



City Council Meeting - Final

October 02, 2023

7:00 PM

C. MIN2023-100 Approval of the September 18, 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

September 18, 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

Staff: 10 – Jennifer Bennett, Joe Bennett, Lisa Collins, Jill Head, Dat Luu, Russell Martin, Penny Mocer, Heather Peacon-Corn, Kristin Robinson, and Joey Staubes

2. Call to Order

3. Invocation and Pledge of Allegiance

Pastor Memo Garcia, Life Church Assembly of God (4100 King Springs Rd)

4. Agenda Changes

5. Mayoral Report

A. 2023 - 200 Recognition of Campbell High School Theatre Students *Ward 7 Councilmember - Kathy Young*

The Campbell High School Theater Students were recognized and presented to the Mayor and Council:

Blair Berenson – President
Finley Young – Vice President
Reagan Marvel – Secretary

Violet Thaiss – Treasurer
Julia Overton – Historian
Abigail Zych – Tech Coordinator
Owen Ricci-Westcott – Head of Improv/Sketch

They promoted their October 6th & 8th shows, “Newsies Jr.” They announced some of their upcoming activities including Shakespeare in Love, Lip Sync Battle, and Broadway Bound. Their Instagram account for all information is @campbellhightheater.

Mayor Norton expressed that he is so sorry to be back in the Community Center for meetings. City Hall flooded a second time, but everything should be finished in November. Mayor Norton thanked those who came out to the Taste of Smyrna. There was great food and people were enjoying downtown. The greenspace in downtown has been a very interactive space with lots of people enjoying the area for lunches and play space. The second park next to the greenspace is well under construction. All the fencing will come down when it is done.

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. **PRC2023-017** Proclamation in Recognition of Constitution Week, September 17 - 23, 2023 **Citywide**

Councilmember Kathy Young read aloud the following proclamation:

A PROCLAMATION
BY THE MAYOR OF THE CITY OF SMYRNA
In Recognition of CONSTITUTION "WEEK September 17-23, 2023

Whereas: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

Whereas: it is a privilege and duty of the American people to commemorate the two hundred and thirty-sixth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities; and

Whereas: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week; NOW

Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim September 17 through 23, 2023 as Constitution Week and urge all citizens to study the Constitution and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

Those in attendance to receive the proclamation:

Karen Kivette
Melissa Tanner
Jackie Wonder
Dr. Celine Evans

Carol Palmer
Julie Cone
Mary Nimsgern
Cheryl Hunt-Clements

Jackie Wonder made the following statement:

As Constitution Week chairman for the local Daughters of the American Revolution chapter, the Fielding Lewis chapter, I want to thank Mayor Derek Norton and all of the councilmen for the opportunity to be here tonight as well as our trustworthy local leaders in Smyrna as we receive this most important Proclamation for remembering the United States Constitution.

I'm fortunate to say that Smyrna is my hometown—I attended King Springs elementary, Griffin Middle school, and graduated from Campbell High School and so for my Constitution Week efforts I personally visited 8 local elementary schools to donate pocket Constitutions, books, preamble bookmarks, posters, American flags, bells, and an opportunity to participate in a patriotic bulletin board contest. All of this was to support our local 4th and 5th grade Smyrna teachers and the sweet children they teach. In total, we visited 46 schools in Cobb County. I have also given a speech at the Wood Acres school in Cobb County and celebrated with many others at the Ringing of the Bells ceremony yesterday on The Marietta Square. We are thrilled to have Proclamations made by the City of Smyrna, the City of Marietta and the Cobb County Board of Commissioners in 2023, the 236th year of our United States Constitution.

Thank you again.

**B. PRC2023-018 Proclamation in Recognition of the 10th Anniversary of RunSmyrna
*Ward 1 Councilmember - Glenn Pickens***

Councilmember Glenn Pickens read aloud the following proclamation:

A PROCLAMATION
BY THE MAYOR OF THE CITY OF SMYRNA
In Recognition of RunSmyrna -10th Anniversary

Whereas: RunSmyrna started meeting on Mondays in the Smyrna Market Village in the summer of 2013; and
it all started out as a way to become more familiar with the city and meet new neighbors, all while getting in a great workout to kick off the week; and
Whereas: over the last ten years and hundreds of Mondays, RunSmyrna has covered thousands of miles -and hills -in and around Smyrna, and the group has seen runners from around the world and is full of transplants from all over the United States; and
Whereas: Mondays aren't so bad when you have RunSmyrna to look forward to and there's always someone new to meet; NOW
Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby recognize RunSmyrna and congratulate them on ten great years and many more to come. RunSmyrna meets every Monday at 6:30pm in the Smyrna Market Village; come join the fun!

