



City Council Meeting - Final

August 07, 2023

7:00 PM

A. MIN2023-068 Approval of the June 15, 2023 Committee of the Whole Meeting Minutes
Citywide

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 Cir SE
Smyrna, GA 30080

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

**June 15, 2023
6:30 PM**

1. Roll Call

Present: 8 – Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould, and Councilmember Kathy Young

Also Present: 1 – Scott Cochran

Staff: 11 – Joe Bennett, Dan Campbell, Richard Garland, Russell Martin, Penny Mocer, Paul Osburn, Heather Peacon-Corn, Kristin Robinson, Joey Staubes, Andrea Worthy, and Ashley Youmans

Call to Order

Mayor Derek Norton called to order the June 15, 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. COW2023-034 Kash Trivedi – 2023 Legislative Update

Kash Trivedi
City of Smyrna
2023 Legislative Update

The City of Smyrna is not unique in terms of representation at our state capitol. Larger cities like Atlanta have had representation for years, but even smaller cities and counties retain lobbyists to represent them before the Georgia General Assembly. Individual representation, like Smyrna has had through my firm for the last three years, allows us to hyper focus on issues impacting our community in a way that the Georgia Municipal Association (GMA) cannot. This is certainly not an indictment on GMA, but issues facing our community oftentimes are not on the forefront of their policy agenda.

In Smyrna, we are very fortunate to have a great legislative delegation, who are all attentive and responsive to our community needs, but even they may get caught up in issues impacting the entire state.

Two main areas of focus have been allowing municipalities to ultimately decide if they would like speed cameras in school zones and securing money for the South Cobb Drive Corridor improvements.

Originally, legislation that allowed for these cameras in school zones did not contemplate if a county school did not see the necessity for installing these cameras. Smyrna city council has voted unanimously to allow for these cameras; however, the Cobb County School Superintendent has blocked our efforts. For several years now, we have been fighting to get this changed. Unfortunately, each year the bill has not passed for various reasons. Sometimes it's because the legislation included provisions that made these cameras difficult and even detrimental to operate, and other times it was because legislation was added that caused a divide in the legislature. We have made several attempts to work with the county to change here in Cobb County, but we have been met with disapproval.

The South Cobb Drive corridor has been a huge undertaking, and we are making great progress. To date, the Atlanta Regional Commission has approved \$8.76m for our South Cobb Drive project. In total, we have secured \$17 million of the proposed \$30 million needed to complete the project and are awaiting the current congressional budgeting process results to see if we are awarded the rest of the funds or a portion. Congressman Loudermilk and Congressman David Scott have both made this a priority ask.

Legislation signed by Governor Kemp:

Smyrna Specific:

▣ HB 696 (Teri Anulewicz) - provides for the annexation of certain territory into the boundaries of the city;

Appropriations:

▣ HB 18, the state budget for Amended Fiscal Year 2023, which includes \$950m for homeowner tax relief grants and \$8.9m to increase funds for local maintenance and improvement grants to reflect 10% of projected motor fuel revenues.

Local Government Operations

- ▣ HB 374 (Brad Thomas), original bill was amended to combine multiple bills, dealing with preemption:
 - SB 145 (Shawn Still) prohibits local governments from adopting differing regulations for electric and gas leaf blowers.
 - HB 438 (Victor Anderson) prevents governmental entities from adopting any policy that restricts the connection or reconnection of any utility service based upon the type or source of energy or fuel.
 - HB 374 (Brad Thomas) requires cities to approve the de-annexation of up to ten parcels per application on the city's boundaries per the petition of 100% of the parcel's residents, with exceptions allowed if the de-annexation would be detrimental to the health, safety, or welfare of the residents of the parcel or of the existing municipality. The de-annexed

property cannot create an unincorporated island. A municipality may terminate the provision of services to the de-annexed property. Parcels in municipalities with general obligation bond or revenue bond indebtedness are ineligible for de-annexation using this process

