

C. MIN2023-006 Approval of the January 19, 2023 Pre-Council Meeting Minutes.

Pre-Council Meeting Minutes - Final

MAYOR AND COUNCIL



Community Center
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
6:30 PM

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: 2 – Tom Cauthorn and Scott Cochran

Staff: 10 – Joe Bennett, Jennifer Bennett, Jill Head, Dat Luu, Russell Martin, Penny Mocer, Heather Peacon-Corn, Kristin Robinson, Carol Sicard, and Keith Zgonc

1. Call to Order

Mayor Derek Norton called to order the January 17, 2023 Pre-Council Meeting held at the Smyrna Community Center in the Magnolia Room at 6:30 PM.

2. Review of Current M&C Agenda

PRE2022-001 Review of the January 17, 2022 Mayor and Council Final Meeting Notice and Agenda.

Mayor Norton reviewed the agenda. No discussion took place.

Councilmember Travis Lindley mentioned that Representatives Teri Anulewicz and Doug Stoner were going to use a City facility on Sunday, January 29th. He wanted to know if it needed to be formally approved. Heather Peacon-Corn, City Clerk, stated that Executive Assistant to the Mayor & Council, Christy Ullman,

has been coordinating this, and because it will not be held in Council Chambers, formal approval is not necessary.

Mayor Norton discussed the legally annexed properties around the edges of town. The residents in the neighborhoods previously annexed by Smyrna are being contacted and incorrectly told they were not actually annexed. City Attorney Scott Cochran explained that the bottom line was that legislative council thinks Smyrna's annexations/zonings are fine and distinguishable from South Fulton's annexations. There is a bit of a riff among representatives. They do not think Smyrna needs legislative help with annexations. Rep. Wilkerson is trying to de-annex a large section and is attempting to use Smyrna to do that. The two candidates running for mayor of Mableton are not going to challenge the annexations. The properties were properly annexed and are sound in court unless a judge rules otherwise at which point Smyrna will defend any challenges.

Councilmember Latonia P. Hines stated that the Cobb MLK celebration was great. Smyrna was well-represented. Argyle Elementary led the Pledge of Allegiance.

3. Other Business / Staff Comment

PRE2023-002 Discussion regarding consideration of Councilmember's complaint against appointed staff.

Citywide

Mayor Norton announced that earlier in the day, Councilmember Susan Wilkinson sent an email that she is withdrawing her complaint against all three appointed staff members. He opened the floor for discussion.

Mayor Pro Tem Tim Gould stated that after reviewing the draft minutes of the Special Called Council Meeting from January 9, 2023, and the filed ethics complaint against three appointed staff members, he would like to put forward a motion that the ethics complaint against staff, though withdrawn, be dismissed because it lacked merit. That would at least provide a level of resolution for those the complaint effected.

Councilmember Lewis Wheaton agreed. He further stated that as elected officials, they chose to run for elected office and were voted in to serve in this role. It is different for staff because this is their career and livelihood. No one wants to be subject to a simple Google search which associates their name to something negative. As a body, the Council needs to make sure the withdrawn complaint should not be swept under the rug. It needs to be explicit and clear that the complaint was lacking merit.

Councilmember Charles Welch stated he is unsure if he agrees or disagrees because he does not know if he understands the entire story as a whole. He felt that there was no in-depth conversation about it. Mayor Norton reminded him that there was a discussion at the Special Called Council Meeting but that Councilmember Welch had to leave. Mayor Pro Tem Gould stated that the minutes fairly reflected the conversation. City Attorney Scott Cochran also

mentioned that Mr. Welch had left prior to his outlining his rationale, and he sent an email out to Mayor and Council with his legal rationalization to reflect that everything was done based on legal advice.

Councilmember Latonia P. Hines stated that because there was a formal complaint made, a one-sentence withdrawal is insufficient. If the goal is to withdraw the complaint, then it needs to be articulated with more specificity as to why. The Council has an obligation to make sure this process is appropriately handled for staff and that the Council make some sort of finding. In the last meeting, what was clear was that Councilmember Wilkinson was upset about what had occurred but that Ms. Wilkinson understood that staff was simply doing their jobs. All of this was broadcast in a public meeting that there was an ethics complaint against appointed staff, and there was a serious accusation of a hostile work environment. A one-sentence withdrawal is not adequate to address what was alleged and made public.

Councilmember Susan Wilkinson responded saying that she was advised by her attorney to withdraw the complaint. When she filed the complaint, she was very emotional. She stated she was unable to get the documents she sought, then those same documents were made public.

Councilmember Latonia P. Hines stated that actions have consequences. Though one may be upset about something, to take it to this extent can have huge consequences for staff. Ms. Hines pointed out that Joe (Bennett) has a P.O.S.T. Certification as a police officer, Heather (Peacon-Corn) has taken an oath of office, and Scott (Cochran) is an officer of the court. Staff deserve something more than a one-sentence withdrawal for their careers. They need the complaint to be removed from their personnel files, and it needs to be articulated that they were not unethical.

Councilmember Susan Wilkinson stated she was uncomfortable and was recusing herself at 6:42 PM, but she did not leave the room.

Councilmember Travis Lindley stated that he agrees with Mr. Gould's suggestion for a motion to dismiss. He asked of Judge Tom Cauthorn if, as part of that motion, can the complaint be removed from staffs' records? He further agreed that a written statement by Ms. Wilkinson should be submitted, and it should include a public apology to all three of the appointed staff members. Mr. Lindley noted that Ms. Wilkinson's complaint was covered by the press, so it is now in the public record, and Council has to hope that the record fixes itself with this action.

Judge Tom Cauthorn stated that if the motion is that the complaint is without merit, that it should be dismissed, and that it should be expunged from the public record of the City of Smyrna, and if that motion is seconded and properly passed, the answer is, yes, the document can be expunged.

Mayor Pro Tem/Councilmember Tim Gould made a motion that the ethics complaint filed by Councilmember Susan Wilkinson against appointed staff Scott Cochran, City Attorney, Joe Bennett, City Administrator, and Heather Peacon-

Corn, City Clerk, be dismissed due to lack of merit, that it be expunged from all city personnel records for said individuals, and that Councilmember Susan Wilkinson publicly apologize to said staff regarding the filing of the complaint; seconded by Councilmember Lewis Wheaton.

The motion passed with the following vote:

AYES: 6 – Councilmember Pickens, Councilmember Hines,
Councilmember Lindley, Councilmember Welch, Mayor Pro
Tem/Councilmember Gould, Councilmember Wheaton

NAYS: 0

RECUSE: 1 – Councilmember Wilkinson

Police Chief Zgonc regretfully announced that Smyrna Police Officer David Balkovetz had passed away. Officer Balkovetz was found deceased by Atlanta Police Department after the Smyrna Police Department was unable to reach him and asked for a wellness check. He had been an officer with Smyrna for close to one year.

4. Adjournment

Mayor Derek Norton adjourned the January 17, 2023 Pre-Council Meeting at 6:52 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**