**C. PRC2023-019 Proclamation in Recognition of Liz Davis, recipient of the Keep America Beautiful Lady Bird Johnson Award
*Ward 3 Councilmember - Travis Lindley***

BY THE MAYOR OF THE CITY OF SMYRNA
In Recognition of Liz Davis
Recipient of the Keep America Beautiful Lady Bird Johnson Award

Whereas: Liz Davis is an active and service-minded volunteer who has worked tirelessly for the past 17 years to fulfill the mission of Keep Smyrna Beautiful. Born and raised in Smyrna, Liz moved away with her husband Colonel Ron Davis for military duty and returned 30 years later where she has been an active participant in our flourishing community since; and

Whereas: Liz Davis has served on the Keep Smyrna Beautiful board since 2005, serving as chair from 2012-2022. She has served on dozens of committees and worked on countless events on behalf of KSB, including the Garden Tour which she chaired for 12 years; and

Whereas: Liz Davis was named Smyrna Citizen of the Year in 2011 by the Cobb Chamber of Commerce and Smyrna Business Association in recognition of her lifelong dedication to volunteering and service to her community; and

Whereas: Liz Davis was a co-founder of the Williams Park Neighborhood Association and has served on its board of directors, as its secretary, and as the orchestrator of numerous neighborhood activities. She has successfully advocated for the rehabilitation of the neighborhood's older historic homes and the construction of new homes to enhance the character of the neighborhood while complimenting the architecture of the city. Her long and faithful service to the Williams Park neighborhood has contributed immeasurably to the quality growth and success of Williams Park as a thriving and sought after family-oriented neighborhood; and

Whereas: it is with the utmost pride that we recognize Liz Davis for receiving the 2022 Keep America Beautiful Lady Bird Johnson Award. Named after the former First Lady for engaging our nation in recognizing that aesthetic beauty is directly related to a better quality of life, the award is given to a volunteer for exceptional leadership with at least 10 years of service in helping their local community to become cleaner, greener, and more beautiful. No one embodies that sentiment more and is more deserving to receive this prestigious award than Liz Davis; Now

Therefore: I, Derek Norton, Mayor of the City of Smyrna, do hereby recognize Liz Davis for her outstanding service and many contributions to Keep Smyrna Beautiful and our community.

Liz Davis stated she was shocked when she won, and it was a great honor to be recognized. She further stated that it is easy to volunteer when you love where you live and you serve with like-minded people.

**D. PRC2023-020 Proclamation in Recognition of Hispanic Heritage Month
*Citywide***

Mayor Pro Tem Tim Gould read aloud the following proclamation in English:

A PROCLAMATION
BY THE MAYOR OF THE CITY OF SMYRNA
In Recognition of Hispanic Heritage Month

Whereas: during National Hispanic Heritage Month, we recognize the contributions made by Hispanic and Latino Americans in the United States and celebrate their culture and heritage; and
Whereas: with over 60 million Hispanic Americans residing in the United States, Hispanic Americans make up the largest minority group in the nation and have significantly contributed to our government, culture, and economy over the generations; and
Whereas: the Hispanic community in America has made many important advances in areas of law, religion, agriculture, art, music, education, technology, architecture, cuisine, theatre, and exploration; and
Whereas: nationally, September 15 through October 15 is National Hispanic Heritage Month and the focal point for recognizing and celebrating the many achievements of Latino Americans and applauding their proud legacy of service and dedication; and
Whereas: Smyrna's Hispanic American community will celebrate Hispanic Heritage Month through a series of special events featuring Hispanic history, food, dance, and culture, celebrating the rich tradition and many contributions this community has made to the city of Smyrna; and
Whereas: we should appreciate and honor the countless achievements of Hispanic Americans and continue our efforts to ensure our city is a welcoming and inclusive place that provides just and equal opportunities for all; Now
Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim September 15-October 15, 2023 as Hispanic Heritage Month.

