



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final Committee of the Whole

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Thursday, June 3, 2021

6:00 PM

City Hall - HR Training Room

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REVISED - 06.03.2021

### \*\*REVISED COMMITTEE OF THE WHOLE AGENDA\*\*

#### Roll Call

**Present** 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Travis Lindley, Councilmember Austin Wagner, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor pro tem / Councilmember Tim Gould, and Councilmember Lewis Wheaton

**Also Present** 1 - Scott Cochran

**Staff** 7 - Joe Bennett, Penny Mocerri, Heather Peacon-Corn, Kristin Robinson, Andrea Worthy, Russell Martin, and Caitlin Crowe

#### 1. Call to Order

Mayor Derek Norton called the June 3, 2021 Meeting of the Committee of the Whole to order at 6:00pm in the HR Training Room at A. Max Bacon City Hall.

#### 2. New Business

##### A. [COW21-40](#) Utility Billing - Water Cutoff Discussion

Finance Director Kristin Robinson spoke about the Utility Billing department and the need to reinstate water cut offs and late fees in an effort to get customers caught up. There are many who have not paid their UB bills since December of 2019 and have large outstanding balances.

The ARPA funds that the federal government is distributing could assist in zeroing out balances to pay the City the monies owed them but there are still a lot of details yet to be released as to the exact usage of those funds as they are distributed to municipalities and Counties.

Councilmember Austin Wagner is not suggesting that we pay off all the outstanding bills, and Mayor Norton noted people have received funds from the federal government to assist in paying their bills and housing.

There are 643 outstanding accounts.

Councilmember Susan Wilkinson asked for clarification on the ARPA funds the City is to receive.

Assistant City Administrator Penny Mocerri verified that there are no details yet to refer to as to how to use the funds and they expect that to come out in the next few weeks.

Customers will be given 30 days notice of cut offs and they have been told that they need to come in and work out a payment plan.  
Councilmember Corky Welch feels we need have a standard across the board as the length of time customers have for a payment plan.  
City Attorney Scott Cochran spoke about other city's attaching water bills to the Property taxes in order to collect under FIFA.  
Councilmember Glenn Pickens asked what the normal percentage is of past due. Ms. Robinson responded that it is typically about 10% but we are currently at 30%.

**B. [COW21-43](#)****Discussion regarding Variances**

Variance Discussion:

Mayor Derek Norton made the recommendation that the License and Variance Board Variances will return to the Board and only variances that are contested will go before the City Council. The Ordinance will be reversed and voted on to go back to how we previously did it.

Community Development Director Russell Martin noted that he would like to see us have further discussion moving forward about changes similar to this because there are costs associated with this such as postings, etc. He has spent approximately \$3000 and the Clerks office has spent \$1500.

**C. [COW21-44](#)****Downtown Redevelopment Discussion**

Mayor Norton spoke about the potential redevelopment to the Downtown Area in front of the Library and Community Center and has asked Croy to present the concept they have designed.

Croy President, Greg Teague, reviewed the area that is included in the upcoming 2022 SPLOST projects and showed the changes to the green space at the Veterans Memorial and the removal of the circle and fountain to allow for more green space as well as moving King Street so that it does not pass all the way through to Bank Street.

This takes the existing Powder Springs Road and focuses the vehicular traffic to a new traffic signal at Atlanta Road. Take King Street and extend it adjacent to the community center and make it a public street as opposed to the parking lot. ADA parking displaced from the Community Center side lot will be added as ADA parallel parking along the Community Center. A parking deck at the records center location will replace spaces being removed at the Community Center, which is also approved in the 2022 SPLOST.

There will be some terraces added to the memorial green space as well as an outdoor bathroom facility. The grade at the base of the Veterans Memorial to the front door of the Community Center is about a two foot difference in downgrade towards the Center. The bathrooms would be obscured by the landscaping but have easy access.

They will also add a splash bad similar to what is at the Battery and would have availability to set tables and chairs when not in use.

Mayor Norton noted that this grade drop from Veterans Memorial to Community Center would create a natural easy visual for events, where people sitting at the memorial could see clear to the Community Center stage area.

ADA access would be located at the Administrative side door restricted access door on the Atlanta Road side of the building.

