



# City of Smyrna

A. Max Bacon City Hall  
HR Conference Room /  
First Floor  
2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final Committee of the Whole Work Session

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Thursday, December 15, 2022

6:30 PM

A. Max Bacon City Hall - HR Training Room

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### Roll Call

**Present** 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Mayor Pro Tem / Councilmember Tim Gould, and Councilmember Lewis Wheaton

**Excused** 1 - Scott Cochran

**Also Present** 1 - Tom Cauthorn

**Staff** 11 - Tyler Addison, Jennifer Bennett, Joe Bennett, Louis Defense, Russell Martin, Penny Mocerri, Paul Osburn, Heather Peacon-Corn, Eric Randall, Kristin Robinson, and Andrea Worthy

### 1. Call to Order

Mayor Derek Norton called to order the December 15, 2022 Committee of the Whole Meeting held at A. Max Bacon City Hall in the HR Training Room at 6:30 PM.

### 2. New Business

Mayor Norton introduced Judge Tom Cauthorn who sat in for Scott Cochran. He also sat in for Mr. Cochran during the last Downtown Development Authority (DDA) meeting and will be sitting in for him at the Council Meeting as well.

Mayor Norton also introduced Heather Bacon who was nominated and placed on the DDA and the Urban Design Commission (UDC). At the first meeting Ms. Bacon attended, the other members elected her as Secretary. Ms. Bacon gave the committee a brief biography:

1. She has been a member of the Smyrna community for almost 25 years.
2. She has two children.
3. She works for Synovus and has for four years; she previously worked for Wells Fargo for 16 years.
4. She lives in Ward 4.

#### A. [COW22-88](#)

Branding and Strategic Marketing Discussion - Economic Dev. Director Andrea Worthy  
**Ward / Citywide**

Andrea Worthy, Economic Development Director, gave a brief update on the branding and strategic marketing planning. She stated that she and Jennifer Bennett, Community Relations Director, are going to be moving forward with putting out an RFP. Part of the exercise will incorporate public engagement and strategic implementation recommendations - potential logo change, cost, etc.

- B. [COW22-91](#) Update on GMA Retirement - Kristin Robinson, Finance Director / Joe Bennett, City Administrator

***Ward / Citywide***

Kristin Robinson, Assistant City Administrator/Finance Director, briefly discussed the retirement plan changes that will be coming.

1. Those in the 2010 plan will be level with the 99 plan with the exception of the average earnings.
2. This will be the formal adoption of the plan amendments.
3. They received the documents that afternoon and still need to review them before they send them out to the Council.

- C. [COW22-90](#) Discussion regarding citizen complaint against Councilmember Susan Wilkinson.

***Ward 5 / Councilmember Wilkinson***

Mayor Norton introduced this item regarding an ethics complaint against Councilmember Susan Wilkinson. He stated that there has been no process on how to handle complaints of this nature. Councilmember Wilkinson announced that she had a statement she wanted to read before the Mayor proceeded. Councilmember Latonia P. Hines explained that for order and for purposes of the record, the item needs to be heard so there is something to address. At that point, Councilmember Wilkinson will have her opportunity to make her address to the committee.

Mayor Norton continued that the Council received a complaint late the previous week. He reached out to the City Attorney, Scott Cochran, on how to handle this situation because this had not been encountered previously by this Mayor and Council. Mr. Cochran reached out to other attorneys who explained there are two choices: ignore it or discuss it. It does not fit the parameters of an executive session discussion, therefore, it was something that had to be discussed in a public meeting. The letter of complaint was also filed with the City Clerk's Office.

Councilmember Wilkinson attempted again to read her statement and expressed that she is going to request that this item be removed. Councilmember Hines reiterated that in any proceeding, before one can ask to have something removed, the item needs to be introduced and heard. Ms. Hines continued that the letter has been filed with the City Clerk's Office so it is now public knowledge.

Mayor Norton continued and stated that this is not a hearing; it is a discussion to determine the best way to handle this situation which may include an outside, independent, qualified person to review this and determine what formal process needs to be taken. He stated that a resident who has lived in the City for 20 years is moving because she claims harassment and abuse of power by her councilwoman. The complainant stated that she was never contacted by Ms. Wilkinson and that Ms. Wilkinson pursued action against her after it was established by law enforcement that no violation occurred. Mayor Norton explained that if there is any validity to these accusations, there is potential abuse of power. Mayor Norton opened the floor for discussion, and invited Councilmember Wilkinson to read her statement.

