



City Council Meeting - Final

October 07, 2024

7:00 PM

C. MIN2024-161 Approve the September 23, 2024 Mayor and Council meeting Minutes.

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)
Rickey N. Oglesby, Jr. (Ward 7)

A. Max Bacon City Hall
Council Chambers
2800 King Street
Smyrna, GA 30080

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

**September 23, 2024
7:00 PM**

I. CEREMONIAL MATTERS

1. Roll Call

Present: 7 – Mayor Derek Norton, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould, Councilmember Rickey N. Oglesby, Jr.

Absent: 1 – Councilmember Glenn Pickens

Also Present: 1 – Jeffrey Tucker

Staff: 7 – Jill Head, Russell Martin, Heather Peacon-Corn, Kristin Robinson, Enoch Serna, Joey Staubes, Mark Wolff

2. Call to Order

Mayor Derek Norton called to order the September 23, 2024 Mayor and Council meeting held at A. Max Bacon City Hall in Council Chambers at 7:00 PM.

3. Invocation and Pledge of Allegiance

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

4. Agenda Changes

5. Mayoral Report

A. Recognition of Smyrna Elite Track Club
Citywide

Mayor Derek Norton recognized the Smyrna Elite Track Club coaches and members.

Smyrna Elite Track Team

The following are athletes that qualified and competed in either the USATF National Championship at Texas A&M or the AAU National Championship at NC A&T University this past Summer.

USATF Junior Olympics

Nya Millner 15/16 group - USATF

- 100m hurdles
- 400m hurdlers - 7th place

Lexi Robinson - 11/12 group - USATF

- 100m - 5th place - 12.5
- Long Jump - 1st place (National Champ)- 17-0
- 4x400r relay - 2nd place - 4.06

11/12 4x400 relay - USATF

2nd place

- Tianna Atwater
- Erianna Atwater
- Mabri Jeter
- Leighla Herriott
- Lexi Robinson

Leighla Herriott - 11/12 group - USATF

- 400m

Sno Posley - 11/12 group USATF

- Long Jump

Niko Gray - 9/10 group - USATF

- 100m
- Shot Put

Mabri Jeter - 11/12 group - USATF

- 100m
- 200m

Josiah Sutton - 7/8 group - USATF

- 800m

AAU Junior Olympics

- William (Liam) Smallwood AAU JO's 1500 & 3000
- Roger Baker Jr AAU JO's 3000
- Kaila Alexander AAU JO's 800
- Josiah Sutton USATF JO's 800

Smyrna Elite Track Team

Special Recognition & Presentation of "Honorary Mayor's Education Award" to Lexi Robinson

Lexi Robinson, the daughter of Lex and Bridgett Robinson, embarked on her track and field journey with Smyrna Elite Track Club at the age of 8. Over the years, she has participated in various running events, including the 200-meter dash and the 400-meter dash. Currently, her focus lies on competitive events such as the 100/200 meter dash, the 4x400 meter relay, and the running Long Jump as a field event.

During the summer, Lexi showcased her skills at the USATF National Junior Olympic Championship held at Texas A&M University in College Station, TX. She achieved great success in the 2024 season by emerging as a National Champion in the running Long Jump, securing the top spot with an impressive jump of 17 feet (17-0). Additionally, Lexi achieved 5th place in the 100-meter relay, setting a personal best time of 12.5. She and her teammates excelled in the 4x400 meter relay, Lexi with a 58

second split, finishing in 2nd place. Currently, Lexi holds the prestigious national ranking of #1 in the Long Jump with a personal best of 17.22 feet. Lexi is also nationally ranked as #11 in the 100-meter dash in her age group.

Presently, Lexi is a 7th-grade student at Whitefield Academy. Looking ahead, she aspires to compete at the collegiate level upon graduating high school, with her ultimate goal being to represent the United States at the Worldwide Olympics.

Coach AJ – He has been coaching Track & Field since 2012. He wanted to create a program that was well-rounded across all Track & Field which meant showing up in all of the events. There have been dozens of Jr. Olympic medalists. He expressed they need an adequate facility to consistently practice. The lack of a facility causes limitations to be able to recruit athletes. They have recently started a cross-country program which will hopefully bring athletes from other sports.

