



City Council Meeting - Final

September 18, 2023
7:00 PM

-
- A. **MIN2023-091** Approval of the August 17, 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
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

August 17, 2023 / 5:00 PM

1. Roll Call

Present: 8 – Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines (virtual), 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: 9 – Joe Bennett, Richard Garland, Datt Luu, Russell Martin, Heather Peacon-Corn, Eric Randall, Kristin Robinson (virtual), Mark Wolff, and Keith Zgonc

Call to Order

Mayor Derek Norton called to order the August 17, 2023 Committee of the Whole meeting held at A. Max Bacon City Hall in the HR Training Room at 5:00 PM.

2. Staff M&C Agenda Items to Review

3. Formal Business and Presentations

A. COW2023-042 Parks and Rec 110% Financial Sustainability Strategy Proposal – Richard Garland

Richard Garland, Parks and Recreation Director, presented the following:

- For many years, fee schedules have been discussed pertaining to Parks and Recreation services.
- As budgets tightened, programs across the country have had to make decisions as to whether Parks and Recreation services should continue.
- Smyrna is fortunate that it is not in the position to have to cut programs.
- 110% is a consulting firm that will help with developing cost-benefit programs, strategies, what programs should be subsidized, etc.
- It will be a 7-9 month process.
- It will include at least two meetings with the Council.
- \$48K is the total price for this package with this company.

Discussion took place regarding the cost of doing this study. Councilmember Wilkinson expressed concern about resident vs non-resident fees. Mr. Garland stated that Smyrna is currently subsidizing multiple programs from covering the cost of all utilities, resodding efforts, maintenance, etc. He continued and asked if it is equitable enough to continue to only receive, for example, \$15/resident vs what the city is asking for the associations to pay, especially for what the association expects in return. They agreed to move forward with this proposal.

B. COW2023-043 Lake Court Dog Park Relocation Project (CIP 2020) – Richard Garland

Richard Garland, Parks and Recreation Director, presented the following:

- This is a 2020 CIP project.
- There is contamination in the stream because of where the dog park is currently located.
- The area to the left of the restroom facility is the proper place to move the dog park.
- It will be ADA accessible from the parking lot.
- It is a nice, large space, about 1 ½ the size of the current park.
- \$30K – \$40K has been spent to date to create the master plan and reconfigure the layout.
- It could cost approximately \$350K, but this is a very approximate estimate.
- There is a piece of property that is a couple acres and undeveloped.
- It could be incorporated into the existing trail system.
- Mr. Garland hopes at some point in the future a dog wash station could be installed.

4. Review of Current M&C Agenda

A. COW2023-044 Review of the August 21, 2023 Mayor and Council Meeting Agenda

- Russell Martin, Community Development Director, provided the following background on item Z23-005:

Brand Properties LLC. is requesting to rezone 28 acres of assembled properties along Riverview Road from HI (Heavy Industrial) to MU-Conditional for the development of a mixed-use development, which includes 390 multi-family units at a density of 13.92 units per acre and 5,500 sq. ft. of commercial space. The subject property is currently occupied by industrial uses and was recently annexed from Cobb County. The Planning & Zoning Commission voted to approve by a vote of 6-0 at the July 10, 2023 meeting.

Community Development recommends approval of the rezoning from HI to MU-Conditional on 28 acres for a mixed-use development at a density of 13.9 units per acre, including those variances supported by staff as shown above, with the following conditions:

Standard Conditions Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the mixed-use building 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 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. 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.

3. All utilities within the development shall be underground.
4. 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 Z23-005 July 5, 2023 Page 9 of 13 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 2' shall be provided between the back of curb and sidewalk.
5. No debris may be buried on any lot or common area.
6. The developer will install decorative streetlights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
7. 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.
8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
- Special Conditions
10. The development shall maintain the following minimum building setbacks: Mixed Use Building Minimum: Front – 0' Side – 0' Rear – 20' Mixed Use Building Maximum: Front – 20' Side – 50' Multi-family Building Minimum: Front – 20' Side – 15' Rear – 40'
11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
14. The developer shall provide an 8' bike lane, 8' sidewalk and 6' grass strip on the eastern frontage of Riverview Road.
15. The developer shall provide a 5' sidewalk and 2' grass strip on the western frontage of Riverview Road.
16. The developer shall provide deceleration lanes, or large turn radius, on River View Road for both entrances on the western side of River View Road. Final design to be determined in plan review.
17. The developer shall provide an all-way stop analysis be provided during plan review to determine if stop signs are warranted at the intersection of River View Road and southern full-access driveway.
18. The developer shall provide right-of-way dedication on Riverview Road to be a minimum of 40 ft from the roadway centerline.
19. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.
20. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.
21. The minimum floor area for attached dwelling units, condominium units and other residential units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).

Councilmember Young stated that these are quality builds, and they spoke about schools, though they do not expect to get many families, the elementary and middle schools are under-enrolled. 90% of the units are one-to-two-bedroom units.

- Joey Staubes, Planner II, presented the following background on item Z23-006:

The applicant is requesting a rezoning from R-20 to R-10-Conditional for the development of three (3) single-family detached units at a density of 3.29 units per acre. A land use change from Moderate Density Residential is not required for this rezoning. The Planning & Zoning Commission voted to approve by a vote of 5-1 at the July 10, 2023 meeting.

