



City Council Meeting - Final

November 20, 2023

7:00 PM

C. MIN2023-118 Approval of the November 6, 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

**November 06, 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: 11 – Mark Binicewicz, Dan Campbell, Louis Defense, Richard Garland, Jill Head, Dat Luu, Russell Martin, Eric Mohrmann, Mary Moore, Heather Peacon-Corn, and Ashley Youmans

2. Call to Order

3. Invocation and Pledge of Allegiance

A. Joseph Hatchell, American Legion Post 160 Chaplain

4. Agenda Changes

5. Mayoral Report

Mayor Derek Norton reported on the following:

- The Spooky Festival at Brawner Hall. Nearly 500 people went through the haunted house.
- Crafts & Drafts Festival was widely attended with great vendors.
- Upcoming event: Veterans Day Ceremony on Saturday at 11:00 AM.
- Upcoming Event: College Football Saturday on November 18.
- The Village Green Park was awarded the 2023 Medium Redevelopment of the Year by Metro Atlanta Redevelopment Summit.

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. PRC2023-025 Proclamation in Recognition of Veterans Day 2023 and City of Smyrna Veteran Employees **Citywide**

Mayor Derek Norton stated that there are 44 Veterans employed by the City of Smyrna which is approximately 10% of total staff. In honor of Veterans Day and those who served, the Mayor read the following proclamation:

A PROCLAMATION
BY THE MAYOR OF THE CITY OF SMYRNA
In Recognition of Veterans Day 2023

Whereas: in 1921, the Unknown Soldier was buried on a Virginia hillside in Arlington National Cemetery overlooking the Potomac River in the city of Washington, DC. The site of this burial in Arlington National Cemetery symbolizes the dignity and reverence of America's veterans; and

Whereas: these memorial gestures took place in England and France on November 11th, giving universal recognition to the celebrated ending of World War I at 11 a.m. on November 11, 1918; and

Whereas: on May 13, 1938, Congress declared that the 11th day of November each year will be a legal holiday - a day to be dedicated to the cause of world peace and a day of celebration to honor America's Veterans for their patriotism, the love of our country, and willingness to serve and sacrifice for the common good; and

Whereas: Veterans Day is a day to thank our veterans for their service to our country and acknowledge their contributions to our national security. We would like to honor those who have served and sacrificed for our country today, November 11th, and every day; and

Whereas: the City of Smyrna would like to thank and acknowledge our employees who are veterans and an extended appreciation to those who continue to serve in the reserves; Now,

Therefore: I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim November 11, 2023 as VETERANS DAY in the City of Smyrna and urge all citizens to recognize the sacrifices and dedication of our veterans today and throughout the year.

Deputy Chief Mark Binicewicz thanked the Mayor and City Council for recognizing the veterans who work for the City. He stated in 2002 when he left the Navy, he was looking for a place that would welcome him as a veteran. He found that in the City of Smyrna.

B. PRC2023-022 Proclamation in Recognition of Veterans Day Poppy Distribution November 2023 **Citywide**

Mayor Derek Norton read the following proclamation:

A PROCLAMATION
BY THE MAYOR OF THE CITY OF SMYRNA
In Recognition of Veterans Day Poppy Distribution November 2023

Whereas, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and
Whereas, millions who have answered the call to arms have died on the field of battle; and
Whereas, A nation at peace must be reminded of the price of war and the debt owed to those who have died in war; and
Whereas, the red poppy has been designated as a symbol of sacrifice of lives in all wars; and
Whereas, the American Legion Auxiliary has pledged to remind America annually of this debt through the distribution of the memorial flower,
NOW, THEREFORE, I, Derek Norton, Mayor of the City of Smyrna, Georgia, do hereby proclaim during the month of November in 2023, the 4th, 5th, 10th, and 11th as VETERANS DAY POPPY DISTRIBUTION DAYS and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy.

June Burgess, Judy Martin, and Cindy Monk were in attendance on behalf of the American Legion Auxiliary Unit 160 to accept the proclamation.

C. PRC2023-026 Hispanic Heritage Youth Art Contest Winners

Ashley Youmans presented the first Hispanic Heritage Youth Art Contest winners who were selected at the Hispanic Heritage Celebration with help from the Smyrna Arts Council. Attendees submitted artwork at the event inspired by the prompt: "What My Heritage Means to Me." One winner was selected from each age group. Winners from each age group include:

Ages 5-7: Gabriel Gasca
Ages 8-10: Isabella Gasca
Ages 11-13: Zion D. Darius
Ages 14-18: Peyton Holsinger (not present)

Zion D. Darius thanked the City for the opportunity, and stated that it was amazing to attend a council meeting.