Councilmember Susan Wilkinson read the following statement:

Mayor and Council,

I would like to make a formal statement regarding the agenda item 2C for tonight's

meeting regarding a letter of complaint from one of my constituents.

Firstly, I'm surprised that this complaint has been elevated to the status of an agenda item and most especially at a public meeting. I am very curious what the aim of the discussion is and what result is hoped for by placing it on the agenda.

City council members receive letters from unhappy constituents as a matter of simply being a public official. Sometimes the complaint is very serious. Since my tenure as a council member, I know of two instances where letters were received that included serious accusations of other councilmembers' behavior by residents in their wards. I feel sure there are most likely other instances where individual councilmembers receive angry, accusatory letters, that we as a council never hear about. Yet even if shared with other councilmembers in the past this has not been a cause to bring such accusations before the public nor to elevate the complaints to an agenda item. That would give credence to and a level of power to a potentially slanderous or libelous statement by a single disgruntled individual.

The accusations of the letter and the vitriol of the writer, along with the untrue and unsubstantiated claims, make the publication of the letter disrespectful to me and to the other members of the team of city officials who were attempting to resolve this issue between neighbors in the most professional and impartial manner that we could. I was one person on that team.

For the letter writer to single out one council member for a personal attack should be cause for the entire council to pause and most assuredly not to immediately assume the writer is accurately representing the facts. The facts are contained in the emails, logs, police reports, data and conversations documented by me and other officials who were involved in trying to mediate the situation. I believe it was everyone's intention to make sure that both sides were treated fairly and to come to a resolution in which these neighbors would agree to conclude their disagreement.

As you are all aware, I am a conscientious, ethical, transparent, and detailed-oriented person who has faithfully served the constituents of Ward 5 for the last 11 years, so I can assure you all that the records of my involvement with the situation-- were you to have them before you -- would be unassailable in their defense of the letter writer's accusations.

This agenda item will set a precedent that constituents can make accusations about any one of us council members and have those accusations (founded or unfounded) presented to the public before giving the councilmember an opportunity to discuss the complaint in privacy or in executive session.

I wish to conclude this statement by asking for the agenda item to be removed from tonight's agenda as it will serve no purpose than to air the grievance of one resident against me while not hearing the grievances of her neighbors that were negatively impacted by the situation we attempted to resolve. Moreover, I only became aware of the contents of the letter yesterday afternoon-- at the same time it was presented to the public-- I think this is disrespectful to me personally and against the code of ethics as stated in Article 1 Section 2.1 which lays out expected behavior of city officials towards each other.

Unequivocally, the accusations contained in the letter are false and defamatory and I

demand an immediate retraction.

I would appreciate your kind consideration of my request.

Susan Wilkinson

Mayor Norton reiterated that there is no process on how to handle this, but it needs to be dealt with. He asked for suggestions or questions. Councilmember Hines stated they should not discuss the merits of the complaint. She asked of the City Clerk, Heather Peacon-Corn, if someone files something with the Clerk's Office, does the Clerk have a duty to file it. Ms. Peacon-Corn affirmed that. Ms. Hines explained that the Clerk does not determine the merits, just that if a complaint is filed with the Clerk's Office, the Clerk then has to file it appropriately with the City. Because of that, some type of investigation needs to take place. For transparency, if a complaint is filed against a council member, then it needs to be investigated by an independent source. Ms. Wilkinson stated she wants to have an attorney during this process. She also questioned why the letter is dated 11/12/22 vs the date that it was filed on 12/08/22. Councilmember Welch stated he is comfortable having Judge Cauthorn investigate this issue. Mayor Norton also mentioned that Councilmember Wilkinson filed complaints against staff - City Administrator Joe Bennett, City Attorney Scott Cochran, and City Clerk Heather Peacon-Corn.

A motion was made by Councilmember Charles Welch to have Judge Cauthorn be the hearing officer for the complaint filed against Councilmember Susan Wilkinson and the follow up complaint filed against staff members Joe Bennett, Scott Cochran, and Heather Peacon-Corn by Councilmember Wilkinson; seconded by Councilmember Latonia P. Hines.

