



City Council Meeting - Final

August 07, 2023
7:00 PM

C. **MIN2023-070** Approval of the June 20, 2023 Mayor and Council Meeting Minutes
Citywide

City Council Meeting 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)

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 20, 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, and Councilmember Kathy Young

Also Present: 1 – Scott Cochran

Staff: 8 – Dan Campbell, Jill Head, Bo Jones, Russell Martin, Mary Moore, Paul Osburn, Heather Peacon-Corn, and Kristin Robinson

2. Call to Order

Mayor Derek Norton called to order the June 20, 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 Grant Partrick, Passion City Church (2625 Cumberland Pkwy)

4. Agenda Changes

5. Mayoral Report

Mayor Norton thanked all who came out to the concert in the park on June 10. It was a tremendous event with an estimated 4,000 people in attendance.

Mayor Norton provided a few additional updates:

- The green space including splash pad and plaza will be done around Labor Day.

- The downtown fountain will be completed in three weeks.
- City Council Chambers will be complete around August 1.
- The Veterans' Memorial lawn has been re-sodded. Approximately 10-12 more days will need to pass before the fencing comes down.

Mayor Norton reminded all that there will be an information session about the Smyrna First Baptist Church across the hall in the large gym.

6. Proclamations and Presentations

A. PRC2023-014 Proclamation in Recognition of Mr. Charles Stannard, former Board President "Friends of the Smyrna Library" **Citywide**

Councilmember Susan Wilkinson read aloud the following proclamation:

A PROCLAMATION

BY THE MAYOR OF THE CITY OF SMYRNA

In Recognition of Charles Stannard former Friends of Smyrna Library Board President

Whereas, Charles Stannard is a committed and earnest volunteer, advocate, and fundraiser for Smyrna Public Library and the Friends of Smyrna Public Library; and Whereas, Charles Stannard is a native of Columbus, Georgia, but grew up in Connecticut; he attended Colgate University, and received a Ph.D. in sociology from Northwestern University; and

Whereas, as a frequent patron of Smyrna Library and friend to other Board Members, Charles Stannard was recruited to join the Board of the Friends of Smyrna Library in 2010; and

Whereas, Charles Stannard served as Treasurer of the Friends of Smyrna Library for two years, from 2010-2012 and served as President of the Friends of Smyrna Library for eleven years, from 2012-2023; and

Whereas, During Charles Stannard's tenure as Board President, the Friends of Smyrna Library helped develop a new section of the library specifically for teen users, contributed to the upgrade of the library's computer lab; sponsored monthly public lectures for over a decade; and donated more than \$50,000 in support of children's library services; and

Whereas, Charles Stannard used his interest and aptitude in photography to document decades of historical images in the Smyrna Herald and Smyrna Neighbor newspapers; and shared his nature and travel photography in an exhibit in Smyrna Library's art gallery; and

Whereas, Charles Stannard also served the Smyrna community as a founding member of the Smyrna Arts and Cultural Council, and continues to advocate for and support Smyrna Library initiatives; Now

Therefore, I, Derek Norton, Mayor of the City of Smyrna, do hereby recognize Charles Stannard for his outstanding service and many contributions to Smyrna Public Library and the Friends of Smyrna Library.

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***

7. Community Development Items

- A. **ORD2023-007** Public Hearing - Approval of ORD2023-007 for amendments to the Subdivision Regulations in relation to public streets and authorize the Mayor to sign and execute all related documents.

Citywide

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

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. The Planning & Zoning Board voted to approve by a vote of 6-0 at the June 12, 2023, meeting.

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.

707.9 Street Classification. All new streets within single-family attached and/or detached subdivisions except alleys shall be dedicated as public streets and built to city standards. Rear access private alleys may be permitted provided the lot has frontage on a public right-of-way.

Councilmember Welch asked if there is any provision in this ordinance that would allow for the City of Smyrna to absorb a private street if the community improved the private street to meet City standards. Mr. Martin stated that they did not contemplate that, so there is currently no provision. But should a community want that, they would have to come before Mayor and Council anyway.

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

Councilmember Travis Lindley made a motion to approve item ORD2023-007, a public hearing and amendments to the Subdivision Regulations in relation to public streets and authorize the Mayor to sign and execute all related documents; 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. Z23-025 Public Hearing - Plat approval with variances - Land Lot 664 - 0.91 acres - Bates Street - Greg Stringer
*Ward 2 Councilmember - Latonia P. Hines***

Kristin Robinson, Assistant City Administrator/Finance Director, provided the following brief background:

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 platting approval process. The applicant requests formal approval of the subdivision within the requirements of the R-15 zoning district, so no rezoning is required.

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.

Russell Martin, Community Development Director, provided the following more detailed background:

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 platting 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.

A public hearing was called.

Valerie Veney (2567 Bates Street) was sworn in by the City Attorney. Ms. Veney stated that she does not at this time approve of the easements. After seeing the layout examples of the property, she has further questions. She stated she does not have enough information, especially about the measurements and what the next steps are after this.