Those in attendance to receive the proclamation were:

Alexandra Barraza
Shawn Garcia
Johanes Rosello
Hector Toscano

Johane Rosello read aloud the proclamation in Spanish:

A PROCLAMATION
BY THE MAYOR OF THE CITY OF SMYRNA
En reconocimiento al Mes de la Herencia Hispana

Considerando que: durante el Mes Nacional de la Herencia Hispana, reconocemos las ontribuciones hechas por hispanos y latinoamericanos en los Estados Unidos, celebramos su cultura y herencia; y
Considerando que: con més de 60 rnillones de hispanoamericanos que residen en los Estados Unidos, los hispanoamericanos constituyen el grupo rninoritario mas grande de la nación y han contribuido significativamente a nuestro gobierno, cultura y economia a lo largo de las generaciones; y
Considerando que: la comunidad hispana en los Estados Unidos ha hecho muchos avances importantes en las areas de derecho, religión, agricultura, arte, música, educación, tecnología, arquitectura, gastronomía, teatro y exploración; y,
Considerando que: a nivel nacional, del 15 de septiembre al 15 de octubre es el Mes Nacional e la Herencia Hispana y el punto focal para reconocer y celebrar los muchos logros de los latinoamericanos y aplaudir su admirable legado de servicio y dedicacion; y
Considerando que: La comunidad hispanoamericana de Smyrna celebrara el Mes de la Herencia Hispana a traves de una serie de eventos especiales que presentaran la historia, comida, danza y arte hispanos, celebrando la rica tradición y muchas contribuciones que esta comunidad ha hecho a la ciudad de Smyrna; y

Considerando que: debemos apreciar y homar los innumerables logros de los hispanoamericanos y continuar nuestros esfuerzos para garantizar que nuestra ciudad sea un lugar acogedor e inclusivo que brinde oportunidades justas e iguales para todos; Ahora

Por lo tanto: Yo, Derek Norton, alcalde de la Ciudad de Smyrna, Georgia, proclamo por la presente del 15 de septiembre al 15 de octubre de 2023 como el Mes de la Herencia Hispana.

7. Community Development Items

- A. **Z23-009** Public Hearing - Zoning Amendment - Z23-009 - Allow site plan modifications to a previously approved plan - Land Lot 379 - 4.41 acres - 661 Church Road - Rebecca Calbert

Ward 5 Councilmember - Susan Wilkinson

Joe Bennett, City Administrator, provided a brief background:

The subject property was rezoned from RAD-Conditional to LC-Conditional on December 15, 2008 (Rezoning Case Z08-007) for the development of a 10,699 sq. ft. daycare facility. The zoning of the property was conditioned upon the development of the property to a specific site plan and building elevations. A zoning amendment was approved November 19, 2012, (Zoning Amendment Case Z12-008) to allow construction of a 1,081 sq. ft. addition to the existing daycare facility. The current zoning amendment is proposed for a 3,027 sq. ft. addition to the daycare facility. The additional area is proposed to create three additional classrooms and support spaces. The building addition will match the existing building materials and colors.

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

The subject property was initially rezoned from RAD-Conditional to LC-Conditional on December 15, 2008 (Rezoning Case Z08-007) for the development of a 10,699 sq. ft. daycare facility. The zoning of the property was conditioned upon the development of the property to a specific site plan and building elevations. The project went through the development process and was completed in 2009. The property owner subsequently added 14 green parking spaces in 2010 to help with parking for special events. The possible need for additional parking was contemplated in stipulation #21 and therefore allowed without the need for a zoning amendment. The proposed zoning amendment slightly increases the intensity of the use on-site as well as changes the currently approved site plan from Z08-007.

A zoning amendment was approved November 19, 2012, (Zoning Amendment Case Z12-008) to allow construction of a 1,081 sq. ft. addition to the existing daycare facility for a total enrollment of 168 students. The proposed addition created one (1) new infant care room with eight (8) children and two (2) staff people for the facility. In addition to the new room, the addition allowed the applicant the opportunity to reconfigure other classroom and office space for the daycare facility. The façade addition matched the existing façade of the daycare and will incorporate similar architectural features. The applicant has provided building elevations and floor plans for the proposed building addition.

The current zoning amendment is proposed to add 3,027 sq. ft. for 48 additional students. The additional area is proposed to create three additional classrooms and

support spaces. The building addition will match the existing building materials and colors.

