

City Council Meeting Minutes - *Final*

MAYOR AND COUNCIL



A. Max Bacon City Hall
Magnolia Room
200 Village Green Circle
Smyrna, GA 30080

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)
Lewis Wheaton (Ward 7)

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

January 17, 2023
7:00 PM

I. CEREMONIAL MATTERS

1. Roll Call

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

Also Present: 1 – Scott Cochran

Staff: 6 – Joe Bennett, Jill Head, Dat Luu, Russell Martin, Penny Mocer, Heather Peacon-Corn

2. Call to Order

Mayor Derek Norton called to order the January 17, 2023 Mayor and Council Meeting held at the Smyrna Community Center in the Magnolia Room at 7:00 PM.

3. Invocation and Pledge of Allegiance

A. Rev. Chaloea Hale, Smyrna First United Methodist Church (1315 Concord Rd)

4. Agenda Changes

5. Mayoral Report

Mayor Derek Norton thanked staff, primarily Administration, Public Works, Buildings & Grounds, and Parks & Recreation who all dealt with not only the issues with

pipes bursting in City Hall, Wolfe Center, and several parks, but for also working Christmas Eve, Christmas Day, and several days during the holidays. It was time spent away from families to try to get staff back into City facilities, and he just wanted to express publicly a thank you to all of them.

Mayor Norton also offered congratulations to Malia Yost, a basketball player and student at Campbell High School, who was the recipient of the Hoopcoming Award. Mayor Norton and Mayor Pro Tem Gould both presented a Jonquil at their game the other night when their team won, and their record is now 11 and 2.

Mayor Norton expressed that the MLK celebration held by Cobb County was amazing. Smyrna was well-represented, and Argyle Elementary students led the Pledge of Allegiance.

6. Proclamations and Presentations

A. Campbell High School Theatre Group

Alexis Overton, Secretary of the Campbell High School Drama Club, and Matt Chandler Matthews, president of the Campbell High School Drama Club, announced their spring musical, “The 25th Annual Putnam County Spelling Bee” showing January 19 – 21 at 7:00 PM. The musical is a story that follows six middle schoolers as they compete for first place in the spelling bee to advance to the state competition, and they are met with some challenges including absent parents and puberty. The show is interactive with audience participation, and they hope to see many there as they support local actors and future thespians.

7. Community Development Items

- A. **Z22-011** Public Hearing - Zoning Request - Z22-011 - Allow a rezoning from R-15 to NS for an 8,000 sq. ft. retail business - 0.91 acres - Land Lot 700 - 3410 Atlanta Road - Grow Smyrna.

This item will be tabled until the February 6, 2023 Mayor and Council Meeting at staff request.

Councilmember Tim Gould made a motion to table to the February 6, 2023 Mayor and Council Meeting item Z22-011, a public hearing and zoning request (Z22-011) to allow a rezoning from R-15 to NS for an 8,000 s. ft. retail business on 0.91 acres on land lot 700 located at 3410 Atlanta Road by applicant Grow Smyrna; seconded by Councilmember Glenn Pickens.

The motion to table to the February 6, 2023 Mayor and Council Meeting carried with the following vote:

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

8. Privilege License and Show Cause Hearing

- A. **LIC2023-002** Privilege License Request - Beer and Wine (retail package) - 2500 South Cobb Drive SE, Suite F - Family Dollar Stores of Georgia, LLC dba Family Dollar #23143 with Paul Scott Phillips as agent.

Councilmember Susan Wilkinson made a motion to approve item LIC2023-002, a privilege license request for beer and wine (retail package) located at 2500 South Cobb Drive SE, Suite F by applicant Family Dollar Stores of Georgia, LLC dba Family Dollar #23143 with Paul Scott Phillips as agent; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

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

Joe Bennett, City Administrator, presented the following background prior to the vote:

Paul Scott Phillips as registered agent for Family Dollar Stores of Georgia, LLC dba Family Dollar #23143 requests a privilege license for the sale of Beer and Wine (retail package) at 2500 South Cobb Drive SE, Suite F. Paul Scott Phillips will be the registered agent responsible for the sale of alcohol at the referenced location. Mr. Phillips has been given a copy of the Alcoholic Beverage Ordinance and attended the mandatory alcohol awareness workshop. A background investigation conducted by the Smyrna Police Department failed to reveal information that would preclude issuance of this license. Mr. Phillips has agreed to abide by the guidelines set forth by the City of Smyrna ordinance governing the sale of alcohol.