Greg Stringer, applicant, stated he understands that this is a confusing situation and fully acknowledges Ms. Veney's concerns, but he also stated that he is confident that the concerns can be allayed if this is approved. Councilmember Welch asked how the houses would be oriented. Mr Stringer approached the Council and showed them a rendering.

Councilmember Hines stated that as she understands this, even though the County has this as two separate parcels, there is no evidence of this going through the City's proper processes, so this approval would correct this situation. City Attorney Scott Cochran added that easements are a private matter. Mr. Martin explained that if this is approved, there are several steps that have to take place before the properties are developed including:

- land disturbance permit,
- place sewer lines and water lines to serve both properties,
- relocate a fire hydrant,
- obtain easements from neighboring properties,
- file a plat for reporting,
- issue building permits, etc.

Currently, there is no connection to the right-of-way – both lots are landlocked – which is why they would need to obtain easements from neighboring properties.

The public hearing was closed.

Councilmember Latonia P. Hines made a motion to approve item Z23-025, a public hearing and plat approval with variances on land lot 664 on 0.91 acres located on Bates Street by applicant Greg Stringer; seconded by Councilmember Kathy Young.

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. **BCA2023-009** Approval of the Mayor's Appointment of Mr. J. Barrett Carter to the Smyrna Parks and Recreation Commission to fulfill term through December 2024

Citywide

Mayor Derek Norton explained that Mr. J. Barrett Carter was the Ward 7 appointee to the Parks & Recreation Commission, but this year's changes through the redistricting process moved him into Ward 4. Mayor Norton would like Mr. Carter to serve as his appointee and fulfill the term of Ms. Cheri Harrington who resigned from the board 3/21/23. The term expires December 2024.

Mayor Pro Tem Tim Gould made a motion to approve item BCA2023-009, the Mayor's appointment of Mr. J. Barrett Carter to the Smyrna Parks and Recreation Commission to fulfill term through December 2024; 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

- B. **AGR2023-026** Approval of the At-Will Employment Agreement for the City Clerk, Heather K. Peacon Corn, with the term of this Agreement commencing July 1, 2023 and shall continue until the Council decides to terminate employment, or upon employee's resignation and authorize the Mayor to sign and execute all related documents.

Citywide

Councilmember Travis Lindley made a motion to approve item AGR2023-026, the at-will employment agreement for the City Clerk, Heather K. Peacon-Corn, with the term of this agreement commencing July 1, 2023, and shall continue until the Council decides to terminate employment or upon employee's resignation 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: 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould, Ward 7 Councilmember Young
Nay: 1 – Councilmember Wilkinson
Recuse: 0 – None

- C. **ATH2023-18** Approval to confirm Mr. Bo Jones as the Water, Sewer, and Utilities Director for the City effective July 1, 2023.
Citywide

Kristin Robinson, Assistant City Administrator, provided a brief biography for Mr. Bo Jones:

Mr. Jones began his career 26 years ago in 1997 with the Ellijay Water & Sewer Authority. From 2006-2016, he worked for the Cherokee County Water Authority. Mr. Jones came to the City of Smyrna in 2016 as a Water & Sewer Supervisor before being named the Assistant Public Works Director in March of 2019. Mr. Jones currently holds many state water and sewer certifications and recognitions from the state of Georgia. He recently completed the Local Government Management course from UGA's Carl Vinson Institute and is currently enrolled in several other UGA programs.

Mr. Jones stated the following:

Kristin, thank you for the introduction, as I have always admired you and your position.

Good evening, Mayor and Council,

As Kristin mentioned, I started this journey in water in the late 90's, and 26 years later, I stand here before you deeply honored. I vow to this body today to continue to be a good steward to our citizens and purveyor of our water and sewer as I do not take this responsibility lightly.

Again, thank you for this opportunity and I look forward to serving you and your constituents for many more years to come. Thank you!

Councilmember Latonia P. Hines made a motion to approve item ATH2023-18 to confirm Mr. Bo Jones as the Water, Sewer, and Utilities Director for the City effective July 1, 2023; 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

- D. **RFP23-023** Approve RFP23-023 and the contract with S.H. Creel Contracting, LLC. (756 White Blossom Court, Powder Springs, Ga, 30127) in the amount of \$150,000.00 to construct a Timber Frame Pavilion at North Cooper Lake Park (4201 North Cooper Lake Road, Smyrna, Ga 30080) and amend the budget to add \$150,000.00 to the SPLOST project line item to be funded by General Fund reserves.
Ward 4 Councilmember – Charles Welch

The City of Smyrna requested proposals for design-build of a timber frame pavilion at North Cooper Lake Park. Proposals were due Friday, April 21, 2023. Two (2) proposals were received and evaluated by staff from Parks and Recreation.