The existing daycare facility currently provides fifty (50) parking spaces for its customers. Based off the zoning stipulation #21 from Z08-007, the requirement parking ratio for the site is one (1) parking space for every nine (9) students and one (1) parking space per employee. With a total capacity of 216 students and twenty-six (26) employees, the total required parking is fifty (50) parking spaces which meets the minimum requirement.

The applicant has also provided a new hydrology study with regards to the stormwater impacts of the new proposed addition. The study found the existing stormwater detention facility has adequate storage capacity for the new building addition and no changes to the existing pond are required.

Community Development recommends approval of the requested zoning amendment with the following conditions carried over from Z08-007& Z12-008 (with changes being highlighted):

Standard Conditions

(Requirement #1, 2, 3, 4, 9, and 17 from Section 1201 of the Zoning Code is not applicable)

1. The detention pond shall be placed and screened appropriately. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
2. All utilities within the project 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 applicant adjacent to any public right-of-way consistent with City's requirements for the extent of the project. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
4. The applicant shall install a deceleration lane at the entrance for the project. The deceleration lane shall have a minimum length of 150' with a 50' taper.
5. No debris may be buried on any lot or common area.
6. The applicant shall install decorative streetlights 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 applicant will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the applicant 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 setbacks:

Front -40'

Rear - 50'

Side - 20'

11. The composition of the 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% hardy plank siding. The elevations that face a roadway shall not be permitted to utilize hardy plank.

12. Any proposed dumpsters shall be surrounded by a three-sided brick, stone or stucco enclosure with an opaque gate in the front. The enclosure shall match the exterior façade of the principal building and the lid of the dumpster shall be made of rubber.

13. Any utility boxes, HVAC components, or accessory components to the proposed building shall be screened through the use of landscaping or architectural features from the public right-of-way and adjoining residential property owners.

14. The applicant shall install and maintain a 10' wide landscape buffer in accordance to Section 503 of the Zoning Ordinance along the western property line.

15. The applicant shall provide a right-of-way dedication of 5' along Church Road.

16. The applicant shall provide a 6' decorative fence which meets the requirements of Section 501.10 of the Zoning Ordinance along Church Road and along the eastern fence line.

17. All State and County regulations for daycare facilities are complied with.

18. The applicant will comply with the City's current Sign Ordinance.

19. If an easement isn't already provided, the applicant shall provide a 20' drainage easement over the 48" CMP pipe from Church Road to the rear property line.

20. The parking lot shall provide landscape islands after every tenth parking space the design of which must be approved by the City of Smyrna. A landscape strip shall also be provided between all head-to-head parking spaces.

21. The applicant or business owner shall be required to provide additional parking at a ratio of 1 parking space per employee and 1 parking space for every 9 students if employment and/or enrollment numbers expand beyond the proposed 25 employees and 178 students. Additional parking may be in the form of green parking.

22. No land disturbance or land clearing shall take place on the subject property until a building permit has been issued.

~~23. The applicant shall provide a refundable deposit of \$3,000.00 per acre at the issuance of a building permit for the cost of general site maintenance should the property be abandoned and no site maintenance is provided. At the completion of the overall project and the issuance of a Certificate of Occupancy, all or a portion the deposit shall be refunded to the person or entity that provided the deposit. If the developer is unable to provide a deposit, a five-year bond or letter of credit shall be an acceptable alternative. This bond or letter of credit may be a two-year bond or letter of credit that is automatically renewed for a period of five year. At the completion of the overall project and the issuance of a Certificate of Occupancy, the bond or letter of credit should be released to the developer.~~

24. Approval of the subject property for Limited Commercial shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 10/11/2012 created by Stantee 1/31/2023 created by Coffman Engineers Inc.

25. The applicant shall be bound to the elevations submitted and dated 10/11/2012 created by Children's Design Group 2/28/2023 by Calbert Design Group. Approval of any change to the elevations must be obtained from the Director of Community Development.

~~26. The applicant shall use of off-duty police personnel to help abate traffic problems during the peak hours.~~

Councilmember Wilkinson asked about a shade structure. Mr. Martin stated that would be addressed during plan review.

Rebecca Calpert – 2950 Cherokee St, Kennesaw – came forward and was sworn in by the City Attorney. She stated that she is an architect specializing in daycare for 10 years and has been with the Primrose brand for just as long. The shade canopy is

being removed and relocated away from the street. The hours of operation are remaining the same from 7:00 AM – 6:00 PM.

