Recognition of Juneteenth  
June 19, 2023

Whereas, Juneteenth, also known as Freedom Day or Emancipation Day, is celebrated each year on June 19th in the United States to commemorate the end of slavery; and

Whereas, though the Emancipation Proclamation had been issued on September 22, 1862, with an effective date of January 1, 1863, it had minimal immediate effect on most slaves' day-to-day lives, particularly in Texas, which was almost entirely under Confederate control; and

Whereas, Juneteenth commemorates June 19, 1865, the day Union General Gordon Granger and 2,000 federal troops arrived in Galveston, Texas, to take possession of the state and enforce the emancipation of its slaves; and

Whereas, Juneteenth is the oldest known celebration of the ending of slavery. The celebration of June 19th was coined "Juneteenth" and grew with more participation from descendants. Juneteenth today celebrates African American freedom while encouraging self-development and respect for all cultures; and Whereas, on June 17, 2021, the Juneteenth National Independence Day Act was signed into law, which established Juneteenth as an official federal holiday; and Whereas, the City of Smyrna approved the observance of Juneteenth as an official city holiday in 2022. In recognizing the holiday of Juneteenth in the City of Smyrna, we acknowledge the challenges, successes, tribulations, and perseverance of all those who lived during these periods in our history; Now Therefore, I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim June 19, 2023, as Juneteenth in the City of Smyrna and encourage the community to join the commitment for anti-racism, racial and social justice, by encouraging a day of reflection, recognition, acknowledgment, and healing.

Ms. Jerienne Bonner-Grimes received the proclamation and thanked the Mayor and Council. She stated that it has been a delight to be part of this and to be in the shared space with the LGBTQ Community and Pride Month. She is the president of the Cobb County NAACP which serves seven cities, Smyrna being one of them. She announced that for the Juneteenth celebrations, there will be a block party on the Square in Marietta on June 16. There will be vendors, food, and entertainment. There will be celebrations of fathers on June 18 for Father's Day as they move into the June 19 Juneteenth celebrations. Ms. Bonner-Grimes expressed her hope that all are welcome to attend the celebrations.

## 7. Community Development Items

- A. **Z23-004** Public Hearing - Zoning Amendment - Z23-004 - Request to modify the currently approved density, site plan, and elevations - Land Lot 690 & 691 - 5.4 acres - 4788 & 4840 Hanson Drive and part of 4838 S Cobb Drive - Jason Lewis

***Ward 7 Councilmember – Kathy Young***

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

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 a 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.

Councilmember Welch asked how many parking spaces there are. Mr. Martin stated there are 538 parking spaces with a ratio of 1.8 per unit. One hundred parking spaces are in the deck, 63 are surface parking, and the remaining are underneath.

Adam Rozen, attorney and representative for the applicant, came forward and provided some detailed renderings to the Mayor and Council.

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

Councilmember Kathy Young made a motion to approve item Z23-004, a public hearing and zoning amendment (Z23-004) 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; seconded by Mayor Pro Tem Tim Gould.

The motion to approve failed with the following vote:

**Aye:** 3 – Councilmember Welch, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 4 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson  
**Recuse:** 0 – None

- B. ORD2023-006** Public Hearing - Approval of ORD2023-006 for amendments to the Code of Ordinance in relation to notification requirements for variance requests, special land use permits, administrative appeals and the Urban Design Commission and authorize the Mayor to sign and execute all related documents.

***Citywide***

Joe Bennett, City Administrator, provided the following background:

HB 1405 was signed into law in 2022 and requires local government compliance by July 1, 2023. HB 1405 amends a portion of the zoning procedures law which regulates meeting notification requirements for quasi-judicial officers, boards, or agencies with delegated powers that hear cases for variances, special land use permits, and administrative appeals. The notification requirements mandate posting signs a minimum of 30 days prior to any hearing, and a legal advertisement a maximum of 45 days and minimum 15 days prior to the hearing. Community Development is proposing amendments that bring the Code of Ordinance into compliance with HB 1405.

Russell Martin, Community Development Director, reiterated that approval of this is necessary to be in compliance with the state by July 1, 2023.

A public hearing was called.

Shaun Martin, Williams Park Community, was sworn in and asked for clarification.

Scott Cochran, City Attorney, explained that the state legislature adopted a law last year that required municipalities modify their existing zoning code. Most changes had to do with the manner in which appeals were handled. First, it designates that zoning cases are legislative while variance cases are quasi-judicial. Mr. Cochran stated that this will not change much the way in which the city currently operates. Most of the amendment has to do with the vehicle by which appeals go to the superior court.