Coach Todd – He expressed that it is not just about the winning. These students are academically successful, more disciplined, they stay out of trouble. etc. Running can help with so many different sports, and they learn about nutrition and discipline. He said Councilmember Oglesby will continue reminding all of the need for an adequate facility. He thanked Mayor and Council for all of their support.

**B. Smyrna Arts Council Artist Recognition for the arts exhibits honoring Hispanic Heritage Month at City Hall and the Community Center
*Citywide***

Mayor Derek Norton honored Saul Quinarez:

The Smyrna Arts Council and the City of Smyrna announce two new exhibits of fine art to be displayed in City Hall and the Community Center, on display through the end of October 2024.

The exhibits spotlight Smyrna-based Mexican artist Saul Hernandez Quinarez. Saul started painting as a child, but learned oil painting beginning at age 18 while living in Acapulco, Mexico. He moved to Atlanta in 2000, learned English, and begin taking art classes. Now, he makes time to paint every single day.

In City Hall, you'll find an exhibit of beautiful landscapes, many of local homes or locations. At the Community Center, the exhibit is a progressive feature on technology and social media and the impacts they have on our lives today.

Curated by Smyrna Arts Council Vice President Leah Barnes, the Community Art Exhibit in partnership with the City of Smyrna provides an opportunity for local artists to display their work and for residents to gain exposure to art being created within the community. The exhibit is open for viewing during City Hall's and the Community Center's normal business hours. Follow Smyrna Arts Council on Facebook and Instagram @smyrnaartscouncil for more information about our featured artist and to learn about the other events and happenings sponsored by the Council.

Vanya Foote (representative from the Smyrna Public Art Committee) – Their primary purpose is to advocate for and support local artists. They host improv, jazz experiences, and public art. She thanked Mayor and Council for supporting the arts.

Saul Quinarez – Expressed his appreciation for the City chowing his work here. He hopes for continuation of the program.

Mayor Derek Norton provided the following report:

- September 7 was a successful Taste of Smyrna
- 125th Fire Department anniversary
- Hispanic Heritage this past weekend
- College Football Saturday – September 28
- Birthday Celebration on October 12 will be an all-day Culture & Spirit Festival –Atlanta Rd. will be closed for the concert featuring The War & Treaty and The Roots
- Brinkley Park – cage lights
- Parks & Rec staff and programming is excellent for this community
- Congratulations to Deputy City Clerk Jill Head for receiving her Georgia Municipal Clerk Certification.

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. **PRC2024-028** Proclamation in recognition of Hispanic Heritage Month **Ward 5 Councilmember - Susan Wilkinson**

Councilmember Susan Wilkinson read the English version of the following proclamation:

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, 2024 as Hispanic Heritage Month.

Enoch Serna, City of Smyrna Web Administrator, read the Spanish version of the following proclamation:

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 contribuciones hechas por hispanos y latinoamericanos en los Estados Unidos, celebramos su cultura y herencia; y

Considerando que: con mas de 60 millones de hispanoamericanos que residen en los Estados Unidos, los hispanoamericanos constituyen el grupo minoritario mas grande de la naci6n 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, religion, agricultura, arte, musica, educaci6n, tecnologia, arquitectura, gastronomia, teatro y exploraci6n; y,

Considerando que: a nivel nacional, del 15 de septiembre al 15 de octubre es el Mes Nacional de 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 dedicaci6n; 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 tradici6n y muchas contribuciones que esta comunidad ha hecho a la ciudad de Smyrna; y

Considerando que: debemos apreciar y honrar 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 presente del 15 de septiembre al 15 de octubre de 2024 como el Mes de la Herencia Hispana.

B. PRC2024-029 Proclamation in recognition of National Suicide Prevention and Action Month

Ward 2 Councilmember - Latonia P. Hines

Ward 3 Councilmember - Travis Lindley

Councilmember Latonia P. Hines read the following proclamation:

A PROCLAMATION

By the Mayor of the City of Smyrna

National Suicide Prevention & Action Month

Whereas: with September being recognized as "Suicide Awareness Month," the National Suicide Prevention & Action Month Proclamation was created to raise the visibility of mental health and proactive suicide prevention resources in our community. We also want to start the conversation, destigmatize it, and help connect people with the appropriate support services; and