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

Councilmember Susan Wilkinson made a motion to approve item Z23-009, a public hearing and zoning amendment (Z23-009) to allow site plan modifications to a previously approved plan on land lot 379 on 4.41 acres located at 661 Church Road by applicant Rebecca Calbert; 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

- B. Z23-007 Public Hearing - Zoning Request - Z23-007 - Allow rezoning from LI to OD-Conditional for use as a climate controlled self-storage facility - Land Lot 668 - 1.88 acres - 3265 Atlanta Road - Atlantic Development Partners LLC**
The applicant requests to table the item until October 16, 2023.
Ward 1 Councilmember - Glenn Pickens

Councilmember Travis Lindley made a motion to table item Z23-007; seconded by Councilmember Glenn Pickens.

The motion to table 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. AGR2023-040 Approval for the renewal of the Professional Services Agreement with City of Smyrna Government Affairs Consultant, Mr. Kash Trivedi beginning September 1, 2023 and continuing until August 31, 2024 as well as have the Mayor sign and execute all related documents.**
Citywide

Joe Bennett, City Administrator, provided the following background:

Mr. Kash Trivedi is a Smyrna resident with a boutique firm focusing on government affairs efforts before the Georgia General Assembly and Executive Branch and has served as the City's Government Affairs Consultant since 2020.

Mr. Trivedi is a seasoned government affairs consultant with ideal relationships with the leadership in both the State House and Senate Chambers. Mayor & Council propose the continued professional engagement of a government affairs consultant to represent the City of Smyrna before the Georgia Legislature and the Executive Branch. As our city manages the city budget and projects over the next few years, the need for possible state funds and assistance is anticipated. The professional services agreement with the City of Smyrna and Mr. Trivedi would begin September 1, 2023 and continue until August 31, 2023.

This agreement would be strictly before the Georgia General Assembly, Administration and State departments. There would be no federal government activity.

Mayor Pro Tem Tim Gould made a motion to approve item AGR2023-040, the renewal of the professional services agreement with City of Smyrna Government Affairs Consultant, Mr. Kash Trivedi, beginning September 1, 2023, and continuing until August 31, 2024 as well as have the Mayor sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 5 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Mayor Pro Tem / Councilmember Gould, Councilmember Young
Nay: 2 – Councilmember Welch, Councilmember Wilkinson
Recuse: 0 – None

- B. ATH2023-33** Approval to amend the FY 2024 adopted budgets of the General Fund, 2022 SPLOST Fund, Hotel Motel Tax Fund, E911, Water Sewer Fund, Capital Improvements Fund (CIP), and the American Rescue Plan Fund (ARPA) to allocate additional funding for items not included in the initial budget adoption and to add funding for the transfers between funds.
Citywide

Joe Bennett, City Administrator, provided the following background:

The first two months of the new fiscal year are complete, and several expenditures have occurred that were not included in the original budget adoption. The FY 2024 adopted budget needs to be amended to cover these expenditures for financial reporting purposes.

The City received funding from the 2023 LMIG Safety Action Plan. The budget in the 2022 SPLOST fund needs to be amended to increase the revenue from State Government Grants and to increase the Traffic Calming Project expenditure budget.

There are various items in the General Fund that were not included in the original budget that need to be added to cover expenditures.

The City needed to make a catch-up contribution to our OPEB trust based on conversations with the actuary. The OPEB trust is funded by the General Fund, Hotel Motel Tax Fund, E911 Fund, and the Water Sewer Fund.

We also needed to clean up projects that had multiple sources of funding (ARPA, CIP, and General Fund) to make them easier to track for better financial transparency. This included adding some additional transfers not originally budgeted.

Councilmember Travis Lindley made a motion to approve item ATH2023-33, amendments to the FY 2024 adopted budgets of the General Fund, 2022 SPLOST Fund, Hotel/Motel Tax Fund, E911, Water/Sewer Fund, Capital Improvements Fund (CIP), and the American Rescue Plan Fund (ARPA) to allocate additional funding for items not included in the initial budget adoption and to add funding for the transfers between funds; 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

- C. 2023-191** Approval of the award of 24-004 for the Construction Manager at Risk for Splash Pad at River Line Park to Winter Construction (5616 Peachtree Road, Suite 100, Atlanta, GA 30341) with a stated cost limitation of \$2,100,000.00 and authorize the Mayor to sign and execute all related documents.