They will convert the roadway from Atlanta Road to the traffic circle into a one way road out to Atlanta Road only with a right turn only, removing the left turn availability and pushing that down to the new traffic light. There will be additional parallel parking along this road as well. That will be part of the overall traffic study if the Council moves forward with this concept.

The entrance into the library roadway would be hardscape for Public Safety access and also be used for truck unloading with bollards similar to the ones at Brawner Hall. This provides pedestrian connectivity to the lake and gazebo area along the side of the Community Center. It makes this one continuous green space.

There is also a plan to provide a raised intersection at Powder Springs Road and Atlanta Road which will serve as dual purpose traffic calming into the downtown area. This will also be a part of the traffic study.

Mayor Norton added the space between the Community Center and Atlanta Road will all be connected as one big green space with the Veterans Memorial and a cross walk will be included to get people from that area across to the area with the splash pad.

Mayor Norton showed some pictures he took around the fountain in front of the Community Center.

Mayor Pro Tem Tim Gould is in favor of this addition to the area and the connectivity to the downtown businesses.

Councilmember Travis Lindley agrees and noted this concept is in keeping with the Master Plan Concept that was done approximately two years ago. Mayor Norton had the plan pulled up on the Mondo Board that referenced these similar changes. Economic Development Director Andrea Worthy reference the Concept and noted that over 600+ comments were received through six to seven public input opportunities. The picture is pretty similar to the current concept including the commercial area between the Community Center and Atlanta Road.

Councilmember Susan Wilkinson asked about improving the pedestrian access from Church St in the area of Kens Grill to the downtown. Mayor Norton noted he expected the Arts and Cultural Task Force to ask to utilize the building purchased behind the Wells Fargo and closing Memorial St.

Councilmember Corkey Welch went on record to say he does not support this plan as it stands. He feels we are doing the Library and Community Center a disservice and the traffic circle needs some improvements, but we are cutting off some areas he is not supportive of.

Mayor Norton has spoken to residents behind the library as well as off of Bank Street and they are supportive of this concept.

Councilmember Wilkinsons noted there are 5000+ Ward 5 residents in that area and most have not heard anything about this plane.

Mayor Norton reviewed the dates that the Master Plan received public input as Ms. Wilkinson continued: she stated the dates were during the election.

Councilmember Welch said he can be persuaded but he'd like to see two things happen which he has relayed to the Mayor:

1. He wants to approach some people about purchasing real estate in the area of Atlanta Road between the development and the Records Center (Parking Garage concept).
2. He thinks it is imperative we have public input.

Mayor Norton responded that we would be holding a public Input meeting on the following Tuesday At 5:00pm at the Community Center and Councilmember Welch noted this was a short amount of notice time for the public. Mayor Norton asked for his further input as to what he'd like to see happen. Councilmember Welch responded that he would like to give people a couple of weeks to review. Mayor Norton replied tat we could do a couple of public input meetings. Councilmember Welch wants to give adequate notice to the public.

Councilmember Wilkinson has logistics concerns regarding the area of Powder Springs Street and the new area of the traffic signal. She also does not feel the drop off area and handicap spaces are ideal for access.

Mayor Norton noted the availability of three areas for drop off / handicap on the concept drawing. We will be adding handicap access to the Community Center for events and voting.

She continues to have a lot of concerns. The traffic circle provides a service to the residents of the area. She does not think this concept is solving the pedestrian access problems we have heard so much about. Other areas in the downtown need to be addressed. She suggested reducing the landscaping around the fountain. She also remarked about the Community Center view driving in on King Street.

Councilmember Travis Lindley replied that you are unable to see the Community Center, Library or fountain as you are driving down King Street.

Mayor Norton spoke about to her point about other areas of downtown, noting the incoming Aquatics Center, the splash pad, the redevelopment on South Cobb Drive. This is a holistic approach of bettering the City from all sides coming into downtown.

The voters made sure we have SPLOST funding to connect not only Ward 7 but also Ward 5, etc. to better the connectivity to the downtown.

Mayor Norton asked Councilmember Wheaton and Wagner their thoughts.

Councilmember Wagner asked for confirmation that SPLOST funding was being used and that was confirmed. What is the cost for this project? Mr. Teague answered this concept would cost \$2.5 million. There are also monies for South Cobb improvements as well as the parking deck as separate approved line items.

