

Committee of the Whole Minutes - Final MAYOR AND COUNCIL



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

A Max Bacon City Hall
HR Training Room
2800 King Street SE
Smyrna, GA 30080

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

June 01, 2023 - 6:30 PM

1. Roll Call

Present: 5 – Mayor Pro Tem Tim Gould, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley (virtual), and Councilmember Susan Wilkinson

Also Present: 1 – Jeffrey Tucker

Absent: 2 – Mayor Derek Norton and Councilmember Charles Welch

Staff: 12 – Chris Addicks, Tyler Addison, Jennifer Bennett, Bo Jones, Russell Martin, Penny Mocer, Landon O'Neal, Paul Osburn, Heather Peacon-Corn, Eric Randall, Kristin Robinson, and Joey Staubes

Call to Order

Mayor Pro Tem Tim Gould called to order the June 1, 2023, Committee of the Whole meeting held at A. Max Bacon City Hall in the HR Training Room at 6:30 PM.

2. Staff M&C Agenda Items to Review

3. Formal Business and Presentations

A. COW2023-027 Discussion about Ward 7 Council Member Nominee

Kathy Young, Ward 7 resident and nominee to fulfill the remaining term of Dr. Lewis Wheaton, came forward and thanked City Attorney Scott Cochran and Councilmember "Corkey" Welch for speaking to her and answering questions. Ms. Young currently works at Campbell High School focusing on college and career advisement. Her position and department are funded through the Campbell High School Education Foundation. She moved to the Atlanta area to attend Georgia Tech for city planning. She has two children, one who has graduated and one who is a junior at Campbell High School. She was the president of the Campbell High School Education Foundation, and she was in the inaugural class of the Smyrna Citizens' Academy.

Jeffrey Tucker, Assistant City Attorney, explained that the city charter requires the Council appoint someone to the empty council seat should it become vacant within six months of

the regular election. Because Dr. Wheaton resigned as of May 10, 2023, it is within six months. Councilmember Wilkinson asked how does this apply in Dr. Wheaton's situation. Mr. Tucker stated that in the case of a resignation, it is not self-executing (O.C.G.A. 45-5-1). The relevant supporting case has to do with the Taylor County School Board. A board member became ineligible because of some rule in place, but the Court of Appeals stated that though he became ineligible, his ineligibility was not in itself the vacancy of the seat. The seat did not become vacant until he resigned or was removed. Councilmember Hines reiterated that not until something is formal is it considered vacated. Mr. Tucker concurred and further stated that Dr. Wheaton became ineligible to serve when he moved out the city, but his seat was not automatically or legally vacant until he formally resigned on May 10, 2023.

Councilmember Wilkinson mentioned a special election. Mayor Pro Tem Gould explained that holding a special election would create considerable confusion at which time Mr. Tucker stated that the date of a special election would be set for September 19, 2023. That would make a special election occur during early voting for the general election. And should there be a runoff, it would be scheduled for two weeks prior to the general election. Councilmember Hines asked about the cost for having a special election and a potential runoff. City Clerk Heather Peacon-Corn stated it would cost anywhere between \$30,000.00 – \$40,000.00 for the special election plus any costs associated with a runoff election. Mayor Pro Tem Gould stated that for practical purposes, it is almost an impossibility to have a fair election for ward 7 in September, not just from a confusion standpoint, but also because of the enormous cost.

B. COW2023-026 Discussion regarding Information Systems Department (IT) – Joe Bennett

Penny Mocer, Deputy City Administrator, explained that after 23 years of service, IT Director Chris Addicks will be retiring on December 31, 2023. It is the recommendation of Mr. Addicks as well as City Administrator Joe Bennett to transition Mr. Addicks into the open Network Administrator role for the remainder of his time with the city so as to provide a smooth transition, then promote Assistant IT Director Dat Luu into the Director's role effective immediately upon Council confirmation. If the Council is amenable, Mr. Bennett would like that confirmation to take place at Monday's Council meeting. All Council present agreed.

4. Review of Current M&C Agenda

A. COW2023-028 Review of the June 5, 2023 Mayor and Council Meeting Notice and Agenda

Russell Martin, Community Development Director, reintroduced item 7A. **Z23-004** Public Hearing - Zoning Amendment - Z23-004 - Request to modify the currently approved density, site plan, and elevations - Land Lot 690 & 691 - 5.4 acres - 4788 & 4840 Hanson Drive and part of 4838 S Cobb Drive - Jason Lewis:

The request includes a modification from 200 units to 295 units. The footprint and height of the building will remain the same even with the additional story. The Planning and Zoning Commission recommended approval by a vote of 4-2 in April 2023. A traffic analysis was performed, and there are no changes in the level of service on S. Cobb Drive. All the surrounding properties are industrial properties. The parking deck will be four levels. Four units will be set aside for Smyrna's first responders at a 50% reduction. This would be a program in which the city recommends a potential applicant.