Councilmember Travis Lindley made a motion to approve; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

## 8. Privilege License and Show Cause Hearing

## 9. Formal Business

### A. ATH2023-08 Adoption of the Fiscal Year 2024 Budget *Citywide*

Joe Bennett, City Administrator, provided the following information:

The Public Hearing for the FY 2024 proposed budget was held on May 15, 2022.

The total budget, as proposed, is \$100,247,367.00:

The General Fund budget is \$60,033,000.00  
Special Revenue Funds are \$9,519,774.00  
Capital Project Funds are \$800,000.00  
Internal Service Fund is \$1,557,000.00  
Enterprise Funds are \$26,337,593.00

For comparative purposes, the total revised FY 2023 budget, to date, is \$126,086,208.00:

The General Fund budget is \$59,809,951.00  
Special Revenue Funds are \$9,630,457.00  
Capital Project Funds are \$31,406,549.00  
Internal Service Fund is \$1,164,937.00  
Enterprise Funds are \$24,074,314.00

Councilmember Travis Lindley made a motion to approve item ATH2023-08, adoption of the fiscal year 2024 budget; 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 Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

- B. ATH2023-10** Authorization for the approval of an amendment to increase the American Rescue Plan Act (ARPA) Fund project budget for the Reed House Landscaping in the amount of \$12,268 and authorize the Mayor to sign and execute all related documents.

***Citywide***

Councilmember Charles Welch made a motion to approve item ATH2023-10, the approval of an amendment to increase the American Rescue Plan Act (ARPA) Fund project budget for the Reed House Landscaping in the amount of \$12,268.00 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

- C. AGR2023-22** Approval of the purchase of a 2024 StarCraft Allstar 22 – 14 Passenger Bus in the amount of \$123,452.00 from Creative Bus Sales using HGAC Buy Cooperative (Contract #BT01-21) and authorize the Mayor to sign and execute all related documents.

***Citywide***

Joe Bennett, City Administrator, provided the following background:

Parks & Recreation originally budgeted \$60,000.00 for replacement of Vehicle # 4958 E-450 Bus. Creative Bus Sales submitted a quote in the amount of \$123,452.00 using HGAC Buy Cooperative (contract #BT01-21). Increased costs and vehicle lead times are the reason for increase in amount. The vehicle is the primary transportation for Senior Trips and used by other departments for various needs. The current vehicle has been in use for a long period of time and has had multiple repair issues. The new vehicle will provide reliable, safe transportation and allow the continuation of programs being offered to Smyrna's senior community, as well as others who are served by use of the bus.

Mayor Pro Tem Tim Gould made a motion to approve item AGR2023-22, the purchase of a 2024 StarCraft Allstar 22 -14 Passenger Bus in the amount of @123,452.00 from Creative Bus Sales using HGAC Buy Cooperative (Contract #BT01-21) and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

- D. RFQ2023-13** Approval to award RFQ 23-013 Fanny Williams Legacy Project to the team of David Wilson, Stephen Hayes, and Michael Gonzales for their proposed design, Testimony of Redemption for \$125,000, and to authorize the Mayor to sign and execute all documents.  
***Ward 3 Councilmember - Travis Lindley***

Joe Bennett, City Administrator, Provided the following background:

For the past year, the Committee for Fanny Williams (Committee) has been working to identify and recommend an appropriate memorial to honor Fanny Williams. In August, with the help of professional panelists, Keith Kaseman, Assistant Professor of Architecture at Georgia Tech; Nicole Moore, Director of Education National Center for Civil and Human Rights; Dr. Karcheik Sims-Alvarado, Assistant Professor of Africana Studies Morehouse College; and Jennifer Grant Warner, President and CEO Fernbank Museum of Natural History, the Committee developed and released a Request for Qualifications for the Fanny Williams Legacy Project. The Committee received 36 submissions and recommended four finalists who were each asked to provide a proposed project design. The Committee interviewed the finalists, completed reference checks, and recommends Mayor and Council award RFQ-23-013 to the team of David Wilson, Stephen Hayes, and Michael Gonzales.

Mayor Pro Tem Gould, chairperson of the Committee to Honor Fanny Williams, stated that the committee started this process in February 2022 to find an appropriate way to honor Fanny Williams and teaches all about who she was. The committee was made up of a very broad group of people ranging from community pastors and community members. Penny Mocerri and staff did a great job during this entire process. Four finalists came and presented to the committee. This design was chosen because it tells the most comprehensive story. They are a talented group who has agreed to work closely with the committee. A contract will be put in place after attorney review, and it will be a six-to-nine-month build. There are approval processes built in at different stages in the process.