Mr. Teague updated the potential timeline noting a start time of fall this year through potentially the 150th Birthday Celebration as completion

Councilmember Lindley asked about the previous sitting Council starting the discussion of the Master Plan in September of 2019. Councilmember Wilkinson responded that the plan was a suggestion and Councilmember Welch said that if you read the meeting minutes when this was presented it was a clear suggestion.

Councilmember Lindley rephrased and asked how we got the Smyrna BOLD concept as someone had the idea to commission the study and start the conversation.

Councilmember Welch said that if the people come to the public input meeting and approve of the plan he will listen to the people as that is what he was elected to do. He thinks this is a presentable plan and our duty to listen to the public.

Councilmember Lindley asked again about the intent to start the process with the previous elected body and he wants to understand why the aversion to what's being presented. He noted none of the findings said "leave it as is". That is the reality. What we have is 30 years old and serve our community well, but what we have with the circle is a large traffic calming device. He doesn't see the concern because the plan spreads out the traffic but she replied she sees it as concentrating it to the residential area. He noted the constant refrain from the public while on the campaign trail, was it needs change because no one uses that area around the fountain other than the festival and three concerts.

Councilmember Welch stated that Community Development asked for a downtown corridor study between Windy Hill Road and Spring Street and it turned into more of a Downtown Study.

Councilmember Lewis Wheaton noted that he likes that we are having conversation as well as public input. He like idea of the connectivity, pedestrian access, green space and thinks this will improve the want for folks to come to the area. He has reviewed the concept and is curious to the drop off area being moved across to the green space area and Mayor Norton said it would take playground area. Overall he thinks it is a compelling design. On voting days we need to leverage as much space as possible and drop off.

Councilmember Wilkinson replied that the current space has drop off at the front doors and the other would be at the side of the building.

Councilmember Wagner is on board with making downtown more pedestrian friendly and limit the vehicular traffic. Walking around is only good when its shut down for festivals and such. He would like the road to be pedestrian friendly with a playground on one side and a splash pad / green space on the other. We want to discourage cars on that part of the road.

Mr. Teague spoke to the road and concerns. Parallel parking would narrow the road and slow down the traffic. It would reduce to a 10 foot lane which will provide for wider sidewalk of 10-12 feet and preserve some of the trees already in the downtown area.

Councilmember Wagner would like us to go a step further with a cobblestone type road that is more geared to pedestrian but can be accessed by vehicles as necessary. He would like to see us have a good return on the money we are spending.

Councilmember Wilkinson asked what the downtown area was. From Concord to the Community Center was what was shown on the map.

Councilmember Welch asked what was included in the \$2.5 million dollar price tag. It was clarified that was for the green space from the veterans to the Community Center with the roadway and traffic light improvements.

Councilmember Pickens is pleased to see the roundabout being removed because its

hard to navigate pedestrians from that area to the library and community center. He'd like to see better access to the Porch Light shopping Center. That is private property and we would have to have a conversation with the owner.

Councilmember Gould said we are lacking one large space for events and currently they are broken up by streets and buildings. Other city's have this and we should update to accommodate the wants of the citizens.

This is the only area left in Smyrna for a space this large to accommodate this need.

There was a response from Councilmember Wilkinson about the roundabout being used for years for Birthday Celebrations with 20,000 plus attendees. Mayor Norton noted the fountain is broken and not fixable unless at a huge expense.

Councilmember Wilkinson continued that there is a use for the hard surface for tables and chairs and we have Taylor Brawner Park with a large green space. A really good architect designed this area and she feels we are making a mistake. She asked how many people live in the downtown. Councilmember Lindley noted that this project is in his ward. Councilmember Wilkinson replied that she represents Ward 5 which is partially of downtown. When this plan was originally designed Bank Street went through to Atlanta Road and people have to get in and out. She loves pedestrian friendly and wants to have all the trails connected as discussed when she was originally elected. There are people who have to get in and out to go to work.

Mayor Norton noted that six out of eight are in favor of this concept. One Councilmember has noted potential persuasion based on public input and one Councilmember is against the plan as a whole. Based on the comments we will move forward with the discussion.

Councilmember Lindley asked about whether the green space is properly prepped for festivals, ie tables and chairs.

