



City Council Meeting - Final

December 04, 2023
7:00 PM

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- A. **MIN2023-119** Approval of the November 15, 2023 Committee of the Whole Meeting
Minutes
Citywide

Committee of the Whole Minutes - Final MAYOR AND COUNCIL



Derek Norton, Mayor
Tim Gould, Mayor Pro Tem (Ward 6)
Glenn Pickens (Ward 1)
Latonia P. Hines (Ward 2)
Travis Lindley (Ward 3)
Charles "Corkey" Welch (Ward 4)
Susan Wilkinson (Ward 5)
Kathy Young (Ward 7)

Smyrna Community Center
Dogwood Room
1250 Powder Springs Street
Smyrna, GA 30080

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

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

1. Roll Call

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

Also Present: 1 – Scott Cochran

Staff: 11 – Tyler Addison, Joe Bennett, Louis Defense, Richard Garland, Russell Martin, Paul Osburn, Heather Peacon-Corn, Eric Randall, Kristin Robinson, Trey Stephens, and Keith Zgonc

Call to Order

Mayor Derek Norton called to order the November 15, 2023 Committee of the Whole meeting held at the Smyrna Community Center in the Dogwood Room at 6:30 PM.

2. Staff M&C Agenda Items to Review

3. Formal Business and Presentations

A. COW2023-054 Smyrna Housing Authority Update from Tim Christie, Chairman *Citywide*

Tim Christie, Chairperson of the Smyrna Housing Authority, came forward to express his desire that Mayor and Council please reach out to their appointees on the authority to discuss the direction they would like to see the authority move. There are potential projects coming forward that will offer low-income housing among other types of housing.

Private Enterprise and Regulatory Agreement ("PERA") structure

Some positives are:

- ☐ This isn't new construction, so the preservation can be enacted quickly.

- ☐ The units can be spread into various parts of town (may avoid concentration).
- ☐ These are existing housing complexes, so there is no new land use issues/permitting.
- ☐ The Authority has some control/input on the income restriction mix (# of units at each % of AMI).
- ☐ The developers have generally agreed to fund after-school tutoring programs (~\$50,000/yr.)
- ☐ The Authority does generate some income from an upfront payment, a payment upon future sale of the property and a small percentage of the normal tax revenues.
- ☐ There is some possibility that City employees may be able to use these units but there are Fair Housing Act rules that make giving outright priority to a particular type of tenant difficult.

Some challenges are:

- ☐ Is the complex already renting to tenants in the targeting income ranges? If so, this isn't really new "mixed-income" housing, we have just labeled it as such. However, this would put a permanent restriction for the life of the agreement. It is hard to get income information from existing tenants if you didn't require it at the time of the original lease. So, it is hard to know existing tenant income levels and by extension to say definitively the makeup of the rent rolls at present.
- ☐ Even though we generally arrange for payments to the Authority (see #6 above) the City loses the tax revenues they are currently receiving on the property.

B. COW2023-058 Golf Cart Discussion
Citywide

Chief Keith Zgonc, Police Chief, discussed an officer involved shooting that had just taken place on S. Cobb Drive.

Chief Zgonc introduced Sgt. Stephens and LT. Cole and asked them to research information about golf carts. Sgt. Stephens presented the following:

GOLF CARTS

Motorized vehicle designed for one or more people and equipment to play the game of golf.

Average speed shall be less than 15 MPH.

PTV (Personal Transportation Vehicle)

Any Vehicle With a minimum of four wheels

- Capable of a speed of less than 20 miles per hour
- maximum gross vehicle weight, 1,375 pounds
- Capable of transporting not more than eight persons

The term does not include any mobility aids.

LOW SPEED VEHICLE

- Any 4 Wheeled vehicle, where the top speed attained in one mile is greater than 20 MPH but less than 25 MPH.
- Manufactured or converted to Federal motor vehicle safety standards i.e. brake lamps, headlights, seatbelts, and reflectors etc.
- Can only be operated where the speed limit doesn't exceed 35 mph.

The term also does not include any all-terrain vehicle

Required Equipment for PTV

- Braking system sufficient for the weight it is carrying

- Reverse warning device when in reverse
- Main power switch, when in the off position vehicle will remain inoperative
- Headlamps, reflex reflectors, tail lamps, horn, rearview mirror, warning labels and hip restraints and hand holds or a combination thereof

OCGA 40-6-331

- Local authorities may create an ordinance to designate certain streets or portions of streets under its control.
- Can allow PTV's and regular vehicular traffic the combined use of a roadway or the use of PTV's and no other vehicles.
- Establish conditions under which a person may operate PTV's on such designated streets or portions thereof PTV paths.
- All operators of PTV's must possess a valid drivers license.
- By ordinance you may require the local registration at least once every 5 years for a fee not to exceed \$15.
- No local authority may be liable for losses that result from exercising or not exercising inspection powers or functions including failing to inspect or making a negligent inspection.
- Signs must be erected on every highway which comprises a part of the state highway system at the point on the highway which intersects the corporate limits of the municipality that shall warn motorists that PTV's are authorized for the use on public streets.

