



City of Smyrna

A. Max Bacon City Hall
Council Chambers
2800 King Street SE
Smyrna, GA. 30080

Meeting Minutes - Final City Council

Monday, August 1, 2022

6:45 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 6 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Latonia P. Hines, Councilmember Travis Lindley, Councilmember Susan Wilkinson and Councilmember Lewis Wheaton

Absent: 2 - Councilmember Charles Welch and Mayor Pro Tem / Councilmember Tim Gould

Also Present: 1 - Scott Cochran

Staff: 8 - Joe Bennett, Jill Head, Mike Hickenbottom, Dat Luu, Heather Peacon-Corn, Penny Mocer, Eric Randall and Paul Osburn

Call to Order

Mayor Derek Norton called to order the August 1, 2022 Meeting of the Mayor and Council held at A. Max Bacon City Hall in Council Chambers at 6:45 PM.

1. Invocation and Pledge:

The invocation and Pledge of Allegiance were led by Pastor Brian Downing, Oakdale Church of God (1631 Cooper Lake Rd).

2. Agenda Changes:

3. Mayoral Report:

Mayor Norton invited Phil Maniginelli, Pastor at The Square Church (981 Powder Springs St. SE Smyrna, GA 30080), and his team to the podium. Mayor Norton expressed his gratitude to Pastor Manginelli and his team for a backpack drive they held at The Square Church the previous Saturday. They were able to collect through donations over 1,000 backpacks to be able to give to the community. Mayor Norton noted that they continued their efforts to hand out backpacks to the community even as it rained very heavily. Mayor Norton and his wife, Laura, both attended the event because Laura Norton is the Chair of Support Smyrna, and they were giving out Kroger gift cards in coordination with this event. Mayor Norton stated that this is the perfect example of what this community is all about. He thanked them for their efforts and everything they do.

Pastor Phil Maniginelli (and Executive Strategic Coordinator Erica Tadema) thanked the other members of the team. He stated that the staff is the heartbeat of what they do. They have coordinated tutoring services, adoption and foster care ministries, and weekly food deliveries. That particular evening, they had 1,200 backpacks to hand out and were able to give away 750 of those and donate the remaining to Fair Oaks to assist with their needs. Pastor Manginelli thanked the Mayor and his wife for attending.

He stated that church is about people, and they genuinely care about this community and are very willing to partner with the City of Smyrna.

Mayor Norton stated the Teacher Appreciation Lunch for Campbell High School took place the previous Friday. It was a Jim N' Nicks catered event with fun trivia and prizes. And last Wednesday was the State of the City address when he highlighted the numerous projects and events that are happening and will be happening in the City. It is available to watch on social media with links on the City website. Mayor Norton was also very proud to announce that the Smyrna Little League Blue All-Star Team has won two out of three regional games.

6. Formal Business:

- A. [2022-350](#)** Public Hearing and adoption of the 2022 Millage rate and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

The FY23 budget approved by Council included revenue projections based on 8.99 mills. This is the last of three required public hearings before the formal adoption of the 8.99 millage rate. Tax information was received from Cobb County on June 23, 2022. Per the information provided, the City would need to roll back the millage rate to 8.048 to not advertise a tax increase. In comparison, last year's millage rollback was calculated at 8.468.

The official notice, and all required information, was posted in the Marietta Daily Journal on July 8 and July 17, 2022. A press release was sent to the Marietta Daily Journal on July 7, 2022. It has also been posted on the City website. This is the last required public hearing. Additional hearings were held on July 18, 2022 at 7:00 pm and Aug 1, 2022 at 10:00 am. This is the formal adoption of the millage rate.

Mayor Norton clarified that property taxes have not been raised in the City of Smyrna since 1993. If a homeowner has a homestead exemption through the City of Smyrna, that homeowner will not see an increase in City property taxes.

A public hearing was called. City Attorney Scott Cochran swore in those who came forward to speak.

Shaun Martin, Williams Park (Ward 3), stated she sent an email earlier in the day to Mayor and Council to request lowering the millage rate. The request to lower the millage rate would assist the commercial properties and rental properties during these uncertain times. She asked for clarification on the rollback numbers that were read aloud. Mr. Bennett explained that the state requires the City to advertise a millage rate increase even though the City rolls back the rate to 8.99 mills. Ms. Martin thanked Mayor and Council for their service to the City.