Councilmember Welch made a final statement noting his dislike is for the traffic flow. He likes the green space and the pedestrian friendliness of the plan. From an engineering standpoint, he feels it needs work.

Mayor Norton noted we will hold the first public hearing on Tuesday and then plan another public input meeting approximately a week later.

#### D. [COW21-45](#)

#### Energy Discussion

Mayor Derek Norton spoke about a recent meeting with Schneider that they requested and they flew in their CEO to discuss.

They were enthusiastic about wanting to work with the City and were will to make concessions to the original contract and piecemeal the work.

Meanwhile Ameresco, who tied with Schneider on the original RFP, asked for a meeting and they would like to pursue doing the energy efficiency for us and do small bites at a time. They would like to present to Council. We can use them through the TIPS program and would not have to have an RFP process again. They also can work with the audit Schneider performed, however, they would like to review the buildings in order to make sure all items can be properly quoted.

Councilmember Corkey Welch remarked about Schneider's lack of transparency and

they use their preferred vendors and not local vendors.

Councilmember Lewis Wheaton is not comfortable working with Schneider.. it is not the best position for the City as a whole. The collective agrees.

They will be paid for the audit and we will schedule the presentation with Ameresco.

**E.** [COW21-47](#)

Approval of a code amendment to Section 6-62(a) of the City's Alcoholic Beverage Ordinance with regards to Sunday Sales.

Economic Development Director Andrea Worthy spoke about Stout Brothers approaching her noting our City Alcohol Beverage Ordinance has a conflict regarding serving on Sunday as the restaurants can. Now with the Handmade Market being so successful, they would like the opportunity to be able to take advantage of the Brunch Bill as well.

City Attorney Scott Cochran noted previously we did not have the Market and now it could be adjusted to accommodate this successful event.

The council is in consensus to make the requested changes.

**3. Review of the June 7, 2021 Mayor and Council Agenda**

**A.** [COW21-41](#)

Review of the June 7, 2021 Mayor and Council Meeting Agenda

Mayor Norton continued with review of the Agenda after a quick break.

Mayoral Report:

There will be a recognition of the Rhyne Park Girls 8U Softball Team, "The Survivors".

Land Issues:

Caitlin Crowe, Planner I was invited to review item 2021-214 for a variance request at 360 Havelon Way to allow a six foot wooden fence in the front yard on a corner lot.

Councilmember Wilkinson asked about sight distance issues and Caitlin confirmed that the City Engineer found none. She also asked about who maintains the right of way in front of the fence. Mr. Bennett replied as well and Mr. Cochran noted that most property owners maintain it for consistency.

She reviewed item 2021-215 and 2021-216 for a variance for a secondary structure at 995 McLinden Avenue. He received a variance last year for a garage and was supposed to remove the shed and been unable to. He would like to keep it and apply for the variance.

Item 2021-2017 is for a parking reduction from 23 spaces to 12 spaces (Dunkin Donuts) at 3300 South Cobb Drive. They are moving the drive thru to the other side of the building, and adding a patio area as well as an interior renovation.

Item 2021-218 and 2021-219, a variance for 2631 Brown Circle for a side setback reduction as well as a driveway setback.

ORD2021-11 - Yard Fencing Ordinance - The Community Development Department recently received a request from a resident for an interpretation of the City's fencing ordinance with respect to fencing in the front yard. The resident was concerned about

wire backing on split rail fencing and thought it was prohibited per the city code. The Community Development Department reviewed the fencing ordinance and found it to be silent on this specific issue. Williams PARK residents made the request as it pertains to "hog wire".

Community Development has reviewed the City's Zoning Ordinance with respect to fencing and is proposing code amendments to address wire backing on split rail fences in the front yard. The proposed amendments include:

- 1) Provide clarification on the use of wire backing on split rail fencing in the front yard; and
- 2) Remove vinyl as acceptable material for fencing in the front yard.

Community Development recommends approval of the following code amendments to Section

503-A of the City's Zoning Ordinance:

Section 503-A.3 of the Zoning Ordinance shall be amended to address the use of wire backing on split rail fencing in the front yard. The proposed sections shall read as follows

(amended portions are highlighted).