- SB 1 (Greg Dolezal) removes the sunset on the prohibition on state and local governments from requiring proof of COVID vaccination for government services.
- SB 62 (Carden Summers) prohibits counties and municipal corporations from adopting a written policy to prohibit the enforcement of an order or ordinance prohibiting unauthorized public camping, sleeping, or obstruction of sidewalks and allows mandamus actions against a local government for adopting a policy against enforcement of a street camping ordinance. The bill further directs the state auditor to conduct a performance audit of spending on homeless programs in the state. Finally, the bill prohibits local governments and hospitals from transferring homeless individuals to a jurisdiction without the jurisdiction's consent.
- SB 116 (Ben Watson), which extends the maximum term of a municipal lease of a recreational facility from five to 20 years.
- SB 121 (Lee Anderson) prohibits local governments from denying the drilling, servicing, or repair of new or existing wells on single-family residential and farm properties on acre or more.
- SB 127 (Billy Hickman), prohibits a local governing authority that has collected more than \$500,000 in hotel/motel taxes per year in any of the three preceding fiscal years from changing the designated private sector nonprofit organization other than through mutual agreement or approval by the Hotel Motel Tax Performance Review Board.

Public Safety/Criminal Justice

- SB 44 (Hatchett), the Street Gang Terrorism and Prevention Act. One of the Governor's priority bills, SB 44 creates a mandatory minimum sentence of five years for the recruitment of another individual into a criminal street gang (10-year sentence for the recruitment of a minor). The bill allows a judge to deviate from these minimums if certain conditions are met.
- SB 215 (Matt Brass) requires personal information of public employees, including law enforcement officers, to be removed from websites that are disclosed publicly.
- HB 453 (Hilton) repeals the requirement that ambulance services pay an annual license fee.

Elections/Ethics

- SB 129 (Rick Williams), which allows employees to request time off to vote on early voting days and requires that absentee ballot applications include the name of the sender and a notice clarifying that the application is not a ballot.

Transportation

- HB 189 (Steven Meeks) "The Truck Weights Bill" allows a 10% variance for truck weights for the agricultural and forestry industries, limited to within 150 miles of origin and outside of NAAQS nonattainment areas (Metro Atlanta counties). The variance in truck weight will be allowed until July 1, 2025, at which point the legislation sunsets. Additionally, the bill increases fines on violations of the load limitations, placing a 5-cent fine per pound for excess weight on a vehicle less than or equal to 93,000 pounds, a 10-cent fine per pound for vehicles between 93,000 and 100,000 pounds, and a 15-cent fine per pound for vehicles greater than or equal to 100,000 pounds. The bill allows local governments to enforce weight limits.

Bills that did not pass:

HB 514, which combined language from two bills:

- ▣ HB 514 (Washburn) to prevent local governments from enacting moratoriums on housing construction for longer than 180 days and from instituting a new moratorium after the previous one's expiration and prohibit permitting fees from being higher than the cost of administration
- ▣ SB 136 (Dugan) to allow local governments to waive development impact fees for the construction of workforce housing
- ▣ HB 517 (Washburn), the Georgia Homeowner Act, which preempted counties and cities from denying permits for houses based on exterior building color, type or style of roof structure or materials, or interior floor plans.

Bills vetoed:

HB 193 (Victor Anderson), which increases the dollar value of public works construction contracts exempt from bidding requirements from \$100,000 to \$250,000.

Study Committees:

SR 175 - Joint Study Committee on Service Delivery Strategy

- Frank Ginn
- Senator Max Burns
- Senator Sheikh Rahman
- Mayor Kurt Ward, City of Braselton
- Chairman Chris Dockery, Lumpkin County