Mr. Martin introduced item 7B. **ORD2023-006** Public Hearing - Approval of ORD2023-006 for amendments to the Code of Ordinance in relation to notification requirements for variance requests, special land use permits, administrative appeals and the Urban Design Commission and authorize the Mayor to sign and execute all related documents: These have been reviewed by City Attorney Scott Cochran, and this is simply procedural to comply with state law. These changes need to be met by July 1, 2023. The changes mainly deal with notification dates, who the contacts are, and any future changes that are made through the state will automatically be made through the city as well. Ms. Mocerri asked about the License and Variance Board appeals process bypassing the Mayor and Council and going straight to Superior Court. Mr. Martin stated these changes follow the Zoning Procedures Act.

Landon O'Neal, Budget Officer, presented one small change to the budget regarding item 9A. **ATH2023-08** Adoption of the Fiscal Year 2024 Budget. The only change is a pay grade reclassification, but there is no monetary change because of it.

Penny Mocerri, Deputy City Administrator, introduced item 9D. **RFQ2023-13** Approval to award RFQ 23-013 Fanny Williams Legacy Project to the team of David Wilson, Stephen Hayes, and Michael Gonzales for their proposed design, Testimony of Redemption for \$125,000, and to authorize the Mayor to sign and execute all documents: There were conversations about amendments to the design. Every level of the project has city approval built in through the Committee to Honor Fanny Williams. The panelists who assisted with the project were: Keith Kaseman, Assistant Professor of Architecture at Georgia Tech, Jennifer Grant Warner, President and CEO at Fernbank, Nicole Moore, Director of Education at the National Center for Civil and Human Rights, and Dr. Karcheik Sims-Alvarado, Professor of Africana Studies at Morehouse College. Discussion took place as to what parameters were set forth for the artists before their submissions. Mayor Pro Tem Gould explained that a mission statement was compiled and created to guide the artists. They also had access to the local historian, Museum Manager Jennie Eldredge.

Eric Randall, Public Works Director, introduced item 9E. **AGR2023-015**, the approval of the Framework Agreement with Cobb County to fulfill role as Project Administrator with Georgia DOT for South Cobb Improvement Project and authorize the Mayor to sign and execute all related documents:

Smyrna does not yet have LAP certification which is required; therefore, Cobb County will be marshaling this project through the pre-design phase. There were no questions about this item.

Mr. Randall also introduced item 10E. **ATH2023-14** to authorize the City of Smyrna to execute and submit the 2023 LMIG, Local Maintenance and Improvement Grant application from the Georgia Department of Transportation with the 2024 LMIG Project Report and authorize the Mayor Pro Tem to sign and execute all related documents:

It is not specifically traffic calming, but rather safety improvements. There are four or five projects that can be paid for with this:

- Edge striping for Reed Road
- Signage, and pavement markings to better identify the intersection of Village Parkway and Lake Park Drive
- RPMs and RRFB's at several locations on Concord Road
- Replace guardrail that does not conform with current GDOT standards on Cooper Lake Road at the East-West Connector

There were no questions for this item.

Paul Osburn, Assistant Public Works Director, introduced item 10D. **ATH2023-12** the authorization for the purchase of a replacement Fleet Service Truck from Fayetteville Ford (275 Glynn Street N, Fayetteville, GA 30214) in the amount of \$74,166.89 to be funded out of Fiscal Year 2023 CIP Vehicle Replacement:

This vehicle was approved to purchase through Wade Ford, but Wade Ford was not able to get the vehicle. The PO was canceled and a new one was issued for Fayetteville Ford in order to expedite the purchase.

5. Other Business / Staff Comment

Councilmember Hines stated that there will be joint town hall on June 12, 2023. The weekend of June 17, 2023, the Cobb NAACP will be having their annual Juneteenth event on the Square in Marietta.

Councilmember Pickens mentioned complaints about train noise through the city. There are a few bills pending in Congress, and Ward 1 citizens have asked that the City Council draft a letter in support of the bills to be sent to representatives and senators.

Penny Mocerri spoke about the downtown green space. She asked that the Council consider calling it the Village Green Park in order to stop some confusion as to the many names that area has been called. In the new playground area in the Village Green Park, many barriers, debris, and unknown lines/utilities have been found. It will be cost-prohibitive to perform the excavation. The first RFQs for the ARTery project are out. There has been a lot of interest.

Councilmember Lindley thanks staff and Mayor Pro Tem Gould for the Memorial Day Ceremony. He asked Mr. Martin if there has been any movement on private street prohibition. Mr. Martin said it is coming along and should be ready some time in July.

Mr. Martin said he got a request from a lady who operates an in-home daycare. The City does not issue home occupation, but she would like the city to issue one in order to gain access to funding. He asked the Council if he should look into this further. The Council said they need time to think about it.

6. Executive Session (As Needed)

7. Adjournment

Mayor Pro Tem Tim Gould adjourned the June 1, 2023 Committee of the Whole meeting at 8:00 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