Skyler Akins, 1302 Countryside Place, stated that he has the homestead exemption so he will not be impacted; however, when he asked his neighbors if they had filed for a homestead exemption, no one to whom he spoke had filed one with the City - they had done so with Cobb County, but not with the City of Smyrna. Mr. Akins further expressed that an increase will hit renters and the elderly hard, and taxes do not have to be raised just because other government entities are raising taxes. He would like a better understanding how the extra revenue will be used. He thanked the Mayor for

allowing the time to speak.

Councilmember Susan Wilkinson asked about the ad in the paper. Mike Hickenbottom, Accounting Coordinator, stated that the ad has to read as it reads per state law. He reiterated that if someone has a homestead exemption or if their property value was not reassessed - because not everyone's properties were reassessed - they will not see an increase.

Councilmember Travis Lindley made a motion to approve item 2022-350, a public hearing and adoption of the 2022 Millage Rate and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Lewis Wheaton.

The motion to approve carried with the following vote:

Aye: 4 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

B. [2022-396](#)

Authorization to offer Interim Public Works Director/ City Engineer Mr. Eric Randall the position of Public Works Director effective Monday, August 1, 2022 and to authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

Mr. Randall has been with the City of Smyrna as City Engineer and most recently as Interim Public Works Director, following the retirement of Mr. Frank Martin back in April of this year. The Council has discussed the need for a permanent Director and with Mr. Randall's experience and background and willingness to serve in the position, this request for authorization is brought forward to be effective as of this date.

Mr. Bennett stated that during Mr. Randall's tenure as Interim Public Works Director, he has proven to be an asset to the City. Mr. Bennett is pleased to bring Mr. Randall forward for the permanent position. He will be a benefit to the City because of his professional engineering background.

Mr. Randall thanked Mayor, Council, and staff for their support.

Councilmember Susan Wilkinson made a motion to approve item 2022-396, authorization to offer Interim Public Works Director/ City Engineer Mr. Eric Randall the position of Public Works Director effective Monday, August 1, 2022 and to 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: 5 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson and Councilmember Wheaton

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

- C. [CON2022-10](#) Authorization to enter into a contract (CON2022-11) with Labor Finders (Jiudicy, Inc., P.O. Box 271508, Tampa, Florida 33688-1508) for Sanitation employee recruitment for the Public Works Department at the bill rate amount of \$22.05 per hour per laborer and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

As a result of the pandemic, employment staffing, especially in Public Works, has decreased significantly leaving services such as residential sanitation, streets, and water to not only advertise for employment opportunities, but to look at alternate ways to staff these departments in order to maintain levels of service for the City residents. A recent incentive program has increased applications; however, the City will still need temporary staffing to maintain the required number of personnel to complete the needed tasks in Public Works.

Councilmember Travis Lindley asked of Mr. Bennett if this is an example of the one of many local government increases in costs in order to operate and provide ample services to the citizens. Mr. Bennett concurred.

Councilmember Latonia P. Hines made a motion to approve item CON2022-10 to enter into a contract (CON2022-11) with Labor Finders (Jiudicy, Inc., P.O. Box 271508, Tampa, Florida 33688-1508) for Sanitation employee recruitment for the Public Works Department at the bill rate amount of \$22.05 per hour per laborer and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson and Councilmember Wheaton

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

- D. [CON2022-11](#) Authorization to enter into a General Services Contract (CON2022-11), with Croy Engineering LLC. (P.O. Box 6097, Marietta, Georgia 30065-0097) and authorize the Mayor to sign and execute all related documents.

Ward / City Wide

Joe Bennett, City Administrator, provided the following background:

This is simply an effort to coordinate billing methods for general services that Croy provides with the billing method set out in the 2022 SPLOST Agreement with Croy Engineering so that they are consistent. The applicable rates for the services are contained in the agreements.