Community Development recommends approval of the rezoning from R-20 to R-10-Conditional for the development of three single-family units at a density of 3.29 units per acre with the following conditions:

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

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

Special Conditions

9. The development shall maintain the following setbacks:

Front – 25'

Side – 5'

Rear – 25'

10. The minimum lot size shall be 13,333 sq. ft.

11. The minimum lot width shall be 50 feet.

12. Driveway – 22' minimum length from building face to back of sidewalk.

13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Pierce Avenue.

14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/9/2023 and created by DGM Land Planning Consultants and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 6/9/2023.

- Russell Martin, Community Development Director, provide the following information for ORD2023-010:

The City of Smyrna is coordinating a program with Trees Atlanta to allow tree bank funds to be used for the planting of street trees on private property. Currently, the Tree Ordinance restricts tree bank funds to be used solely for maintenance, education and the purchase and planting of trees on public sites. Community Development is proposing an amendment to the tree ordinance to allow street tree planting on private property where specific conditions are met.

The initial amount would be \$12K. This would pay for the trees, and they would provide the manpower to plant the trees. Their goal is to plant overstory trees.

- Councilmember Welch stated that for item ATH2023-27, when the Council first approved River Line, it was made clear that the industry was there first. Councilmember Young stated that prohibiting these vehicles from parking where they are parking will actually help assist industry vehicles passing through.

- Mark Wolff, City Engineer, provided background for items ORD2023-08, ORD2023-09, and ORD2023-011:

The Metropolitan North Georgia Water Planning District (Metro Water District) has implemented a comprehensive water management plan for water supply and conservation, watershed protection, wastewater management, and public education across 15 counties in the Atlanta metro area. The Georgia Environmental Protection Division (EPD) conducts regular audits on counties and cities in the Metro Water District to ensure compliance with the plan and model ordinances. Compliance is required in order for cities and counties to modify or obtain new water withdrawal permits, stormwater permits, or obtain loans for water and wastewater projects. The proposed changes to the City's Stream Buffer Protection Ordinance are a result of the Georgia EPD review for compliance with the Metro Water District plan and model ordinance. The proposed changes include clarifying language that refers to buffers as "feet *of* the stream", rather than "feet *from* the stream", and the addition of civil penalties to the ordinance. The proposed changes to the Illicit Discharge and Illegal Connection Ordinance are a result of the Georgia EPD review for compliance with the Metro Water District plan and model ordinance. The proposed changes include the addition of civil penalties to the ordinance. The proposed changes to the City's Litter Ordinance are a result of the Georgia EPD review for compliance with the Metro Water District plan and model ordinance. The proposed changes include updating ordinance language regarding evidence and the addition of civil penalties and enforcement responsibilities.

- Keith Zgonc, Chief of Police, explained that item AGR2023-39 is an intergovernmental agreement between Smyrna and Cobb County to operate the red-light cameras at the intersection of East/West Connector and Sr 280/South Cobb Drive because the control boxes

are owned and operated by Cobb County. The Spring and Cumberland Blvd red light cameras' warning period is over. From Sunday-Tuesday, there were approximately 150 citations.

- Mayor Pro Tem Gould explained for item 2023-173 that two or three of the chosen artists are from Smyrna. Two boxes will be painted, and two will be wrapped as part of the ARTery project.

- Eric Randall, Public Works Director, explained that purchase orders PO22004208 and PO 23002392, for Ohmshiv Construction LLC and The Winter Construction Company respectively, were each prepared based on separate competitive bidding processes with scopes and fees defined for each project. Much of the grading and drainage work was to be performed by in the work area that Winter Construction was to perform the majority of their contract scope. During the turnover period, part of the work necessary for Winter Construction to mobilize was unreasonably delayed, and the scope to be complete was removed from Ohmshiv's scope for Winter Construction to complete as a field change. Winter Construction has provided the attached proposed Change Order in the amount of \$229,507.00 to be deducted from PO22004208.

- Heather Peacon-Corn, City Clerk, stated that one item will be added to the consent agenda. Atkins Park will be handling the alcohol for the Hispanic Heritage Celebration, and in order for them to meet the deadline of September 23.

5. Other Business / Staff Comment

Mayor Norton stated that because of scheduling conflicts for the remainder of the year, he would like to move the Committee of the Whole meetings to Wednesdays at 6:30 PM rather than Thursdays at 6:30 PM. Mayor Norton asked that this be added to the agenda for a vote.

Joe Bennett, City Administrator, update the Mayor and Council on the following:

- First Baptist Church will hold a vote on selling the church to the City on August 27, 2023.
- He attended a meeting at Cobb County DOT about M-SPLOST that will be a referendum in November 2024.
- Smyrna has submitted its projects to the County.
- Shade sails are up in downtown park, and the water feature is almost complete.
- The Denali Double-Flush will be installed at North Cooper Lake Park on August 21, 2023.
- HB 49 Service Delivery Strategy with Cobb County – No response to the RFP put out by City and County jointly for a consultant to help negotiate service delivery. If something is not in place by October 2024, Smyrna could lose access to state and federal grants.

Ms. Peacon-Corn stated that qualifying starts Tuesday and runs through Thursday each day from 8:30 AM – 4:30 PM, closing for lunch between noon-1:00 PM. Mr. Martin will send out an email to Ms. Peacon-Corn about the rules regarding placement of campaign signs.

6. Executive Session (As Needed)

7. Adjournment

Mayor Derek Norton adjourned the August 17, 2023 Committee of the Whole meeting at 6:14 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