B. COW2023-024 Rebuilding Together Atlanta Presentation

About Rebuilding Together Atlanta

- Mission – Repairing Home, Revitalizing Communities and Rebuilding Lives
- Nonprofit 501c3 since 1992 in Atlanta metro area
- Part of a national affiliate network. Rebuilding Together Atlanta is one of nearly 200 affiliates in 40 states
- Partner with local communities, neighborhoods, community leaders, corporate partners and volunteers to make essential and critical repairs to help vulnerable neighbors stay in their homes. Repairs are provided at no cost to homeowner.
- The work often extends beyond each individual home to work closely with community residents and leaders to improve the health and safety of the communities where homeowners live, work and play
- ▶ Holistic and person-centered approach to home repairs and community revitalization. Partner with homeowner and community to develop a plan.
- ▶ RTA Home Repairs are based on the **8 principles of Healthy Homes** developed by the National Center for Healthy Housing and endorsed by HUD. Those 8 Keep it dry, Clean, Pest-free, Safe, Contaminant free, Well ventilated, Maintained and Thermally Controlled.
- ▶ 25 point Home Health and Safety Checklist- identify significant health and safety hazards with homes, prioritize repairs, provide a holistic, comprehensive, and detailed scope of work and focus home repairs on results.
- ▶ Repairs are focused on the connection between health and housing while preserving the existing affordable housing landscape.
- ▶ Trusting relationship with homeowners.
- ▶ In 2022- Partnered with organizations, businesses, and corporations to complete more than **59 home and community revitalization projects** across the Atlanta

metropolitan area. Serving more than **600 people**. Over **200 home hazards were eliminated**. More than **500 Volunteers donated over 3000 hours of service**

- ▶ National Study (including RTA) about the impact of home repairs
 - 7 in 10 people who received repairs reported low or no chance of falling
 - 2/3 of neighbors who reported their health improved after the repairs were completed
 - 9 in 10 of neighbors felt less stress about home repairs and maintenance
 - 9 in 10 of neighbors who received repairs now plan to age in place
 - 3 in 5 neighbors who received repairs say their homes are more valuable as an asset

City of Smyrna Home Repair Program: up to \$10,000 in repairs per home

- Extremely Low Income (XLI) or Very Low Income (VLI) as defined by HUD
- Age 62+ and/or disabled
- Lived in the home as the principal residence for a minimum of two (2) years (legacy residents)
- Property must be owner-occupied home
- Property shall be a single-family residence (includes townhomes and condominiums)
- Repairs must be focused on improving the health and safety of the home for the homeowner

Home Repairs – caused by deferred maintenance and lack of other financial resources:

1. Heating, ventilation and air conditioning system repair or replacement;
2. Exterior doors and window replacements, insulation;
3. Electrical rewiring, including breakers, receptacles, GFCI, switches and plates;
4. Roofing shingles and deck replacement, soffits, fascia, boots and caps, including gutters;
5. Plumbing-sewer line repair or replacement. Bath or kitchen appliance replacements (when necessary);
6. Accessibility improvements to accommodate disabled persons and/or make medical accommodations;
7. Other items, as determined by City of Smyrna staff.

5 Homes

Average Age- 70

❖ of years living in home - 25 years

Household Income- 4 Extremely Low Income, 1 Very Low Income

Female Head of Household- 3

Total Residents Served- 8 (3 Females, 5 Males)

Race/Ethnicity-100% African American/Black

Disability- 2 Homeowners (physical)

Where in Smyrna

2570 Davenport Street, 30080

2103 Spoon Court SE, 30080

3244 Hampton Court SE 30082

1024 Huntington Trace SE 30082

1022 Huntington Trace SE 30082

Funding-

CDBG Grants for Repairs = \$41,645.00

Matching Funds for Repairs (cash, in kind, volunteer skilled labor) = \$21,300.00

Project Value (all project expenses) = \$90,000

Volunteer Hours – 230 hours from 50 volunteers

Home Hazards Eliminated- 27 and counting
Repairs Made (Health/Safety)

- ▶ New Furnace
- ▶ Chair Lift (*accessibility*)
- ▶ Roof Replacement
- ▶ Removed worn carpet (*accessibility*)
- ▶ Install hard plank vinyl flooring (*accessibility*)
- ▶ Install ADA handrails (*accessibility*)
- ▶ Install Gutters
- ▶ Repair Fascia/Soffit
- ▶ Install ADA ramp at front entrance (*accessibility*)
- ▶ Bathroom modifications (ADA shower, Grab Bars)
- ▶ Replace kitchen exhaust fan to outside

Mr. Ken

Military Disabled Veteran. 25 years in home.

Worked at USPS until he had a stroke, lost his job. Affected his income. Lost mobility and independence. Stopped by City Hall.

Described leaving the home “as scary”. In home, trip hazards and no ability to shower.