Paul Scott Phillips, applicant, was in attendance. Councilmember Wilkinson confirmed with the applicant that he completed the training required. She also explained that the Smyrna Police Department takes very seriously the sale of alcohol and can randomly spot check businesses.

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)***

9. Formal Business

- A. **AGR2023-001** Approval and adoption of the amended Adoption Agreement and General Addendum to the City of Smyrna's Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit

Retirement Plan and authorize the Mayor to sign and execute all related documents.

Citywide

Councilmember Latonia P. Hines made a motion to approve item AGR2023-001, the amended Adoption Agreement and General Addendum to the City of Smyrna's Georgia Municipal Employees Benefit System ("GMEBS") Defined benefit Retirement Plan and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

Joe Bennett, City Administrator, presented the following background prior to the vote:

In October 2022, GMA, the Segal Company, and staff presented the results of a cost study performed by The Segal Company that determined the impact on plan funding for certain changes to City of Smyrna Retirement Plan. Based on the initial positive feedback of the Mayor and Council, staff and GMA have worked to develop amended plan documents for adoption.

Attached please find an amended Adoption Agreement and General Addendum for the City of Smyrna's Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("Plan"). The amendment simplifies the Plan by providing more commonality among participant classes with respect to normal retirement qualifications, the benefit formula, vesting and employee contributions. The specifics of the proposed changes are outlined in the attached cover letter dated January 6, 2023 from Gwin Hall, Senior Associate General Counsel for GMA.

The Adoption Agreement provides that the amendment will become effective January 17, 2023. Please note that per O.C.G.A § 47-5-40, the Adoption Agreement has been drafted in the form of an ordinance.

Councilmember Welch commented that he thinks a goal should be set at 80%.

- B. **CHOR2023-001** Approval for change order to complete additional paving work for the FY2023 Resurfacing Project in the amount of \$105,261.90 (balance of FY23 Resurfacing budget, \$84,574.76 - 2016 SPLOST and \$30,000.00 - Stormwater CIP) for Magnum Paving, 140 Baker Industrial Court, Villa Rica, Ga, 30180) and authorize the Mayor to sign and execute all related documents.

Councilmember Glenn Pickens made a motion to approve item CHOR2023-001 to complete additional paving work for the FY 2023 Resurfacing Project in the amount of \$105,261.90 (balance of FY23 Resurfacing budget, \$84,574.76 – 1026 SPLOST and \$30,000.00 – Stormwater CIP) for Magnum Paving (140 Backer Industrial Court, Villa Rica, Ga 30180) and authorize the Mayor to seeing and execute all related documents; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- C. **CON2023-001** Approve purchase, by means of Sourcewell Contract 081721-CXT, for the procurement of a CXT prefab concrete "Denali" Double Flush Building for North Cooper Lake Park in the amount of \$97,419.58 and authorize the Mayor to sign and execute all related documents.

Councilmember Charles Welch made a motion to approve item CON2023-001, the purchase by means of Sourcewell Contract 081721-CXT for the procurement of a CXT prefab concrete "Denali" Double Flush Building for North Cooper Lake Park in the amount of \$97,419.58 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- D. **2023-007** Authorization ARPA Lead Service, Line & Main Replacement for Roswell Street as part of the Water / Sewer Systems Installation, Repairs and Replacements awarded on August 16, 2021 in the amount of \$98,180.00 to K.M. Davis Contracting Company (3259 Austell Road SW, Marietta, Ga 30008) and authorize the Mayor to sign and execute all related documents.

Councilmember Charles Welch made a motion to approve item 2023-007 for ARPA Lead Service, Line & Main Replacement for Roswell Street as part of the Water/Sewer Systems Installation, Repairs and Replacements awarded on August 16, 2021 in the amount of \$98,180.00 to K.M. Davis Contracting Company (3529 Austell Road SW, Marietta, Ga 30008) and authorize the Mayor

to sign and execute all related documents; seconded by Councilmember Travis Lindley.