Councilmember Travis Lindley made a motion to approve item RFQ2023-13 to award RFQ23-013 Fanny Williams Legacy Project to the team of David Wilson, Stephen Hayes, and Michael Gonzales for their proposed design, Testimony of Redemption, for \$125,000.00 and authorize the Mayor to sign and execute all related documents; seconded by Mayor Pro Tem 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 Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

- E. **AGR2023-015** Approval of the Framework Agreement with Cobb County to fulfill role as Project Administrator with Georgia DOT for South Cobb Improvement Project and authorize the Mayor to sign and execute all related documents.

***Ward 5 Councilmember – Susan Wilkinson***

***Ward 3 Councilmember - Travis Lindley***

Joe Bennett, City Administrator, provided the following information:

Georgia Department of Transportation requires municipalities to be certified to administer projects (LAP Certification) that receive Federal Funding from FHWA. This certification includes designated persons to address specific areas of responsibility such as procurement, plan development, right-of way acquisition, and construction administration, among others.

The City of Smyrna is pursuing LAP Certification with GDOT, but until we are certified, Cobb DOT will act in that role to maintain the project management procedures established by GDOT to advance the project within process. This will necessitate Cobb DOT to enter into a Framework Agreement with GDOT, which will then be replaced with a new Framework Agreement when the City is LAP certified.

Councilmember Susan Wilkinson made a motion to approve item AGR2023-015, the Framework Agreement with Cobb County to fulfill role as Project Administrator with Georgia DOT for South Cobb Improvement Project and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

- F. **ATH2023-11** Approval of an amendment to the Water and Sewer CIP project # 52301 Infrastructure Improvements to increase the budget in the amount of \$254,852.24, an amendment to Water and Sewer CIP project # 52313 Lead and Copper Inventory to increase the budget in the amount of \$254,852.23, and an amendment to the Water and Sewer CIP project # 52013 Windy Hill Modifications to decrease the budget in the amount of \$509,704.47 and close out the project.

***Citywide***

Joe Bennett, City Administrator, provided the following background:

A Water and Sewer CIP project was established in FY 2020 for modifications needed in preparation of the Windy Hill Boulevard project. This project was completed in a prior fiscal year, but the project was left open with available funds that need to be reallocated.

During the FY 2023 budget process two CIP projects were established in the Water and Sewer CIP fund for Infrastructure Improvements and Lead and Copper Inventory. As FY 2023 has progressed, we have utilized the majority of the budgeted funds and need additional funding to complete these projects. We are recommending the remaining funds in the Windy Hill Modifications Project (52013) be split equally to increase the Infrastructure Improvements and Lead and Copper Inventory.

Councilmember Travis Lindley made a motion to approve item ATH2023-11, an amendment to the Water and Sewer CIP project #52301 Infrastructure Improvements to increase the budget in the amount of \$254,852.24, an amendment to Water and Sewer CIP project #52313 Lead and Copper Inventory to increase the budget in the amount of \$254,852.23, and an amendment to the Water and Sewer CIP project #52013 Windy Hill Modifications to decrease the budget in the amount of \$509,704.47 and close the project; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

- G. ATH2023-15** This is a request from water distribution for the approval for emergency sewer main line repair of 18" sewer main line Located rear of 1097 Queens Gate Drive from current pipe lining contractor (UAM) Utility Asset Management Group in the amount of \$104,077.00 to be paid from 2023 Water CIP and authorize mayor to execute all related documents.

***Ward 4 Councilmember – Charles Welch***

Joe Bennett, City Administrator, provided the following background:

On or about 12:20pm on May 24, 2023. The City of Smyrna was made aware of a broken leaking sanitary sewer line overflow. It appears there was a total discharge amount upon arrival was about 23 gallons, the spill location is inside a concrete creek crossing located on outfall located on a property of City of Smyrna easement located Behind 1095 and 1097 Queens Gate Drive. Nick jack Creek tributary waters were affected. The City of Smyrna took corrective action by contacting emergency lining crew to have sewer main lined immediately, also cleaning, servicing, videoing both upstream and downstream and Neutralizing soils in affected area of this manhole has taken place. Signs will be posted at spill site to notify.

Councilmember Charles Welch made a motion to approve item ATH2023-15, an emergency sewer main line repair of 18" sewer main line located rear of 1097 Queens Gate Drive from current pipe lining contractor (UAM) Utility Asset Management Group

in the amount of \$104,077.00 to be paid from 2023 Water CIP and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

**H. ATH2023-17 Approval of an amendment to the FY 2023 Adopted Budget for items not included in the initial budget adoption.  
*Citywide***

Joe Bennett, City Administrator, provided the following background:

During the process of reviewing general ledger balances and negative budget to actual variances in preparation for the end of the fiscal year, several variances were noted that needed to be corrected.