7. Community Development Items

**A. ATH2023-48 Approval of RFP24-008 for an online subscription service to assist the City Marshals with enforcement of the Short-Term Rental Ordinance with Granicus in the amount of \$27,993.06 for the first year cost and authorize the Mayor to sign and execute all related documents.
Citywide**

Community Development requested proposals for an online subscription service to assist the City Marshals with enforcement of the Short-term Rental Ordinance. The system provides monitoring of short-term rental websites and assist in notification to violators and tax collection.

Three (3) proposals were received on Friday, September 15, 2023 and presentations/demonstrations were completed on Tuesday, October 3, 2023. The information was evaluated by staff from Community Development, Finance and Information Technology. The team is recommending Granicus with a first-year cost of \$27,993.06.

Councilperson Welch asked if this will have anything to do with the taxing of those properties. Russell Martin, Community Development Director stated that the ordinance requires that rentals have both a business license and short-term rental license to operate. This implementation will help identify if any rental properties are missing one or the other. They are taxed similarly to hotels and motels. Councilperson Wilkinson asked if the City gets a percentage of each one or is it county-wide and divided. Mr. Martin stated there is a \$5.00 amount that goes directly to the state. The hotel/motel tax is divided and the City gets an actual check of the calculated amounts.

Mayor Pro Tem / Councilmember Tim Gould made a motion to approve item ATH2023-48, RFP24-008 for an online subscription to assist the City Marshals with enforcement of the Short-Term Rental Ordinance with Granicus in the amount of \$27,993.06 for the first year cost and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

Nay: 0 – None

Recuse: 0 – None

8. Privilege License and Show Cause Hearing

9. Formal Business

- A. **AGR2023-041** Approval to award to Utility Asset Management, Inc. (1902 Tucker Ind. Rd., Tucker, GA 30084) in the amount of \$150,246.00 to be funded from Stormwater CIP for the cleaning and cured-in-place lining of the existing 24" CMP located between 6015 Bordeau Walk and Vineyard Way.
Ward 5 Councilmember - Susan Wilkinson

Richard Garland, Parks & Recreation Director, read the following background:

The existing 24" CMP storm line in the rear yard of 6015 Bordeau Walk is part of the City's infrastructure and its condition warrants rehabilitation. The construction activity to replace the pipe conventionally would be cost prohibitive and the construction impact significant to several homes. Cleaning and installing a cured-in-place line will restore the capacity of the pipe to convey offsite stormwater flows from the trailer park in the County adjacent to this home and mitigate overflow runoff volumes.

Councilmember Susan Wilkinson made a motion to approve item AGR2023-041 to award to Utility Asset Management, Inc. (1902 Tucker Industrial Rd., Tucker, GA 30084) in the amount of \$150,246.00 to be funded from Stormwater CIP for the

cleaning and cured-in-lace lining of the existing 24" CMP located between 6015 Bordeau Walk and Vineyard Way; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- B. ATH2023-45** Approval of RFP24-010 for the ADA upgrade and public restroom renovation at the Smyrna Public Library by Carter Construction Partners, Inc. (405 North Perry Street, Suite 5 Lawrenceville, GA 30046) and managed by TSW Design (1447 Peachtree St NE Ste 850, Atlanta, GA 30309) in the amount of \$299,102.38 to paid using 2024 CIP - ARPA funding and authorize the Mayor to sign and execute all related documents.
Ward 3 Councilmember - Travis Lindley

Richard Garland, Parks & Recreation Director, read the following background:

The City of Smyrna requested bids for an ADA upgrade and renovation of existing public restrooms at the Smyrna Public Library. The scope includes the men's, women's, and toddler restrooms on the first floor and the men's and women's restrooms on the second floor. Four (4) bids were received, and one (1) bid was received late. We recommend the award to the low bidder, Carter Construction Partners, Inc. in the amount of \$299,102.38. This project will be managed by TSW Design.