Ward 7 Councilmember - Kathy Young

Joe Bennett, City Administrator, provided the following background:

The City of Smyrna requested qualification proposals for a Construction Manager at Risk for the River Line Park Splash Pad and two proposals were received and evaluated by staff from Parks & Recreation, Community Development and Administration. The award is made through a qualification and fee-based selection process.

The stated cost limitation was provided in the amount of \$2,100,000.00.

The final score for Winter Construction was 80.50

-Pre-Construction Fee (Fixed) - \$20,000.00

-Construction Fee 4.5%

-General Conditions - \$442,002.00

The opposing firm scoring was 53.00.

It is the recommendation of Parks & Recreation, Purchasing and the entire evaluation team for the approval of the award to Winter Construction.

Councilmember Welch stated that the last two projects with Winter Construction resulted in them coming back to ask for additional funding. He stated that this is not the way a manager should do things.

Mayor Norton stated he is excited to see this go into ward 7.

Councilmember Young expressed appreciation to Dr. Wheaton (former Councilmember of ward 7) for his endeavors for this project.

Councilmember Kathy Young made a motion to approve item 2023-191, to award 24-004 for the Construction Manager at Risk for Splash Pad at River Line Park to Winter Construction (5616 Peachtree Road, Suite 100, Atlanta, GA 30341) with a stated cost limitation of \$2,100,000.00 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

- D. 2023-192** Approval of the purchase of components for the Splash Pad at River Line Park project from Vortex USA Inc. (23807 Oregon Court, Torrance, CA.90503) in the amount of \$254,421.87 to be funded from 2022 SPLOST and have the Mayor sign and execute all related documents.

Ward 7 Councilmember - Kathy Young

Joe Bennett, City Administrator, provided the following background:

Parks and Recreation has worked with Purchasing for a CMAR for the Splash Pad at River Line Park. The City plans to purchase the components from Vortex Aquatic Structures for the Splash Pad at River Line Park at a discounted rate through NPP Gov Contract # PO21115.

Councilmember Kathy Young made a motion to approve item 2023-192, the purchase of components for the Splash Pad at River Line Park project from Vortex USA inc. (23807 Oregon Court, Torrance, CA 90503) in the amount of \$254,421.878 to be funded from 2022 SPLOST and have the Mayor 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

- E. ATH2023-35** Approval of changes to Retiree Health Benefits effective 01/01/2024 and authorize the Mayor to sign and execute all related documents.
Citywide

Joe Bennett, City Administrator, provided the following background:

In 2012, the City approved changes to retiree health benefits which moved Medicare-eligible retirees to the VIA Benefits platform which pairs access to Medicare supplement plans with a City-funded HRA AND federal tax credits. The VIA Benefits Medicare program has been successful and very beneficial to the retirees.

While pre-Medicare retirees (< age 65) who retired prior to 2012 were allowed to stay on the City's health plan and pay rates equal to that of active employees, for those who retired on or after

1/1/2012, the City's contribution to retiree health insurance was capped at the City's 2012 cost for retiree only coverage for the lowest priced health plan. At the time this cap was \$566.67 per month. Retirees were required to "buy up" or pay the difference for higher cost plans and for covering dependents. The 2012 rate cap continued to be applied to retiree rates moving forward despite yearly increases to the rates.

As of 2021, pre-65 spouses of Medicare eligible (post-65) retirees, were kept on the employee health plan, but were required to pay 100% of the cost for their coverage. The combination of the 2012 cap and charging 100% for spouse-only coverage on the health plan, has resulted in making it difficult and costly for pre-65 employees to retire and maintain health benefits for themselves and eligible dependents (see attached 2023 Retiree Health rates).

While the city's contributions to premiums was capped, the claims resulting from covered retirees disproportionately impact city's overall claims spend.

Currently, there are 30 pre-65 retirees on the active health plan, with additional retirements to occur before the end of 2023. Six of the 30 retirees cover a spouse. Three pre-65 spouses of post-65 retirees are also covered.

On August 15, 2023, Joe Bennett, Kristin Robinson, and I proposed a solution to the Budget Committee (Councilman Lindley, Councilman Gould, and Councilwoman Hines) and Mayor Norton.