In the E911 CIP fund, an old project needs to be closed out and the budgeted transfer in from the General Fund needs to agree to the actual amount transferred. In the Fire Station Construction Grant fund, a fund that has been closed out for years, we need to also agree the final budget to the actual final total. In the General Fund, budget amendments were made to move reserves from the General Fund to both CIP and Vehicle Replacement Fund (VRF) in a prior year, but the actuals were not transferred. Since the GF is budgeted annually, we need to adjust the budget to resolve negative budget variances.

Councilmember Travis Lindley made a motion to approve item ATH2023-17, an amendment to the FY 2023 adopted budget for items not included in the initial budget adoption; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

**Aye:** 7 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Young  
**Nay:** 0 – None  
**Recuse:** 0 – None

**10. Consent Agenda**

Councilmember Travis Lindley made a motion to approve the Consent Agenda as presented; 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 Young

**Nay:** 0 – None

**Recuse:** 0 – None

**A. MIN2023-053** Approval of the May 11, 2023, Committee of the Whole Meeting Minutes

This item was approved on the Consent Agenda.

**B. MIN2023-054** Approval of the May 15, 2023, Pre-Council Meeting Minutes

This item was approved on the Consent Agenda.

**C. MIN2023-055** Approval of the May 15, 2023, Mayor and Council Meeting Minutes

This item was approved on the Consent Agenda.

**D. ATH2023-12** Authorization for the purchase of a replacement Fleet Service Truck from Fayetteville Ford (275 Glynn Street N, Fayetteville, GA 30214) in the amount of \$74,166.89 to be funded out of Fiscal Year 2023 CIP Vehicle Replacement.  
**Citywide**

This item was approved on the Consent Agenda.

**E. ATH2023-14** Authorize the City of Smyrna to execute and submit the 2023 LMIG, Local Maintenance and Improvement Grant application from the Georgia Department of Transportation with the 2024 LMIG Project Report and authorize the Mayor Pro Tem to sign and execute all related documents.  
**Citywide**

This item was approved on the Consent Agenda.

**F. ATH2023-16** Approval of Amendment No.1 to the Cobb County Community Development Block Grant (CDBG) Subrecipient Agreement No: CD23-C23SA/S8 to increase the award by \$74,719.69 for a total amended PY2023 allocation of \$269,237.76 and authorize the Mayor to sign and execute all related documents.  
**Citywide**

This item was approved on the Consent Agenda.

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

**Nay:** 0 – None

**Recuse:** 0 – None

## 11. Ward and Staff Reports

- Councilmember Glenn Pickens reminded all about the Joint Wards 1, 2, & 3 Town Hall meeting next Monday night, June 12, 2023, at 6:30 PM in the Magnolia Room.
- Councilmember Travis Lindley welcomed Ms. Kathy Young to the Council.
- Councilmember Latonia P. Hines mentioned that the Rose Garden Spring Festival was great, and she is excited about the 80's-themed June 10, 2023 concert.
- Councilmember Susan Wilkinson reminded all about the library and museum hosting Juneteenth crafts on June 17. Ms. Wilkinson also requested that a list of projects that are funded by CDBG be given to Council. Penny Mocerri mentioned that part of the CDBG funding goes toward Rebuilding Together Atlanta who will be at the next Committee of the Whole to present.
- Mayor Pro Tem Tim Gould stated that the Forest Hills Preservation Group had a concert this past Saturday, and there was a block party on Lee Street. He commended these events for encouraging reconnections with neighbors. Mr. Gould also welcomed Ms. Kathy Young to the Council, and he mentioned he is grateful to the group organizing the Pride event.
- Councilmember Kathy Young stated she will be reaching out to Ward 7 residents to communicate the transition from Dr. Wheaton to Councilmember Young. She stated she is looking forward to serving on the Council.
- Mayor Derek Norton welcomed Councilmember Young and remembered that they met each other in 2014 during the Smyrna Vision Initiative. Mayor Norton is happy to have her in this role, and Ward 7 residents are lucky to have her as their representative. Mayor Norton reminded all that not only is there a concert on June 10, 2023, but there is also a ribbon cutting for the green space.

## III. 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

Kathy Omais – 207 Countryside – Concerned about Lewis Wheaton's resignation. She expressed that she did not think Mayor Norton's comments in a couple different articles about Councilmember Welch being out of touch were fair. She stated that what should have been comments behind closed doors were made in public. Ms. Omais stated that Councilmember Welch was doing what he was elected to do by questioning the timeline of Dr. Wheaton's resignation because Council has an obligation to question things. She further stated that discourse and disagreement should be welcome.

## 13. Adjournment

Mayor Derek Norton adjourned the June 5, 2023, Mayor and Council meeting at 8:48 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](http://www.smyrnaga.gov)  
City Hall, 2800 King Street SE, Notice Boards**