Whereas: according to the American Foundation for Suicide Prevention (A.F.S.P), more than 49,000 people die by suicide annually in the United States; and
Whereas: according to Hope for the Day (H.F.T.D), with an average of 132 suicides completed daily and each one directly impacting 100 additional people, including friends, service members, family, social media connections, and neighbors, we can safely assume everyone has been impacted by suicide; and
Whereas: Smyrna, Georgia publicly places its full support behind those who work in the field of mental health, education, and law enforcement; and
Whereas: global organizations like Hope for the Day and our local mental health partners like Cobb Collaborative, Highland Rivers, and Tillman House serve on the front lines of a war that many refuse to discuss due to stigma; and
Whereas: we encourage all residents to take time to understand mental health through education and recognize that we need to take care of our mental health while we take care of each other; Now
Therefore: I, Derek Norton, Mayor of the City of Smyrna, do hereby proclaim the month of September 2024 as National Suicide Prevention & Action Month in Smyrna, Georgia.

Irene Barton from Cobb Collaborative – Thanked Mayor and Council for recognizing this difficult topic. It is important to recognize warning signs and increase protective factors. They want to raise awareness of 988, the National Suicide and Prevention hotline. There is a misconception that talking about suicide encourages the idea. She introduced Allison Curtis, and board member from Cobb & Douglas Public Health, and Noelle (Suicide Prevention Specialist) from Highland Rivers – They offer outpatient services, clubhouse for youth, psychiatric care, individual therapy, substance abuse, etc.

7. Community Development Items

- A. Z24-010** Public Hearing - Zoning Request - Z24-010 - Zoning Amendment to allow modifications to the currently approved site plan - Land Lot 380 - 4.95 acres - 3240 S Cobb Drive - LBX Four Corners, LLC.
This item will be tabled to the October 21, 2024 meeting at the request of the applicant.
Ward 5 Councilmember - Susan Wilkinson

Councilmember Susan Wilkinson made a motion to table item Z24-010 to the October 21, 2024 Mayor and Council meeting as requested by the applicant; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to table carried with the following vote:

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

- B. Z24-012** Public Hearing - Zoning Request - Z24-012 - Allow rezoning from R-15 & LC to R-15-Conditional for use as a church - Land Lot 558 - 5.34 acres - 3030, 3040, & 3050 Atlanta Road - City of Smyrna
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Russell Martin, Community Development Director, presented the following:

The City of Smyrna is requesting the rezoning of three parcels from R-15 (Residential) and LC (Limited Commercial) to R-15-Conditional for the use as a church. The subject properties are zoned R-15 & LC and have been used for residential purposes. The rezoning will allow consolidation of the three lots to one parcel with a single R-15 zoning designation. The city is proposing the R-15 zoning classification as it is the least intensive of the available zoning districts that permit a church. The existing buildings will be demolished for the construction of a new 60,000 sq. ft. church on 5.34 acres. The building will be two stories with a maximum height of 66 feet. The church will face Atlanta Road, and the building will be a minimum of 75 feet from any single-family residential property. A building setback reduction is requested for the front setback, as well as the sides adjacent to the Reed House and bank.

The parking lot is proposed behind the church, with stormwater detention placed at the rear of the property. Towards the rear of the subject property are properties occupied by single-family homes. Many of these properties will be adjacent to the parking lot and the detention area of the church property. A small area of the parking lot will require a reduction in the parking area setback to 10 feet along the southern property line. Additionally, a 50-foot landscape buffer is required for an institutional use on properties over 5 acres. The landscape buffer will require a reduction to 10 feet along the southern property line and 20 feet along the northern and western property lines. However, the perimeter of the lot is proposed to be screened by vegetation to provide a buffer between the church property and all adjacent properties.

The proposed development will consist of two access drives. The main access will be a full access shared drive to the property and the Reed House. The primary access drive will be at a new traffic signal. The secondary access will be adjacent to the bank property and be right-in and right-out only. A total of 222 parking spaces are proposed for the church.

The proposed building will utilize brick and stone for the front façade. The applicant has provided architectural renderings with the zoning application for reference. The building will be a two-story structure, however the sanctuary will require a variance to extend to a maximum height of 66 feet.