The motion carried with the following vote:

**Aye:** 6 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Welch, Mayor Pro Tem / Councilmember Gould and Councilmember Wheaton

**Recuse:** 1 - Councilmember Wilkinson

### 3. Review of the current Mayor and Council Agenda

#### A. [COW22-89](#) Review of the December 19, 2022 Mayor and Council meeting agenda.

- Russell Martin, Community Development Director, presented the following about item Z22-014, a public hearing and zoning request (Z22-014) to allow a rezoning from GC to MU for the development of 24 residential lofts and 9,450 sq. ft. of office/commercial area on 1.09 acres on land lots 559 located at 2934 Atlanta Road, 0 Atlanta Road, and 2950 Atlanta Road by applicant Tanalta LLC & Jamac Corp.:

Tanalta LLC & Jamac Corp. is requesting to rezone 1.09 acres of assembled properties along Atlanta Road from GC to MU-Conditional for the development of a four-story, 37,800 sq. ft. mixed-use building, which includes 24 lofts at a density of 22 units per acre and 9,450 sq. ft. of commercial/office space. The applicant is proposing to demolish the existing restaurant and office building to construct the mixed-use development.

The proposed development will consist of 24 lofts within a four-story building. Among

the 24 lofts, 12 units will be one-bedroom/studio lofts, 12 units will be two-bedroom lofts. The lofts will be located within the second, third, and fourth floors of the building. The building will incorporate 9,450 sq. ft. of commercial/office space on the ground level.

The proposed development will be accessed by a right-in and right-out entrance on Church Street and a full access drive on Atlanta Road. The proposed development will have 73 total parking spaces which exceeds the city requirement of 34 spaces. The majority of the parking for the development will be located within a two-level parking deck in addition to five surface level parking spaces.

There will be two underground stormwater detention facilities planned for the development. This was recommended for approval by the Planning and Zoning Commission by a vote of 4-3. It then went to UDC and was recommended for approval by a vote of 7-0. They wanted to add a stipulation that it come back to them before final approval for the facade and such adjustments.

Discussion took place about the details of the sidewalk and the turn lanes that enter and exit the parking deck. Councilmember Welch asked if there was anything that could be changed concerning the roof line so it is less flat and more attractive. Mr. Martin stated that no discussion has been had about the roof line, but he added that final approval of facades will still need to go before the UDC. Councilmember Wheaton expressed that the concept of balconies is intriguing because it could make the construct look less institutional.

- Kristin Robinson, Assistant City Administrator/Finance Director, discussed item CON2022-14, the purchase of Tyler Hosted Enterprise ERP to replace the current internally hosted Munis system:

In order to improve our service to our citizens we need to upgrade our current in-house hosted Munis system to the newer version, which is now called Tyler Enterprise ERP and is hosted in the cloud by Tyler Technologies. The hosted version is charged as a subscription, paid annually. It is expected to take several months to accomplish this and any remaining maintenance fees that have been paid for the in-house system will be applied to the new system. The expected annual subscription will be \$273,542.

- Eric Randall, Public Works Director, explained that item 2022-632, amending the purchasing policy to add GDOT specific language requirements allows Smyrna to access funding for certain projects.

- Paul Osburn, Assistant Public Works Director, discussed the Cooper Lake Bridge Repair and Maintenance anticipated costs and necessary work - tree removal, guard rail, hand rail, etc. Mr. Osburn also asked the Council for approval of a projected road closure on Powder Springs Street to reinstall the raised crosswalk while school is out. He asked for two different dates just in case weather became an issue - 12/21-12/22 or 12/27-12/28. Councilmember Lindley asked that the details be sent to them.

No further discussion took place.

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

- A. [COW22-79](#) City Administrator review of Projects and other City Business.

Mayor Norton stated that at the staff lunch the employees expressed their excitement for the raises. He thanked those Council Members that were in attendance at the luncheon.

Greg Teague, Croy Engineering, stated that the Atlanta Regional Commission (ARC) met and officially approved the S. Cobb Dr. project which allocates \$8.76 million of federal funds to match the SPLOST funds that are already dedicated to this project. It also clears the way for further federal funding.

Councilmember Welch discussed a budget amendment for a change in a project that had no change order. Mr. Welch expressed that he feels this was done backward because it tells the contractor the amount of money they have to spend. He passed out a flow chart that shows how it should be done in his opinion.

Mayor Norton left the meeting at 8:00 PM.

Councilmember Wilkinson asked about the removal of AT&T poles. Mr. Bennett stated he would follow up. She also mentioned that citizens have asked about coyotes and who should be called if it becomes a problem. It was said that they should be directed to the Department of Natural Resources.

Mayor Pro Tem Gould mentioned that Dr. Walker was named Smyrna Citizen of the Year. Deputy Chief Mark Binicewicz was sworn in today.

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

**6. Adjournment**

Mayor Pro Tem/Councilmember Tim Gould adjourned the December 15, 2022 Committee of the Whole Meeting at 8:04 PM.