OCGA 40-3-363

- The purpose of this part shall be to authorize any local authority to establish a personal transportation plan for roadways and streets within its jurisdiction.
- No local authority shall be liable for losses resulting from exercising or not exercising its authority to adopt a PTV transportation plan, failing to adopt such plan, making an inadequate plan or negligently adopting such plan.

OCGA 40-3-365

May include permitting process - may include but not limited to:

- Requirements for permit posting
 - Permit renewal
 - Operator education
- And liability insurance

OCGA 40-3-368

- When the joint use of regular traffic and PTV traffic is discussed it must
- Have speed limits of 25 MPH or less
- Have been determined by a qualified traffic engineer to accommodate PTV without adversely impacting traffic safety or the travel needs of commuters and other users.

Discussion took place regarding how fees and fines would work, how driving golf carts from neighborhood to neighborhood would work, how to handle where golf carts can be parked, how downtown sidewalks are already being used for golf carts, etc. Mayor Norton asked that this be further researched and brought before Council at a future date.

C. COW2023-059 Discussion regarding the 2024 Mayor and Council meeting calendar. *Citywide*

Joe Bennett, City Administrator, introduced the January 4-6, 2024 Council retreat at Lake Lanier. Wayne Wright has been contacted to facilitate the retreat should the Council approve. He has facilitated for Powder Springs.

Mayor Norton introduced his proposed 2024 meeting calendar. He explained that his proposal would rid the schedule of the “fifth Monday” when there is no meeting held which often results in a heavy agenda at the next meeting. January 3, 2024 would be a Special Called Meeting for appointments and the swearing in of all elected officials. City Clerk Heather Peacon-Corn explained that Mayor and Council meeting calendar would need to be approved sooner than December because it effects the Planning & Zoning meeting schedule. Mayor Norton suggested it be added to the November 20, 2023 agenda.

D. COW2023-062 Budget Committee review items:

- Wolfe Center
- Turf Fields

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

- Turf Fields numbers came in yesterday
- Recommended vendor is Deluxe Athletics out of Marietta
- They came in at \$1.6M for River Line and \$1.5 for Jonquil for a total of \$3.1M
- Turf fields were not budgeted in the GF CIP – suggestion came forward to use reserve balance
- The amount includes all of the lighting and fencing for the turf fields
 - approximately \$400K could be offset with SPLOST funds

Councilmember Welch stated that he would like to support this, but he feels the City is being taken advantage of by Tophat because they use the fields 12 months a year. Mr. Welch believes it places the City in a bad position to negotiate fees with Tophat if the City agrees to spend the money on these turf fields. Mayor Norton stated that Tophat does not utilize the fields in December-January and part of the summer months. Mr. Welch also expressed concerns that Smyrna residents make up fewer participants. Mike Gaziano from Tophat stated that according to their studies, 47% who participate are from Smyrna, 53% are from outside the city. If you include all four core Smyrna zip codes, participation from those zip codes is 77%. Discussion took place about how much Tophat pays the City each year. Mayor Pro Tem Gould expressed that council members do not hear constituents asking for repaving, but council members hear very loudly from constituents that they want the fields to be converted to turf. Mayor Norton asked if it is known how many Smyrna residents have left the Smyrna program. Mike Gaziano from Tophat stated that 86 families have left Smyrna to move to turf fields elsewhere because they were tired of their practices and games getting rained out. Councilmember Hines asked that, regardless of turf fields, do Smyrna residents have access to the fields when there are no practices or games. That was confirmed. She also asked if it is true that Smyrna is the only municipality in Cobb County to not have at least one turf field. That was confirmed. Councilmember Young asked if it is more work or less work, more or less maintenance for a turf field versus a grass field. Richard Garland, Parks & Recreation Director, stated that it is essentially neutral. Mr. Garland also stated that if these fields should be converted to turf, it would be his preference to have them fenced off so as to deter people using the turf fields as a dog area. Councilmember Lindley expressed that there will always be needs and wants, and that this government has a limited amount of time and a limited budget to be able to fulfill any one of those. He feels that this is one of those items that can be addressed to fulfill both a need and want for residents. Mr. Lindley also stated that he wants this to be understood as a pilot program – that the City will see how this goes to determine how to proceed forward when the next SPLOST comes around. And both Councilmember Lindley and Councilmember Hines stated they would like to see if it expressed clearly in the contract that Smyrna residents are given priority

whether that be with discounts, reservations, etc. Councilmember Welch mentioned all of the projects currently in the works, and he would like to see going forward that projects be prioritized better. Councilmember Wilkinson expressed that she has only received one communication asking for turf fields. Incoming Councilmember Rickey Oglesby stated that he sees these athletic fields as a need. He explained that Cobb County schools have changed the rules and are not opening the fields to kids after hours, so there are fewer areas for kids to practice. As an assistant track coach, he would prefer to coach and condition kids on turf fields over lumpy and inconsistent grass fields.