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to R-15-Conditional is consistent with the MEDR land use designation on the Future Land Use Map.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a church. The proposed development meets some of the R-15 zoning requirements however due to the geometry of the property several variances are requested. The rezoning will require the following variances:

1. Allow a reduction in the front setback from 50 feet to 25 feet. (Staff Supports)
2. Allow a reduction in the side building setback from 75 feet to 25 feet. (Staff Supports)
3. Allow a reduction in the landscape buffer from 50 feet to 10 feet along the southern property line and 20 feet along northern and western property lines. (Staff Supports)

4. Allow an increase in impervious coverage from 35% to 50%. (Staff Supports)
5. Allow an increase in building height from 35 feet to 66 feet. (Staff Supports)
6. Allow a parking area setback reduction from 20 feet to 10 feet along the southern property line. (Staff Supports)

Community Development believes there should be no negative impact if the variances are approved. Community Development staff is supportive of the change in zoning from R-15 & LC to R-15 Conditional and the requested variances and believes a church will be compatible with the surrounding residential, commercial and public uses. The rezoning request will allow the three parcels zoned R-15 and LC to be consolidated to one parcel with a single R-15 zoning designation.

Community Development recommends **approval** of the rezoning from R-15 t& LC o R-15-Conditional on 5.34 acres for a church **with the following conditions:**

Standard Conditions

Requirements # 2, 3, 4, 8, 9, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. 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 percent hardy plank siding.
 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 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:
Front – 25'
Side – 25'
Rear – 30'
Setback from residential property – 75'
 11. The maximum building height shall be 66 feet.

12. The minimum landscape buffer shall be 10 feet along the southern property line and 20 feet along the northern and western property lines.
13. The maximum impervious coverage shall be 50%.
14. The minimum parking area setback shall be 10 feet.
15. The primary shared access drive shall maintain connection to the Reed House circular drive for fire department accessibility.
16. The dumpster shall be screened with a three sided brick enclosure.
17. Approval of the subject property for the R-15-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted September 10, 2024, and created by Croy and all zoning stipulations above.
18. The applicant shall be bound to the conceptual elevations submitted on August 16, 2024. Approval of any change to the elevations must be obtained from the Director of Community Development.

Mayor Derek Norton recalled the other projects that attempted to come into the same space. It was a proposed site for the aquatics and gymnastics facility, and another was a 36-townhome development.

Councilmember Wilkinson – asked about the 3-sided brick enclosure for the dumpster and would parking spaces need to be removed to accommodate it. Mr. Martin stated that all of that will be handled during plan review.

Councilmember Welch – asked Mark Wolff, City Engineer, about the new traffic signal and how it it will be controlled. Mr. Wolff stated it will likely be a typical signal that detects cars on the side street. Timing is coordinated with Spring Rd. and Atlanta Rd.

Mayor Pro Tem Gould – asked Mr. Martin to describe the issues that arose during a meeting with church members and how those will be alleviated. Mr. Martin stated that most questions revolved stormwater management, how lighting is handled, and what the church plans will be for security – securing the empty to lot when it is not being used. From the city’s standpoint concerning lighting, that is handled through the permitting process - locations of poles, fixture type, reflectors/deflectors. Security cameras, access, etc. will be decided during the permitting process as well. During the land disturbance process, a hydrology study will be provided by the contractor, at least 10% reduction. For the landscape buffers and trees – all trees are inventoried – species, size, what they are protecting and saving, and what will be removed. Required to meet 100 inches per acre either through preservation of replanting.

Councilmember Wilkinson – asked about sidewalks. Mr. Martin stated there will be sidewalks on both the north and southern access points.

A public hearing was called.

Johnny Plunkett – 91 Concord Rd. – the church also does have a school program, so traffic could be impacted every day, not just Sundays. He previously asked for the appraisal of the properties involved. He stated that the City wants to keep it a “secret.” City Clerk Heather Peacon-Corn stated that the request was sent to the legal department. Legal stated that the information was not available / exempt.

Charlie Bounds – 3150 Northview Place – neighborhood representative – they are supportive of the rezoning and the church. The major concerns are privacy, water runoff, property values, and traffic concerns. Previous attempts to develop the land have been precluded because the City required underground detention. The church is

now going to do above-ground detention which is less expensive but is a larger impact on adjoining properties. Traffic concerns – over 100 students in preschool program. Car pool in the mornings and at lunchtime will impact that area. They are concerned about cut-through traffic. He stated that placing a traffic signal at the shared driveway with the Reed House is not in compliance with state and DOT recommendations because they are too close to the other traffic signals. He also mentioned that he is surprised about the six variances because he was told previously it would only be two.