S.H. Creel was selected to submit final cost for design and build of the pavilion – total cost is \$260,000.00 – \$150,000.00 will be added to the line-item. We removed the furnishings (including tables, chairs, trash cans) and will purchase these items separately. Anticipated cost is \$30,000.00 for those furnishings.

Parks and Rec and Purchasing recommend the approval of RFP23-023 and the contract with S.H. Creel Contracting, LLC. (756 White Blossom Court, Powder Springs, Ga, 30127) in the amount of \$150,000.00 to construct a Timber Frame Pavilion at North Cooper Lake Park.

Councilmember Charles Welch made a motion to approve item RFP23-023, the contract with S. H. Creel Contracting, LLC (756 White Blossom Court, Powder Springs, Ga 30127) in the amount of \$150,000.00 to construct a Timber Frame Pavilion at North Cooper Lake Park (4201 North Cooper Lake Road, Smyrna, Ga 30080) add \$150,000.00 to the SPLOST project line item to be funded by General Fund reserves; seconded by Councilmember Susan Wilkinson.

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. 2023-142** Authorization for the approval of an additional cost to complete the construction of the Riverline Park Splash Pad in the amount of \$1,200,000.00 to be paid from the General Fund and authorize the Mayor to sign and execute all related documents. This additional cost is based on the opinion of probable cost by Pond and Company.
Ward 7 Councilmember – Kathy Young

Kristin Robinson, Assistant City Administrator/Finance Director, provided the following background:

City staff and our consultant, Pond, have been working on the design for the SPLOST funded splash pad in Ward 7 for over a year. Geo-hydro testing done at the initial site showed that the splash pad could not be placed on that site without significant additional cost. Pond and City staff re-worked the concept to move it the other side of the driveway at Riverview Park which is the design presented to Council for approval.

The cost estimate for construction on both sites was well above the SPLOST line item budget. Staff and Pond met and discussed changes to the design to reduce cost. After discussions, the team felt value engineering the design to meet the initial budget would severely impact the design and the size of the splash pad. The concept presented requires an additional \$1.2 million in funding to be able to construct. Staff is recommending that additional funding come from the General Fund reserves.

Mayor Norton stated that a lot of work has gone into this by former Councilmember Lewis Wheaton, and he thanked him for all of his hard work.

Councilmember Kathy Young made a motion to approve item 2023-142, an additional cost to complete the construction of the Riverline Park Splash Pad in the amount of \$1,200,000.00 (this additional cost is based on the opinion of probable cost by Pond and Company) to be paid from the General Fund and authorize the Mayor to sign and execute all related documents.; 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

10. Consent Agenda

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

- A. **MIN2023-059** Approval of the June 1, 2023, Committee of the Whole Meeting Minutes.

This item was approved on the Consent Agenda.

- B. **MIN2023-060** Approval of the June 5, 2023, Pre-Council Meeting Minutes.

This item was approved on the Consent Agenda.

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

This item was approved on the Consent Agenda.

- D. **MIN2023-063** Approval of the June 7, 2023, Special Called Meeting of the Mayor and Council Minutes

This item was approved on the Consent Agenda.

- E. **AGR2023-024** Approval to amend contract with Rebuilding Together Atlanta, Inc. (3060 Peachtree Road NW, Suite 1810 Atlanta, GA 30305) for

administration of City's CDBG Home Repair Grant to allocate an additional \$125,000.00 to the program, extend the contract termination date to June 30, 2024, and authorize the Mayor to sign and execute all related documents. **Citywide**

This item was approved on the Consent Agenda.

- F. **ATH2023-19** Authorization for the closure of W. Spring St. in the lower portion of the Market Village to King St. on Saturday, August 26th, from 7:00 am to 11:00 pm. for the Smyrna Public Safety Foundation and Vineyard Wine Market Jazz Under the Gazebo private event, and council approval to serve beer, wine, and specialty cocktails.
Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

- G. **ATH2023-20** Authorization to close Church St. from King St. to Memorial Place on Sunday, August 13, 2023, from 9:00 am - 3:00 pm for the Smyrna First United Methodist Church Fall Kick-Off.
Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

11. Ward and Staff Reports

Councilmember Hines stated she enjoyed the Rebuilding Together Atlanta activities. She stated that what they do is amazing. She reminded all that on June 23, there will be a concert at the Reed House.

Councilmember Young thanked all of the amazing staff for sitting down with her for council orientation. She especially thanked Christy Ullman, Executive Assistant to Mayor & Council, for her assistance in onboarding her so efficiently.

Councilmember Wilkinson reiterated Councilmember Hines' words about Rebuilding Together Atlanta. They do great work.

Mayor Pro Tem Gould mentioned that the "Smyrna is Fabulous" event this past Saturday was a great event, and he thanked those who organized it.

City Clerk Peacon-Corn thanked Mayor and Council for their continued support.

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

13. Adjournment

Mayor Derek Norton adjourned the June 20, 2023, Mayor and Council meeting at 7:40 PM.