The motion to approve carried with the following vote:

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

- E. **2023-008** Authorization ARPA Lead Service, Line & Main Replacement for Starline Drive as part of the Water / Sewer Systems Installation, Repairs and Replacements awarded on August 16, 2021 in the amount of \$134,330.00 to K.M. Davis Contracting Company (3259 Austell Road SW, Marietta, Ga 30008) and authorize the Mayor to sign and execute all related documents.

Councilmember Travis Lindley made a motion to approve item 2023-008 for ARPA Lead Service & Main Replacement for Starline Drive as part of the Water/Sewer Systems Installation, Repairs and Replacements awarded on August 16, 2021 in the amount of \$134,330.00 to K.M. Davis Contracting Company (3529 Austell Road SW, Marietta, Ga 30008) and authorize the Mayor; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- F. **CON2023-002** Authorization for award of RFP 23-011, Reed House Event Lawn, in the amount of \$295,785.00 for soft and hard landscaping elements, lighting and irrigation to S.H. Creel Contracting, LLC (1331 Allgood Rd NE, Marietta, GA.) and authorize the Mayor to sign and execute all related documents.

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve item CON2023-002 to award RFP 23-011, Reed House Event Lawn, in the amount of \$295,785.00 for soft and hard landscaping elements, lighting and irrigation to S.H. Creel Contracting, LLC (1331 Allgood Rd NE, Marietta, Ga) and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Charles Welch.

The motion to approve carried with the following vote:

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

Joe Bennett, City Administrator, presented the following background prior to the vote:

The City of Smyrna requested proposals for the Reed House Event Lawn. The project will provide a signature place in the city for a variety of activities and events with soft and hard landscaping elements, lighting and irrigation. Proposals were due Friday, December 2, 2022. Four (4) proposals were received and evaluated by staff from Parks and Recreation and Purchasing.

Based on proposal and cost, the evaluation team and Purchasing recommend award to S.H. Creel Contracting, LLC. Following award, S.H. Creel Contracting, LLC will discuss any cost saving options that would be beneficial to the project while maintaining the overall design scope.

- G. **CON2023-003** Authorization to approve RFP 23-012 and enter into contract with Mark Turner (140 Sedgeview Dr, Hampton, GA) and HD Excavations and Utilities, LLC (516 Cole Creek Road, Dallas, GA) for the EPA required service line inventory and verification as well as removal of lead and galvanized services as needed to be priced per hour as shown on the Purchasing Department Recommendation and authorize the Mayor to sign and execute all related documents.

Councilmember Charles Welch made a motion to approve with conditions item CON2023-003, RFP 23-012 and enter into a contract with Mark Turner (140 Sedgeview Dr, Hampton Ga) and HD Excavations and Utilities, LLC (516 Cole Creek Road, Dallas, Ga) for the EPA required service line inventory and verification as well as removal of lead and galvanized services as needed to be priced per house as shown on the Purchasing Department Recommendations with a not-to-exceed amount of \$100,000.00 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve with conditions carried with the following vote:

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

Joe Bennett, City Administrator, presented the following background prior to the vote:

The City of Smyrna requested proposals for the excavation and verification of water service lines. New EPA requirements include obtaining a water service line

inventory by excavation and verification and removal of lead and galvanized service lines in our distribution system. This information will be provided in a local, state and federal database. We received 5 proposals on Friday, December 16, 2022. Based on Contractor's hourly rate and line-item pricing we recommend award to Mark Turner Grading, Inc. and HD Excavations & Utilities, LLC.

Councilmember Charles Welch asked if there was a top-end limit on cost. He suggested they approve this item with a "not-to-exceed" amount.

10. **Consent Agenda**

Mayor Pro Tem/Councilmember Tim Gould made a motion to approve the Consent Agenda; seconded by Councilmember Latonia P. Hines.