Mayor Norton – First Baptist Church wants to be a partner and a good neighbor in this community.

Tom Donnelly – 3400 Pretty Branch Dr. – concern is the retention pond. Who is responsible for maintenance for that? Mr. Martin stated that *it is the church's responsibility. They are required to provide a maintenance agreement with respect to that retention pond. The City will address any problems should there be issues downstream.* Mr. Donnelly continued that he has been at his address since the 1960's, and over the years there have been lots of changes and variances, and over time the cul de sac has become obsolete and ineffective. During bad rainstorms, the cul de sac turns into a dam / whirlpool. When it backs up it backs up all the way to the family property, and it turns the crawlspace to mildew. Behind the house, huge poplar tree to control the backyard/anti-erosion, the tree is being saturated. If it were to fall on the house, the house may not be rebuilt because it is in the flood zone. He stated that he would like this to be a top priority.

Mayor Pro Tem Gould stated that City Engineering will be looking at the culvert to stop the flooding.

Councilmember Charles Welch made a motion to approve item Z24-012; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

Aye: 6 – Councilmember Hines, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Mayor Pro Tem / Councilmember Gould, Councilmember Oglesby

Nay: 0 – None

Absent: 1 – Councilmember Pickens

8. Privilege License and Show Cause Hearing

9. Formal Business

- A. **AGR2024-043** Approval of the Memorandum of Understanding (MOU) between The City of Smyrna and The Trust for Public Land for the cooperation toward the completion of a portion of the Riverlands Showcase Trail that is located within Riverview Park, and authorize the Mayor to execute any related documents
Ward 7 Councilmember – Rickey N. Oglesby, Jr.

Kristin Robinson, Deputy City Administrator, provided the following background:

In 2020, the Trust for Public Land (“TPL”) and the City were among multiple groups and agencies that completed the Chattahoochee Riverlands Study (the “Study”). Since

that time, TPL has identified that the initial portion of this trail will be located in south Cobb County, including a portion that lies within the Smyrna City Limits, including Riverview Park and land soon to be dedicated to the City as public parkland. TPL would construct the recreational bicycle and pedestrian trail and associated amenities, using philanthropic dollars to build this portion of the trail. This Memorandum of Understanding (MOU) would grant TPL a temporary easement for access and construction on these City-owned properties. Staff recommends approval.

Councilmember Rickey N. Oglesby Jr. made a motion to approve item AGR2024-043; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- B. ATH2024-127** Authorization to replace 2005 John Deere 410 Backhoe with TB 260 Trackhoe and TL 10v2 Trackloader in the amount of \$146,600.00 from Cobb County Tractor located at 1520 Cobb Parkway North Marietta, Ga 30062 from vehicle replacement fund.

Citywide

Kristin Robinson, Deputy City Administrator, provided the following background:

This is a request from Water, Sewer and Utilities to Replace existing John Deere 410 backhoe with TB 260 and TL 10v2 in the amount of \$146,600.00. Originally budgeted \$150,000.00 in vehicle replacement fund for replacement. This request of these two units not only is under budget but best serves the department with future needs of in-house water and sewer install.

Councilmember Travis Lindley made a motion to approve item ATH2024-127; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

- C. ATH2024-136** Authorization to purchase Vactor Truvac TRXX Hydroexcavator in the amount \$126,115.00 from Environmental Products Group located 4410 Wendall Dr SW, Atlanta, Ga 30336 to be funded from Water/ Sewer CIP FY 2025

Citywide

Kristin Robinson, Deputy City Administrator, provided the following background:

This request from Water, Sewer and Utilities was budgeted in FY 2025 CIP to purchase for repair crews to utilize during water sewer repairs. This unit will allow crews to excavate around other utilities to access and repair water sewer infrastructure without possible disruption of other utilities. Currently crews have to dispatch sewer hydro jet machine from cleaning and inspecting sewer mains to assist with repairs and disrupting preventative maintenance measures of sewer infrastructure. With the purchase of this unit sewer crews will not be disrupted and carry out the good faith efforts of cleaning and inspecting the cities sewer main lines.