Kristin Robinson continued:

- Wolfe Center pool pack needs to be replaced
- Lead time is 20 weeks with a 2 week installation period
- Would like to order the replacement now so there is very little down time
- Approximately \$700K also not budgeted which would mean also pulling from the reserve balance

Brief discussion took place about the Community Center courts.

Mayor Pro Tem Tim Gould left the meeting at 7:37 PM.

4. Review of Current M&C Agenda

A. COW2023-061 Review of the November 20, 2023 Mayor and Council Meeting Agenda

- Russell Martin, Community Development Director, presented the following information:

Atlantic Development Partners LLC is requesting a rezoning from LI (Light Industrial) to OD (Office-Distribution) for the ability to construct a climate controlled self-storage facility. The subject property is zoned LI and has been used for an industrial purpose as a business to move machinery. The existing building will be demolished for the construction of a new climate controlled self-storage building. The proposed building will be 113,596 sq. ft. The building will be three stories with a basement with a maximum height of 40 feet. The elevation visible from Atlanta Road will be three stories and the building will follow the contour of the property to have a basement level at the rear of the property adjacent to CSX rail right-of-way. The project consists of a 20 ft. landscape buffer along the sides of the property adjacent to residential.

The proposed building will utilize stone, EIFS, and metal paneling for the front façade. The applicant has provided architectural renders with the zoning application for reference.

The applicant is providing 11 parking spaces which meets the minimum parking requirement.

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to Office-Distribution is consistent with the Industrial Mixed Use land use designation on the Future Land Use Map.

The rezoning will require the following variance:

- 1) Allow side setback variance from 50' to 20' (Staff Supports)

The subject property is allowed to have a 0' rear setback because the rear property line abuts railroad right-of-way.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a self-storage facility. The proposed development meets the zoning requirements for a self-storage facility.

Community Development staff is supportive of the change in zoning from LI to OD-Conditional as it will be a downzoning from an industrial use. The rezoning to OD will be more compatible with the surrounding residential uses than the uses allowed in LI.

Councilmember Pickens had conversations with the owner, and they have not been able to successfully get the other parcels because no one was willing to sell. He asked them if they could consider shrinking the footprint because there have been concerns that it will be an eyesore. Mr. Martin stated it cannot be seen from the road because of the topography. Councilmember Welch said a neighboring owner was low-balled for her property.

Councilmember Lindley expressed his desire to have a moratorium on storage facilities. Scott Cochran, City Attorney, stated that is not a legal reason for denial or for a moratorium.

- Joe Bennett, City Administrator, explained that this contract is for an Independent Contractor Service Delivery Strategy Agreement with the cities of Marietta, Smyrna, Powder Springs, Austell, Kennesaw and Acworth (collectively, the "Cities") and Balli Law, LLC (800 Battery Avenue, Suite 100, Atlanta, Georgia 30339). This is a contract to have Rob Hosack with the Balli Law firm to be the facilitator between the cities and Cobb County. He has knowledge of the old 489 contract.

- Paul Osburn, Assistant Public Works Director, explained that the River Valley drainage project to be completed by Ardito Construction Company, Inc. (1290 Austell Road, SE, Marietta, Ga 3008) in the amount of \$400,009.59 from 23/24 Storm Water CIP is one that has been an issue since around 2012. Flooding continues to occur at some residential properties due to a stormwater management facility that was placed there prior to the new stormwater regulations. The high price tag is not only to assist with improving the homeowners' properties, but to also add proper infrastructure to the area.

5. Other Business / Staff Comment

Joe Bennett, City Administrator, provided updates on the following:

- Apologized to Council for not announcing former Deputy City Administrator's departure. He stated he thought she had spoken to each council member prior to her leaving
- Downtown park is coming along with the laying of mulch – should be nearly done by Thanksgiving
- Court Services and Admin floor have had substantial work done, and Council Chambers should be done early December – still waiting on soundproofing panels

Councilmember Wilkinson – would like an update on the pedestrian crossing at Windy Hill. Eric Randall, Public Works Director, stated that there was a plan that was to be implemented that included signage and fencing.

Councilmember Lindley – asked about Home for the Holidays. Richard Garland, Parks & Recreation Director, will get that information out to Council soon.

Councilmember Welch – asked that if changes are made to the meeting calendar to please get a consensus. He also asked about speed humps on Highview. Discussion took place as to how speed humps were placed there and a petition asking for them.

6. Executive Session (As Needed)

Councilmember Travis Lindley made a motion Enter into Executive Session; seconded by Councilmember Latonia P. Hines.

The motion Enter into Executive Session carried with the following vote:

Aye: 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Young
Nay: 0 – None
Absent: 1 – Mayor Pro Tem / Councilmember Gould

Councilmember Travis Lindley made a motion Return to Regular Session; seconded by Councilmember Glenn Pickens.

The motion Return to Regular Session carried with the following vote:

Aye: 6 – Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Young
Nay: 0 – None
Absent: 1 – Mayor Pro Tem / Councilmember Gould

7. Adjournment

Mayor Derek Norton adjourned the November 15, 2023 Committee of the Whole meeting at 8:40 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