- Effective January 1, 2024 move all current and future pre-65 retirees to the Via Benefits platform.
- Via Benefits Enrollment Specialists will provide individualized guidance, based on the retiree's needs, on selecting a market-place plan.
 - o Retirees will select from among hundreds of plans on the healthcare marketplace.
 - o Family plans are available.
 - o Annual enrollment 11/1 – 12/15
- Via Benefits Enrollment Specialists will also help the retiree choose between the Federal Tax Subsidy OR the City-funded HRA (not both)
 - o If HRA, the City will fund \$1,000/month which can be used to reimburse the retiree for plan premiums and other eligible out-of-pocket medical expenses.
 - o If the coverage is for the pre-65 spouse of a post-65 retiree, the retiree will continue to receive \$250/month to their HRA and the spouse will receive the difference of \$750/month to an HRA.
 - o Retirees will only pay premiums for coverage that exceeds either the Federal Tax Subsidy or the amount funded by the City.
 - o Via Benefits provides ongoing advocacy.

Councilmember Travis Lindley made a motion to approve item ATH2023-35, changes to Retiree Health Benefits effective 01/01/2024 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

- F. ATH2023-36** Approval of a Memorandum of Understanding between the City of Smyrna, Ga and Smyrna First Baptist Church and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

Joe Bennett, City Administrator, provided the following background:

The City and Smyrna First Baptist Church have reached an agreement where the city would purchase the existing church property and the church would purchase City owned property on Atlanta Road and relocate there. This would allow the City to expand its downtown and allow the church to remain in the City.

Councilmember Welch stated that, for the record, should this agreement be approved, it needs to come before the City Council for final approval.

Councilmember Travis Lindley made a motion to approve item ATH2023-36, a Memorandum of Understanding between the City of Smyrna, GA and Smyrna First Baptist Church 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: 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould, Councilmember Young
Nay: 1 – Councilmember Wilkinson
Recuse: 0 – None

- G. ATH2023-35** Approval of a Letter of Intent with Walton on Church Street, LLC. (2281 Akers Mill Road, Building 4100, Atlanta, Ga 30339) for the proposal to sell the the property at 866 Church St., Smyrna, Georgia and authorize the Mayor to sign and execute all related documents.

Citywide

Councilmember Travis Lindley made a motion to approve item ATH2023-35, a Letter of Intent with Walton on Church Street, LLC (2281 Akers Mill Road, building 4100, Atlanta, GA 30339) for the proposal to sell the property at 866 Church St., Smyrna, Georgia 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

**H. ATH2023-37 Approval of FY 2023 year end budget amendment.
*Citywide***

Joe Bennett, City Administrator, provided the following background:

Negative variances on the budget to actual for departmental expenditures need to be eliminated.

An annual audit of the City's financial statements is required at the conclusion of the fiscal year. In order to close out the year and finalize the financial statements, final adjustments to the budget need to be made to account for various transactions that were not originally budgeted. The City does not need to show negative budget variances for expenditure accounts. Some revenue line items were under-budgeted, so they will be increased to offset the additional expenditure budget need to eliminate the negative variances.

Councilmember Travis Lindley made a motion to approve item ATH2023-37, FY 2023 year-end budget amendment; 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, Ward 7 Councilmember Young
Nay: 0 – None
Recuse: 0 – None

10. Consent Agenda

Councilmember Travis Lindley made a motion to approve the Consent Agenda; 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. MIN2023-091 Approval of the August 17, 2023 Committee of the Whole Meeting Minutes.
*Citywide***

This item was approved on the Consent Agenda.

- B. MIN2023-092 Approval of the August 21, 2023 Pre-Council Meeting Minutes.
*Citywide***

This item was approved on the Consent Agenda.

- C. MIN2023-093 Approval of the August 21, 2023 Mayor and Council Meeting Minutes.
*Citywide***

This item was approved on the Consent Agenda.

- D. ATH2023-32 Authorize Atkins Park Tavern (Kevin Drawe), Zucca Bar & Pizzeria/Vintage Tavern/The Corner Taqueria (Tim Langell), The Stout Brothers (Brandon King), Cafe Lucia (David Jackson), and The Vineyard Wine Market/Smyrna Village Bourbon & Cigar (Anthony Alvarez) to operate alcohol sales stations / trailer(s) outside of their respective businesses (outside/adjacent to their licensed place of business) as well having authorized through signed agreement – Premier Events / City Park Concessions as alcohol sales management for all areas (with the exception of the Market Village merchants area) at the following approved event: City of Smyrna Culture & Spirit Festival and 151st Birthday Celebration to be held from 11:00 am until 10:00 pm on Saturday, October 7, 2023.
*Ward 3 Councilmember - Travis Lindley***

This item was approved on the Consent Agenda.