Councilmember Travis Lindley made a motion to approve item ATH2024-136; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- D. **ATH2024-142** Authorization to amend the FY 2025 Adopted Budget for the Vehicle Replacement Fund (VRF) to increase transfers in from the General Fund, add a new project in VRF titled Recycling Vehicles, and amend the FY 2025 Adopted Budget for the General Fund to increase transfers out to the Vehicle Replacement Fund all in the amount of \$237,500.00 to be funded by General Fund Reserves.
Citywide

Kristin Robinson, Deputy City Administrator, provided the following background:

Council approved the purchase of a new recycling truck that was not budgeted on the August 26, 2024 Council agenda (Item F under Formal Business). The agenda item stated it would be paid for with General Fund Reserves but did not include all the specific language needed for the budget amendment needed. This item takes care of the budget amendment language needed.

We have to transfer money into the Vehicle Replacement Fund (VRF) from General Fund (GF) and create a new project in the VRF for this purchase. As stated in the agenda item, Council approved using GF reserves to fund this purchase so we are increasing the GF expenditure budget and there is not a corresponding revenue amendment.

Councilmember Travis Lindley made a motion to approve item ATH 2024-142; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- E. **ATH2024-144** Authorization to amend the FY 2025 Adopted Budget for the Vehicle Replacement Fund to increase transfers in from the General Fund in the amount of \$38,000.00, amend the project budget for Community Development Vehicles to increase it by \$4,000, amend the project budget for Highways and Streets Vehicles to increase it by \$18,000, and amend the project budget for Sanitation Vehicles to increase it by \$16,000, and amend the FY 2025 Adopted Budget for the General Fund to increase transfers out to the Vehicle Replacement Fund in the amount of \$38,000 to be funded by General Fund Reserves.

Citywide

Kristin Robinson, Deputy City Administrator, provided the following background:

Council approved the purchase of three vehicles which required additional funds to be added to the adopted budgets on the August 26, 2024 Council agenda (Item E under Formal Business) and the purchase of a John Deere 710 Tractor that also required additional funds to be added to the adopted budget on the same agenda (Item H under Formal Business) The agenda item stated it would be paid for with General Fund Reserves but did not include all the specific language needed for the budget amendment needed. This item takes care of the budget amendment language needed.

We have to transfer money into the Vehicle Replacement Fund (VRF) from General Fund (GF) and amend the project budget in the VRF for this purchase. As stated in the agenda item, Council approved using GF reserves to fund this purchase, so we are increasing the GF expenditure budget and there is not a corresponding revenue amendment.

Councilmember Charles Welch made a motion to approve ATH2024-144; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- F. **ATH2024-145** Approval of the FY 2024 year end budget amendment.

Citywide

Kristin Robinson, Deputy 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.

Additionally, the City tracks ARPA funded projects based on projects and project budgets. For financial reporting purposes, special revenue funds are required to have annual budgets and not report on project length budgets. We need amend the annual year budget to meet reporting requirements.

Councilmember Travis Lindley made a motion to approve item ATH 2024-145; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

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

- G. RFQ25-004** Authorization for the approval of RFQ 25-004 for the purchase of five (5) 2024 Ford Utility Pursuit Vehicles from Prater Ford, Inc (704 S. Wall St., Calhoun, Ga) in the total amount of \$253,210.00 and to outfit these vehicles with all necessary equipment from Diversified Electronics (1290 Field Parkway, Marietta, Ga) in the total amount of \$50,237.16 to be paid from the Vehicle Replacement Fund FY2025 adopted budget and authorize the Mayor to sign and execute all related documents.
Ward 3 Councilmember - Travis Lindley

Kristin Robinson, Deputy City Administrator, provided the following background:

The FY2025 budget for the Vehicle Replacement Fund (VRF), has a Police Admin project in the total amount of \$540,000 for the purchase of six (6) uniform patrol vehicles at \$60,000 each and four (4) admin vehicles at \$45,000 each.

Purchasing and the Police Department completed the bidding process on August 9, 2024. Based on this process, the total purchase price for all the vehicles, excluding all related equipment, totaled \$465,603. Various quotes from multiple vendors were received to outfit all vehicles with necessary equipment at the County cost.

Councilmember Latonia P. Hines made a motion to approve item RFQ25-004; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- H. RFQ25-005** Authorization for the approval of RFQ 25-005 for the purchase of two (2) 2024 Ford F-150 Administrative Vehicles from Hardy Family Ford (1255 Charles Hardy Parkway, Dallas, Ga) in the total amount of \$96,430.00 and to outfit these vehicles with all necessary equipment from Diversified Electronics (1290 Field Parkway, Marietta, Ga) and ProLogics ITS, LLC (106 N. Point Parkway, Acworth, Ga) in the total amount of \$24,467.84 to be paid from the Vehicle Replacement Fund

FY2025 adopted budget and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

Kristin Robinson, Deputy City Administrator, stated this is the same project as the previous item with a different set of vehicles.