Accessibility modifications -removed old carpet, installed handrails, installed hard plank flooring, ADA ramp/handrail on front of home, bathroom modifications/ADA shower

How you can help-

- 1) Refer Homeowners in need (*senior/disability, low income*)
- 2) Attend a Build event; meet the homeowners (*This Friday*)
- 3) Skilled contractors to partner with
- 4) Businesses to support our mission

Learn More- www.RebuildingTogether-Atlanta.org

Apply-www.rebuildingtogether-atlanta.org/homeowners/city-of-smyrna-home-repair-program

Email- Smyrna@rebuildingtogether-atlanta.org Phone-404-505-5599

C. COW2023-029 North Cooper Lake Park Pavilion – Richard Garland

Richard Garland, Parks and Recreation Director, provided pricing information as quoted by S.H Creel and an example picture of a Grand Teton Timber Frame pavilion. It would take about 10-12 weeks to place a structure of this type. The park is a 50 acre park with about 4 miles of official bike trails. There is plenty of room to expand the bike trail system. Councilmember Welch stated he supports this project.

D. COW2023-030 Council Chambers – Paul Osburn

Paul Osburn, Assistant Public Works Director, provided an update on the Council Chambers renovation and repairs. The Council will need to make a paint color decision, then Parker Young can move forward, and they are still predicting an August 1, 2023, completion date.

Mr. Osburn also provided an update about the stair lift at the Community Center. The proposed stair lift does not meet structure standards in the Community Center, so there

has been a change order and reduction in cost by approximately \$5,000.00 to install an updated lift system without having to make any structural changes to the building. They will be looking at using an enclosure so it cannot be used outside of its normal and proper use.

E. COW2023-032 Discussion regarding Village Green Park

Richard Garland, Parks and Recreation Director, provided an update to the conceptual plan for the Village Green Park:

- Changes were required because of the discovered construction materials and other debris found in the ground;
- The one area that will remain the same is the location of the stage;
- There will be tiered/terraced seating;
- There will be gates on the two of the three entrances into the playground.

Discussion took place regarding the terraced seating, its relationship to the stage, and the grade of the land in that space.

4. Review of Current M&C Agenda

A. COW2023-031 Review of the June 20, 2023 Mayor and Council Meeting Notice and Agenda.

---- Russell Martin, Community Development Director, provided the following background for item ORD2023-007, amendments to the subdivision regulations in relation to public streets:

At the direction of City Council, Community Development is proposing amendments to the Subdivision Ordinance to require streets in new single-family subdivisions be dedicated as public streets. Additionally, an amendment is proposed to require public road frontage for all new lots. The amendments are proposed due to existing subdivisions petitioning the city to encumber maintenance costs for streets previously built as private streets. Therefore, the amendment will require all new streets be built and dedicated as public streets so the city can anticipate future maintenance costs.

Community Development has reviewed the Subdivision Ordinance and is proposing code amendments to the following sections.

Amend Section 703 of the Subdivision Ordinance (Appendix B) to require lot access be provided over a public street. The proposed sections shall read as follows:

Sec. 703. – Access.

Access to every subdivision lot shall be provided over a public street.

Add 707.9 to Section 707 of the Subdivision Ordinance (Appendix B) to require streets within new single-family subdivisions be public. The proposed sections shall read as follows:

Sec. 707. Street design requirements.

---- Joey Staubes, Planner II, provided information for item Z23-025, a plat approval with variances on land lot 664 on 0.91 acres on Bates Street by applicant Greg Stringer:

The applicant is requesting approval to build two single-family homes on two lots on Bates Street. The lots have been assigned tax identification numbers via the tax assessor, and appear as two lots on the tax map; however, Community Development can find no evidence that the two lots went through the formal plating approval process. The applicant requests formal approval of the subdivision within the requirements of the R-15 zoning district, so no rezoning is required. The subject property is 0.91 acres in size and is zoned R-15 (single-family residential). The proposed subdivision will result in two lots being 17,768 sq. ft. and 21,632 sq. ft. in size. Prior to final plat approval the applicant must obtain access easements from adjacent properties.

The proposed lots require the following variances from the zoning requirements of the R-15 zoning district.