Councilmember Travis Lindley made a motion to approve item ATH2023-45, RFP24-010 for the ADA upgrade and public restroom renovation at the Smyrna Public Library by Barter Construction Partners, Inc. (405 North Perry Street, Suite 5, Lawrenceville, GA 30046) and managed by TSW Design (1447 Peachtree St NE, Ste 850, Atlanta, GA 30309) in the amount of \$299,102.38 to be paid using 2024 CIP – ARPA funding 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

- C. CHOR2023-005** Approval of work order 2023-03 under the Georgia Power Master Agreement MSA-2022-03 for the forensic testing of seven additional City buildings (Fire Stations 1,2,3,4,5, the Wolfe Center, and Public Works) in the amount of \$73,400 to be funded out of the Green Energy CIP and authorize the Mayor to sign and execute all related documents.
Citywide

Richard Garland, Parks & Recreation Director, read the following background:

In April 2022, Council approved MSA 2022-03 with GA Power to oversee the energy efficiency projects for the City. These projects are funded through the “Green Energy” CIP project approved in coordination with annual budget process.

Staff needs to determine the total City-wide cost to make all recommended repairs to HVAC systems in City buildings. Georgia Power previously completed forensic testing on five City buildings. To determine the total estimated cost, staff needs to test the remaining seven occupied buildings.

This final testing will note the remaining deficiencies throughout the City and give the City a total cost for the repairs of the A/C system in addition to the five already tested to receive a total cost to make all necessary A/C repairs.

Councilmember Travis Lindley made a motion to approve item CHOR2023-005, work order 2023-03 under the Georgia Power Master Agreement MSA-2022-03 for the forensic testing of seven additional City buildings (Fire Stations 1, 2, 3, 4, 5, the Wolfe Center, and Public Works) in the amount of \$73,400.00 to be funded out of the Green Energy CIP 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

10. Consent Agenda

Councilmember Travis Lindley made a motion to approve the Consent Agenda as read; 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. MIN2023-106** Approval of the October 11, 2023 Committee of the Whole Minutes.
Citywide

This item was approved on the Consent Agenda.

- B. MIN2023-107** Approval of the October 16, 2023 Pre-Council Minutes.

Citywide

This item was approved on the Consent Agenda.

- C. **MIN2023-108** Approval of the October 16, 2023 Mayor and Council Minutes.
Citywide

This item was approved on the Consent Agenda.

- D. **2023-216** Approval to use Council Chambers for Heritage at Vinings annual Homeowners Association Meeting, January 23, 2024, 6:30pm - 8:30pm
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

This item was approved on the Consent Agenda.

- E. **ATH2023-46** Approval of the closing of the following streets for the Smyrna Parks and Recreation's Home for the Holidays: King Street from Stephens to Bank St.; Bank Street from King Street to Village Walk and W. Spring St. (from the fountain to King Street) from 3:00 p.m. - 11:00 p.m. on Tuesday, November 28, 2023.
Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

11. Ward and Staff Reports

Councilmember Kathy Young thanked those who came out for the River Keepers event this past Sunday. They are the only group in Georgia whose sole purpose is to protect the Chattahoochee River. She thanked Parks & Recreation staff for all of their hard work organizing all of the recent events. Ms. Young also mentioned that the Campbell High School Raiders teams are doing great – the girls team came in first for the third time.

Mayor Pro Tem Tim Gould echoed Councilmember Young's sentiments about the River Keepers and the Parks & Recreation Department. Mr. Gould also mentioned that the Chamber of Commerce hosted a military appreciation lunch, and Mayor Norton had a chance to speak to and recognize the veterans in attendance.

Councilmember Susan Wilkinson reminded all to vote on November 7.

Councilmember Latonia P. Hines also thanked the Parks & Recreation team for all they do. She also announced that there will be a Black History Month celebration on February 23, 2024.

Councilmember Glenn Pickens reminded those in Ward 1 that the polling location has moved from Argyle Elementary to Covenant Church.

Councilmember Charles Welch asked those in Ward 4 to come out and vote at the old Brown Elementary.

Councilmember Travis Lindley encouraged everyone to vote, and the Ward 3 precinct in at the Community Center from 7:00 AM – 7:00 PM.

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**

Bill Strickland – compliments to city council. Discussed his difficulty paying his property taxes and receiving a receipt/confirmation that it was paid. He asked that the process be made easier and be fixed before the next year.

Ken Hymes – 151 Ennisbrook Drive – stated he is running for Mayor. While campaigning, citizens were highly engaged and feel their representatives do not share their concerns. He said he challenges everyone to show their concern for citizens, listen to them, ask questions, follow up, and deliver.

13. **Adjournment**

Mayor Derek Norton adjourned the November 6, 2023 Mayor and Council Meeting at 7:35 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**