Councilmember Travis Lindley made a motion to approve item RFQ25-005; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

- I. **RFQ25-006** Authorization for the approval of RFQ 25-006 for the purchase of one (1) 2024 Ford Explorer XLT 4X4 Truck from Phil Brannen Ford of Perry (2010 US-41, Perry, GA) in the total amount of \$44,304.00 00 and to outfit this vehicle with all necessary equipment from ProLogics ITS, LLC (106 N. Point Parkway, Acworth, Ga) in the total amount of \$5,822.66 to be paid from the Vehicle Replacement Fund FY2025 adopted budget and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

Kristin Robinson, Deputy City Administrator, stated this is the same project as the previous item with a different set of vehicles.

Councilmember Latonia P. Hines made a motion to approve item RFQ25-006; seconded by Mayor Pro Tem / Councilmember Tim Gould.

The motion to approve carried with the following vote:

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

- J. **RFQ25-007** Authorization for the approval of RFQ 25-007 for the purchase of one (1) 2024 Ford Edge SEL from Phil Brannen Ford of Perry (2010 US-41, Perry, GA) in the total amount of \$35,664.00 to be paid from the Vehicle Replacement Fund FY2025 adopted budget and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

Kristin Robinson, Deputy City Administrator, stated this is the same project as the previous item with a different set of vehicles.

Councilmember Latonia P. Hines made a motion to approve item RFQ25-007; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- K. RFQ25-008** Authorization for the approval of RFQ 25-008 for the purchase of one (1) 2024 Chevrolet Traverse from Hardy Chevrolet (1249 Charles Hardy Parkway, Dallas, Ga) in the total amount of \$39,995.00 and to outfit this vehicle with all necessary equipment from Monster Customs in the total amount of \$7,079.89 to be paid from the Vehicle Replacement Fund FY2025 adopted budget and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

Councilmember Latonia P. Hines made a motion to approve item RFQ25-008; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- L. ATH2024-148** Authorization to amend the FY 2025 Adopted Budget for the Vehicle Replacement Fund to increase the Police Administration project \$50,000 and decrease the Jail project \$50,000.

Citywide

Kristin Robinson, Deputy City Administrator, provided the following background:

In previous agenda items, the PD requested authorization to purchase and outfit ten (10) Police administration vehicles. The budget adopted is \$540,000. The total cost to purchase, including outfitting, totaled \$553,211 which results in an overage of \$13,211 in the project budget.

A separate Jail project in the amount of \$50,000 was part of the FY2025 Adopted Budget for the Vehicle Replacement Fund (VRF). We are requesting to move that project budget from the Jail project and into the Police Admin project to fund the overage for this request and the future funding of an additional Police Admin vehicle. There is not an immediate need for the Jail vehicle replacement that was budgeted.

Councilmember Charles Welch made a motion to approve item ATH2024-148; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- M. ATH2024-146** Authorization for the approval of Recommendation 25-009 for the FY2025 CIP budgeted furniture, workstation console and IT hardware replacement in the E-911 center in the total amount of \$167,132.08 by the following vendors; Watson Consoles (26246 Twelve Trees Lane NW Poulsbo, WA 98370), NetPlanner Systems, Inc. (3145 Northwoods Parkway, Ste. 800 Peachtree Corners, GA 30071), CDW-G (75 Remittance Drive Ste. 1515 Chicago, IL 60675-1515), Monoprice (1 Pointe Drive Suite 400, Brea, CA 92821), Southern Computer Warehouse SCW (1395 S. Marietta Parkway Building 300 Marietta, GA 30076) and Dell Technologies (6 Concourse Pkwy Ste 1930, Atlanta, GA) and authorize the Mayor to sign and execute all related documents.

Ward 3 Councilmember - Travis Lindley

Kristin Robinson, Deputy City Administrator, stated that requesting replacement of existing Watson consoles, cabling, and electronics in the budgeted amount was \$168,000.00 and the actual cost came in under budget at \$167,132.08.