1. Eliminate the road frontage requirement of 40' (Staff Supports)
2. Reduction of the front setback from 35' to 10' (Staff Supports)
3. Reduction of lot width from 85' to 80' (Staff Supports)
4. Reduction of minimum house size from 2,000 sq. ft. to 1,400 sq. ft. (Staff Supports)

Community Development has reviewed the proposed subdivision against the requirements of the R-15 zoning district. Staff believes the proposed subdivision meets the intent of the requirements of the R-15 zoning district. Community Development recommends approval of the requested subdivision with the following conditions:

1. Approval of the subject property shall be conditioned upon substantial compliance with the plat submitted on 5/22/23.
2. The applicant shall obtain access easements prior to the approval of the final plat.

---- Heather Peacon-Corn, City Clerk, provided information regarding item AGR2023-026, the at-will employment agreement for the City Clerk with the term of this agreement commencing on July 1, 2023, continuing until the Council decides to terminate employment or upon employee's resignation:

- Ms. Peacon-Corn expressed that she faced vulnerability due to an unfounded ethics complaint brought against her, Mr. Bennett (City Administrator), and Mr. Cochran (City Attorney);
- Both Mr. Bennett and Mr. Cochran have contracts;
- Ms. Peacon-Corn approached Mayor Norton and Mr. Bennett and asked if they were amenable to a contract for her – both were in agreement;
- The contract is renewed year-to-year;
- The City Clerk position continues to be an appointed position.

---- Penny Mocerri, Deputy City Administrator, explained that there would be a street closure added to the Consent Agenda for the Jazz Under the Gazebo event.

---- Kristin Robinson, Assistant Deputy Administrator/Finance Director, explained that Bo Jones being promoted to Water, Sewer, and Utilities Director will be added to the agenda so his effective start date in the new position can begin July 1, 2023.

5. Other Business / Staff Comment

A. COW2023-033 Joe Bennett Review

Joe Bennett, City Administrator, and Richard Garland, Parks and Recreation Director, provided updates regarding the Ward 7 Splash Pad:

- The original location is not able to be built upon because the land is very rocky – not feasible to blast the rock so close to homes;
- The secondary location is just across the road and is suitable;
- The footprint will remain very similar with the exception of a reduction in about 1,000 sq. ft.;
- Overflow parking for Riverline Park will be shifted over to accommodate the splash pad;
- The original proposed location will now be turned into additional parking.

Councilmember Young mentioned that there are many communities in that area that do not have access to many amenities, so this will be a positive addition to the area.

Discussion took place regarding proposed costs which are estimated at approximately \$2.5M. Mayor Norton asked that this item be added to the Tuesday agenda.

Mr. Bennett also updated the Mayor and Council on the following:

- The downtown fountain should be completed within the 45 day timeframe;
- Council Chambers needs to be painted, so Council will walk the Chambers after the meeting to look at colors;
- The Village Green Park – the water feature portion is moving forward.

Mayor Norton stated that Stillfire Brewing is scheduled for groundbreaking around Labor Day. Mayor Norton also mentioned that the Speaker appointed Mayor Norton to a study committee to look at service delivery strategies which comes at a good time because cities are currently in negotiations with Cobb County. GMA will be assisting him with points of argument for dispute resolutions, etc. Once he gets a better idea of the expectations, he will reach out to other Mayors to get their input.

6. Executive Session (As Needed)

A. COW2023-036 Enter Executive Session

Councilmember Travis Lindley made a motion to enter Executive Session; seconded by Councilmember Glenn Pickens.

The motion carried with the following vote:

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

B. COW2023-035 Re-enter Regular Session

Councilmember Travis Lindley made a motion to Re-enter Regular Session; seconded by Councilmember Glenn Pickens.

The motion carried with the following vote:

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

Discussion took place regarding the format of the public information session pertaining to Smyrna First Baptist Church that will take place after the regular Mayor and Council meeting on June 20, 2023. Councilmember Hines expressed that citizens who attend the meeting will have an expectation of being able to speak and/or ask questions.

7. Adjournment

Mayor Derek Norton adjourned the June 14, 2023, Committee of the Whole meeting at 8:59 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**