The motion to approve carried with the following vote:

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

- A. MIN2023-001** Approval of the December 15, 2022 Committee of the Whole Meeting Minutes.
Citywide

This item was approved on the Consent Agenda.

- B. MIN2023-002** Approval of the December 19, 2022 Pre-Council Meeting Minutes.
Citywide

This item was approved on the Consent Agenda.

- C. MIN2023-003** Approval of the December 19, 2022 Mayor and Council Meeting Minutes.
Citywide

This item was approved on the Consent Agenda.

- D. 2023-004** Authorization of street closures, including portions of the Market Village for the Atlanta Track Club Hearts and Soles 10k, on Saturday, February 4, 2023, from 7:30 am to 10:45 am.

This item was approved on the Consent Agenda.

- E. 2023-009** Approval for JRM Management - in conjunction with Atkins Park Tavern - to manage alcohol (beer, wine and liquor) sales for the

Spring Jonquil Festival (April 29 & 30, 2023), Taste of Smyrna (September 16, 2023) and the Crafts & Drafts Festival (October 28 & 29, 2023).

This item was approved on the Consent Agenda.

- F. **2023-010** Authorize Atkins Park Tavern (Kevin Drawe) and Red Bird Events (Bettie Cagle) to host Smyrna's 11th Annual Oysterfest on Fri., Feb. 3, 2023 from 7:00 pm until 11:00 pm, on Sat., Feb. 4, 2023 from 11:00 am until 11:00 pm and on Sun., Feb. 5, 2023 - extending Atkins Park service/event area onto sidewalks and parking spaces immediately in front of the Atkins Park establishment for the annual festival. Request includes closing the upper circle of the Smyrna Market Village to vehicle traffic during the operational hours of the festival on each day of the festival.

This item was approved on the Consent Agenda.

- G. **2023-013** Authorization for a road closure for Terri Meyer Drive at Turpin Road for a period of five (5) days for a storm drain replacement by Ardito Construction (1290 Austell Drive, Marietta, Ga. 30008) from January 14, 2023 through January 21, 2023.

This item was approved on the Consent Agenda.

11. **Ward and Staff Reports**

Councilmember Lewis Wheaton extended his thanks to staff for working on the fourth iteration of Council Meetings while also implementing new software.

Councilmember Latonia P. Hines mentioned the MLK celebration and thanked those from Smyrna who participated.

Mayor Pro Tem/Councilmember Tim Gould thanked the City of Woodstock for the tour of their future downtown plans. He also stated that the Committee to Honor Fanny Williams has received 30+ applications in response to the RFQ. The panel is reviewing those, and the process is moving forward. They are all very excited.

Councilmember Travis Lindley thanked staff who persevered through the difficulties during the holiday season.

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**

Allison Kirkpatrick, 841 Powder Springs St., author of the ethics complaint filed against Councilmember Susan Wilkinson, expressed her appreciation to the City for taking action on the complaint, and she looks forward to any further action that may take place. She stated that she hopes that no one else goes through what she and her family have gone through. It was a neighborly dispute that was completely mishandled by the ward 5 council member. The experience has been horrible and has forced her and her family to leave the City of Smyrna. She continued and said that she loves Smyrna, she raised her kids in Smyrna, but given the situation that still has no resolution, she does not feel safe staying in Smyrna. She expressed again that she does not want anyone to go through what they have gone through. She stated that the City Marshals Office and Smyrna Police Department have been great to work with, and she wished that everyone had the facts and data when handling this situation.

Devon O'Rourke, 841 Powder Springs St., son of Ms. Kirkpatrick stated that he is a Campbell High School graduate, class of 2020. He wanted to express that all he was doing was pursuing his craft which is drumming. For an independent musician, music is how he makes his living. He expressed that it is not fair to be slandered. He said this all got out of hand, and things were done that should not have been done.

13. **Adjournment**

Mayor Derek Norton adjourned the January 17, 2023 Mayor and Council Meeting at 7:33 PM.

Facilities are provided throughout City Hall for convenience of persons with disabilities.

**THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN
ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN O.C.G.A. 50-14-3:**

**The City of Smyrna website – www.smyrnaga.gov
City Hall, 2800 King Street SE, Notice Boards**