Councilmember Travis Lindley made a motion to approve item ATH2024-146; seconded by Councilmember Rickey N. Oglesby, Jr.

The motion to approve carried with the following vote:

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

- N. ATH2024-150** Authorization for the approval to enter into an agreement with Microsoft Corporation (Dept 551, Volume Licensing, 6880 Sierra Center Parkway, Reno, Nevada 89511) for a term of 36 months at an annual cost of \$99,412.92 (\$298,238.76 term total) to renew the city's Microsoft 365 subscriptions to be paid from the IT Purchase Software budget line item and authorize the Mayor to sign and execute all related documents.

Citywide

Councilmember Travis Lindley made a motion to approve item ATH 2024-150; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

10. Consent Agenda

Councilmember Travis Lindley made a motion to approve the Consent Agenda as presented; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

A. MIN2024-143 Approval of the August 22, 2024 Committee of the Whole Meeting Minutes

This item was approved on the Consent Agenda.

B. MIN2024-145 Approval of the August 26, 2024 Pre-Council Meeting Minutes

This item was approved on the Consent Agenda.

C. MIN2024-147 Approval of the August 26, 2024 Mayor and Council Meeting Minutes

This item was approved on the Consent Agenda.

D. ATH2024-138 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 152nd Birthday Celebration to be held from 11:00 am until 10:00 pm on Saturday, October 12, 2024.
Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

E. ATH2024-140 Approve the closing of the following streets for the Smyrna Parks and Recreation's Spooky Fest: W. Spring St. (from below the fountain to King Street); King Street (from dentist parking lot to Bank Street) from 4:00 p.m. – 11:00 p.m. on Friday, October 18, 2024.
Ward 3 Councilmember - Travis Lindley

This item was approved on the Consent Agenda.

11. Ward and Staff Reports

Councilmember Travis Lindley – extended his congratulations to the Smyrna Fire Department 125th anniversary. He also announced Wards 1, 3, and 6 will have a joint town hall on October 6 at 5:00 PM.

Councilmember Susan Wilkinson – recognized the great event this past weekend, the Hispanic Heritage Festival. She thanked staff for all of the hard work that went into putting that together.

Mayor Pro Tem / Councilmember Tim Gould – there will be a community meeting this Wednesday at 5:00 PM at Brawner Hall for the Forest Hills neighborhood concerning water meter reading, etc. He also announced the joint Wards 1, 3, and 6 meeting on Sunday October 6. Mr. Gould noted that there have been questions about the Smyrna hospital closure. To reopen the facility, they needed a certificate of need which Smyrna and several of its committees' sent letters of support, but one large healthcare system opposed it. They ultimately decided not to reopen. It was a business decision. Some work is being done for the development of that land.

Councilmember Rickey N. Oglesby, Jr. – reiterated that the Smyrna Elite Track Club started a new cross-country program. There are activities not only for kids but also adults.

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**

Rev. Michael Walker – appointed as the new pastor at Kings Chapel Church in the Rose Garden area. Over at the church there is a problem with drug trafficking. he has witnessed that passing of money from cars to others passing through the neighborhood. He has had conversations with some of them. He, his wife, and his daughter go to the church to clean. These people are having parties and gatherings with alcohol in the church parking lot. There has been human feces found on the property. There is trash, beer cans, candy wrappers, fast food bags found throughout church property. An abandoned SUV has had to be removed from the property. He was the Asst. Pastor at Allatoona Church in Woodstock then he moved to this church. This kind of activity is not a good service for the neighborhood. They have fixed the lights on the exterior, they have posted “No Parking” signs and “Cars Will Be Towed” signs. They have readjusted their alarm system so it is more sensitive. He is asking for more police presence.

Mayor Norton DN – stated the City will make the commitment to help with police presence and increase patrols. He would like to set up a meeting with Pastor Walker and Councilmember Hines.

Councilmember Hines – stated she has been aware of these happenings and has been in touch with Chief Zgonc. There are things that are going on that Pastor Walker may not be aware of. Several law enforcement agencies are working on it. She reiterated she, too, would like to have a meeting. She also encouraged him not to confront the people loitering in the church parking lot – call the police.

13. Adjournment

Mayor Derek Norton adjourned the September 23, 2024 Mayor and Council meeting at 8:46 PM.

Facilities are provided throughout City Hall for the 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**