Councilmember Travis Lindley made a motion to approve item CON2022-11 to enter into a General Services Contract (CON2022-11), with Croy Engineering LLC. (P.O. Box 6097, Marietta, Georgia 30065-0097) and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson and Councilmember Wheaton

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

E. [CON2022-06](#)

Authorization to enter into a contract (CON2022-06) with Verra Mobility (American Traffic Solution, Inc., 1150 North Alma School Road, Mesa, AZ, 85201) in the amount of \$3,995.00 per month/per camera, contract pricing under the HGAC Buy cooperative, for the installation and maintenance of a red-light safety camera system for traffic control in specified intersections within the City (Spring Road at Cumberland Blvd. and South Cobb Drive at East West Connector) with funds generated to be used for Public Safety and held in the Donations and Special Fees Fund and authorize the Mayor to sign and execute all related documents.

Ward / Citywide

Joe Bennett, City Administrator, provided the following background:

In July of 2019, the Georgia legislature passed GA Code 40-14-21 titled "Traffic Control Signal Monitoring Devices" with recorded images; civil monetary penalty; vehicle registration and transfer of title restrictions for failure to pay penalty. This law provided municipalities the ability to use monitoring devices for red light enforcement by utilizing cameras in an attempt to increase life-saving safety value by the use of such a device at a designated intersection. The intent is to create changes in driving behavior at intersections with high incidents of traffic accidents and potential hazards due to repeated violations. From intelligence data collected at strategic intersections, first hand accounts, and complaints from our community, it has been a long standing concern our largest traffic intersections need increased enforcement.

Our citizens for years have raised concerns about the safety of our motoring public as it pertains to the hazardous driving behavior of some motorists in busy traffic intersections regulated by a traffic control signal(s). The City of Smyrna Police Department have both observed and worked enforcement at these intersections and witnessed countless speed and traffic light violations which have caused anywhere from minor traffic accidents to serious injury and fatality crashes. In an effort to bring a greater number of drivers into compliance with the traffic control signal regulations, and to create a safer driving public, it became necessary to research technologies that are available to assist law enforcement in this endeavor. As a result of existing Georgia law (Ga Code 40-14-21) which allows for the use of traffic control signal monitoring devices, our purchasing and police department chose Verra Mobility to install, service, and maintain traffic signal enforcement cameras in designated and strategic traffic intersections regulated by traffic control signals. This company was chosen as part of the "HGACBUY" cooperative purchasing agreement from which the city of Smyrna is a member.

The anticipated cost for this service is zero as it will be violator funded with revenue sharing of any collections.

Mayor Norton stated that when this was brought to Council, much discussion took place because they wanted to move forward with caution. A list of five to seven intersections were brought forward for this project. The Council did not want this to move forward unless there was ample warning, plenty of signage, and a narrowed down list of two intersections to begin with. He stated that the purpose of this is to change

behavior to stop dangerous driving habits. These are not intended to remain permanently and the fines are dramatically different than if someone were to be stopped by a police officer.

Councilmember Latonia P. Hines explained that as a prosecutor who has had to handle vehicular homicides, this is a deterrent. This is a civil penalty capped at \$70.00 with no points added to one's driving record. If stopped by an officer, the fine can be as high as \$1,000.00, up to three (3) points, and 12 months incarceration. The main point is to try to change behavior. One thing that is evident since the pandemic is that there are not enough police officers to be at every intersection.

Councilmember Lewis Wheaton stated that after having a conversation with Chief Zgonc and other officers, there is a need for a tool like this, and the short-term option is a good way to evaluate behavior changes. In thinking about his own children who walk through some of these intersections, he understands that fatalities of this nature should not occur, and excessive fines are not palatable nor are they the goal. What is palatable is to make these intersections safe so pedestrians can be safe.

Mayor Norton stated that any money collected from these fines goes directly to public safety.

Councilmember Lewis Wheaton made a motion to approve item CON2022-06 to enter into a contract (CON2022-06) with Verra Mobility (American Traffic Solution, Inc., 1150 North Alma School Road, Mesa, AZ, 85201) in the amount of \$3,995.00 per month/per camera, contract pricing under the HGAC Buy cooperative, for the installation and maintenance of a red-light safety camera system for traffic control in specified intersections within the City (Spring Road at Cumberland Blvd. and South Cobb Drive at East West Connector) with funds generated to be used for Public Safety and held in the Donations and Special Fees Fund 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: 5 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson and Councilmember Wheaton

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

4. Land Issues/Zonings/Annexations:

- A. [CVY2022-03](#)** Approval of abandonment of public right-of-way for the dead end segment of Corn Road just east of Elmwood Drive to Arlowe TH, LLC. This segment of Corn Road right-of-way is approximately 347'x 33' (12,210 square feet) and authorize the Mayor to sign and execute all related documents.