(503-A.3) Within any front yard (front yard shall also include a corner lot in which both yards abutting a street shall be deemed a front yard), in all zoning districts, no chain link or similar woven wire fence shall be permitted. However, within a front yard in the aforementioned districts, a decorative or ornamental rail, split rail, picket, opaque, basket weave or similar fence constructed of wooden or vinyl materials may be permitted

provided that said fence does not exceed four feet in height. Any wire backing on a split rail fence in the front yard must have a black vinyl coating. The use of uncoated wire backing and woven wire backing on split rail fences is prohibited. Columns comprised of brick, stone or similar material may be placed between fence sections in the front yard but still cannot exceed four feet in height. Decorative wrought iron or black aluminum fencing shall also be permitted provided that said fence does not exceed four feet in height.

Councilmember Wilkinson asked a follow up question regarding vinyl fencing and the front facing side of a wood fence.

ORD2021-12 - reviewed in the COW agenda.

Formal Business:

2021-212 - Budget Adoption.

CON2021-05 - Extending Professional Services Agreement to Croy for the SPLOST 2022 Program Management. They will bill hourly now in the new contract.

CON2021-06 - Approval of the Cobb County Department of Transportation Amendment to the Cobb Framework Agreement (Amendment No. 1 / Project no. X2402) the changes the total Cobb County Contribution to the Windy Hill Project from \$18,000,000.00 to \$23,000,000.00 in SPLOST 2016 funds, an increase of \$5,000,000.00, and authorize the Mayor to sign and execute all related documents.

2021-206 - Ward 2 Parks and Rec Appointee.

2021-207 - Ward 2 Smyrna Tree Board Appointee.



2021-236 - Ward 4 Smyrna Housing Authority Appointee.  
2021-226 - HR Director to serve as Interim Civil Service Board Clerk.

Consent Agenda:

MIN2021-30 - April 29, 2021 COW Meeting Minutes  
MIN2021-36 - May 13, 2021 COW Meeting Minutes  
MIN2021-33 - May 17, 2021 Pre-Council Meeting Minutes  
MIN2021-34 - May 17, 2021 M&C Meeting Minutes

2021-225 - Handmade Market Road Closure approval.

2021-231 - Extension of Work Hours - Councilmember Lindley spoke about calls received regarding the work held on the previous holiday weekend and the disruptions.

2021-239 - Approval of Ward / Town Hall for Ward 3 and 6 in Council Chambers.

#### 4. Other Business (as needed)

Mayor Norton spoke about the RedSpeed Camera failure as it was attached to another bill that did not pass.

Ward / Committee Reports:

Ward 2 - had no report

Ward 7 - Spoke about Town Hall regarding zip code issues on Tuesday.

Ward 5 - Fireworks Ordinance questions. Mr. Cochran replied that we are following the state requirements and have adjusted the ordinance to mimic the OCGA. Calls and complaints were received and she noted about animals having to be sedated.

Ward 3 - Annexation Meet and Greet at Fire Station 1 on Sunday. One issue working through from calls is regarding water and trash for the new annexations. Is there a way to waive the fees? The consensus was yes to wave those fees by the collective.

Councilmember Wilkinson asked if that was a requirement of the City and the response was yes. He and Penny attended a Cobb Link tour from Kennesaw to the Battery. He also spoke to Pastor Pennington about a big gathering Saturday at 10am at the old elementary school before it is torn down.

Ward 6 - Memorial Day ceremony was outstanding. He also had conversations regarding the shared use agreement and continue talking to James Wilson.

Mr. Bennett - No report. Mayor Norton thanked him for his personal touch on citizen issues and resolve.

Ms. Mocerri spoke about the Racial Trust Building meetings July 9/10 and August 13/14.

Jennifer Bennett spoke about Food Truck Tuesday at Taylor Brawner Park and the expectation of an increase in trucks with a capacity of 14.

#### 5. Executive Session (as needed)

##### A. [COW21-42](#) Executive Session to discuss Personnel and Land.

A motion was made to go into Executive Session to discuss Land Issues and Personnel by Councilmember Travis Lindley; seconded by Councilmember Glenn Pickens. Motion passed unanimously.

A motion was made to return to regular session by Councilmember Welch; seconded by Councilmember Lindley. Motion passed unanimously.

## **6. Adjournment**

The meeting was adjourned at 8:17PM by Mayor Derek Norton for the June 3, 2021 Committee of the whole meeting held in the HR Conference Room at A. Max Bacon City Hall.