- E. ATH2023-034 Approval of 2024 City Holidays
*Citywide***

This item was approved on the Consent Agenda.

- F. 2023-193 Approval of the Front Yard Tree Program Campaign by Trees Atlanta in Partnership with the City of Smyrna.**

This item was approved on the Consent Agenda.

11. Ward and Staff Reports

Penny Mocer, Deputy City Administrator, explained that there will be public information sessions regarding the reimagined aquatic center and tennis and pickleball-dedicated facility. The first will be next Tuesday, September 26, 2023 from 6:00 PM – 8:00 PM in the Magnolia Room. Another will be held on October 1, 2023 from 2:00 PM – 4:00 PM in the Dogwood Room. There will also be an online survey for those who are unable to attend in person.

Councilmember Latonia P. Hines recognized the Fire Department who had a second community engagement event at Fire Station 1. Over 100 people came out regardless of the rain. There were a lot of activities for the kids. She also announced that there will be a committee forming with Commissioner Richardson for the

Historical Preservation of Rose Garden and Davenport area. Ms. Hines thanked staff for all of their difficult and hard work during the historical rains and floods throughout the City.

Councilmember Suan Wilkinson also thanked staff during these floods. She mentioned the information given during the last Committee of the Whole was important for everyone to know. She specifically mentioned that 956 properties in the City of Smyrna in the flood plain. She stated she is thankful for staff for answering calls, responding quickly. Ms. Wilkinson also stated she had some concerns about the fact that the Secretary of State's website for voting does not match Cobb County Elections information. Mayor Pro Tem Tim Gould stated that Cobb County Elections are aware of the situation, but they had to get approval from their board in order to submit the information to the State.

Mayor Pro Tem Tim Gould mentioned that Taste of Smyrna was great and well-attended. He congratulated Chief Marcos for a job well done for their engagement in the community.

Councilmember Kathy Young echoed appreciation for staff during these difficult times. She also mentioned that the Arts and Culture Task Force are moving forward, and they are starting to see concepts come in for utility box designs. Stay tuned.

Heather Peacon-Corn, City Clerk, reminded all that advanced voting starts on October 16 in the Community Center. All of the most up-to-date information can be found on the Cobb County website.

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

Danny Richards – 1041 Bank Street – commented on the outdated and poorly designed drainage systems throughout the City that cause flooding. In response, Joe Bennett, City Administrator, explained that the events seen now are much more drastic than the drainage systems were designed for. He further stated that the Engineering staff is constantly restructuring drainage issues.

Alex Backry – 2459 Shawnee Trail – commented that he would like to know more about the potential plans for the church property. He stated he does not believe the government should be involved with real estate and expressed he feels this is a bad decision.

Ken Hymes – 151 Ennisbrook Drive – commented on his candidacy for mayor of Smyrna. He gave a brief biography of his upbringing, education, and work experience, and he mentioned some of his volunteer work. He promised transparency and fiscal responsibility.

Susan Wilkinson – ward 5 council member – commented on her candidacy for ward 5 council member. She promised to continue to be accessible, available, and fiscally responsible.

F. Franklin Murray Abraham Ford – 2771 Knoll Road, resident of Rose Garden area – commented on the flood damage incurred to his home during the storms that took place August 28, 2023. Mr. Ford expressed that poor drainage caused the flooding, and his home is currently uninhabitable. He wants the City to hire an outside firm to investigate storm drainage and to make him whole for the damages to his property. In response, Councilmember Hines stated that she has been in contact with Mr. Ford since August 29, 2023. She expressed that this flooding did not just occur in the Rose Garden area – this affected everyone in every ward in the City of Smyrna.

George Mercurius – Smyrna resident – commented on applauding the City in terms of its leadership. He made suggestions that proper examination be made on the church (asbestos, etc.) and that plans be in place to redevelop and re-landscape the church area to enhance Smyrna.

13. Adjournment

Mayor Derek Norton adjourned the September 18, 2023 Mayor and Council meeting at 8:35 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