Ward 2 / Councilmember Hines

Joe Bennett, City Administrator, provided the following background:

Arlowe TH, LLC is requesting the abandonment of right-of-way along a dead-end segment of Corn Road east of Elmwood Drive. The alleyway is approximately 33'x 347' (or 12,210 sq. ft.). A portion of the townhome community's parking and drive aisle are located in the subject segment of the right-of-way. The townhome community intends to consolidate all of its property into one property if the abandonment is approved.

Community Development has reviewed the request and could not locate any future plans or projects for the subject property. Public Works has reviewed the request and there are no public utilities in the subject property.

Councilmember Latonia P. Hines made a motion to approve item CVY2022-03, the abandonment of public right-of-way for the dead end segment of Corn Road just east of Elmwood Drive to Arlowe TH, LLC (this segment of Corn Road right-of-way is approximately 347'x 33' (12,210 square feet)) and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson and Councilmember Wheaton

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

5. Privilege Licenses:

7. Commercial Building Permits:

8. Consent Agenda:

A motion was made by Councilmember Glenn Pickens, seconded by Councilmember Travis Lindley, to approve the Consent Agenda. The motion carried with the following vote:

Aye: 5 - Councilmember Pickens, Councilmember Hines, Councilmember Lindley, Councilmember Wilkinson and Councilmember Wheaton

Absent: 2 - Councilmember Welch and Mayor Pro Tem / Councilmember Gould

A. [MIN2022-50](#) Approval of the July 14, 2022 Committee of the Whole Meeting Minutes.
Ward / Citywide

These Minutes were Approved on the Consent Agenda.

B. [MIN2022-51](#) Approval of the July 18, 2022 Pre-Council Meeting Minutes.
Ward / Citywide

These Minutes were Approved on the Consent Agenda.

C. [MIN2022-52](#) Approval of the July 18, 2022 Mayor and Council Meeting Minutes
Ward / Citywide

These Minutes were Approved on the Consent Agenda.

D. [POL2022-04](#) Approval of updates to Personnel Policies and Procedures - EMP 17 - Termination of Employment
Ward / Citywide

This Policy was Approved on the Consent Agenda.

- E. [2022-376](#) Approval of Amendment No. 1 to the Cobb County Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD22-C22SA to increase the total award by \$14,571.51 for a total amended PY2022 allocation of \$45,576.59 and authorize the Mayor to sign and execute all related documents.
Ward / Citywide
This Authorization was Approved on the Consent Agenda.
- F. [2022-377](#) Approval of Amendment No. 1 to the Cobb County Community Development Block Grant (CDBG) Sub Recipient Agreement No: CD22-C22S8 to decrease the total award by \$8,347.22 for a total amended PY2022 allocation of \$222,306.37 and authorize the Mayor to sign and execute all related documents.
Ward / Citywide
This Authorization was Approved on the Consent Agenda.
- G. [2022-378](#) Approval to use Council Chambers for a Ward 7 Neighborhood Meeting, August 18, 2022, 6:30pm at A. Max Bacon City Hall, 2800 King Street SE, Smyrna Ga. 30080.
Ward 7 / Councilmember Wheaton
This Authorization was Approved on the Consent Agenda.

9. Ward / Committee Reports:

Councilmember Latonia P. Hines thanked Cobb Collaborative who opened a library at Highlands Drive.

Councilmember Lewis Wheaton stated that the previously mentioned Ward 7 HOA meeting on August 18, 2022 is a discussion about the Short- Term Rental Ordinance to clarify and allow people to ask questions. He also wished all those with children a happy first day of school, and mentioned his son will be heading to LSU in a few weeks.

10. Show Cause Hearings:

11. Citizen Input:

12. Adjournment:

Mayor Derek Norton adjourned the August 1, 2022 Mayor and Council Meeting at 7:24 PM.