



City of Smyrna

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

Meeting Minutes - Final City Council

Monday, December 6, 2021

7:00 PM

Council Chambers

Roll Call

Present: 8 - Mayor Derek Norton, Councilmember Glenn Pickens, Councilmember Austin Wagner, Councilmember Travis Lindley, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Lewis Wheaton

Also Present: 1 - Scott Cochran

Staff: 6 - Joe Bennett, Penny Mocer, Russell Martin, Heather Peacon-Corn, Jill Head and Ashley Youmans

Call to Order

Mayor Derek Norton called to order the December 6, 2021 meeting of the Mayor and Council held in Council Chambers at A. Max Bacon City Hall at 7:00 PM.

1. Invocation and Pledge:

The invocation and Pledge of Allegiance were led by Rev Christian Salzillo of Life Church Smyrna Assembly of God located at 4100 King Springs Rd.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

Mayor Norton invited former Smyrna Councilmember Doug Stoner to the podium. Mr. Stoner announced he is running for the House District 40 seat. He stated that he has been involved in this community for 40 years, and if he were to be elected to the House, it would be as if he is coming home because he was originally elected to the House in 2002. Mr. Stoner went on to say that he is not interested in extreme partisanship, and he looks forward to working for the community he calls home.

Mayor Norton discussed the Menorah Lighting that was held at Brawner Hall. He said it was a well-attended event.

Mayor Norton thanked the staff who organized the "Coming Home For the Holidays" and Tree Lighting events. He expressed that they were great and successful events. Mayor Norton mentioned that this past Saturday was the last College Football Saturday of the year. He hopes to bring the events forward to next year.

A. [2021-565](#)

Introduction and Presentation of the Smyrna Youth Council Program and its 2021-22 members.

Ashley Youmans presented the 2021-2022 Smyrna Youth Council Program. Ms. Youmans stated that members of the program learn about local government and local government operations while also proposing their own projects and initiatives. The members are all passionate and intelligent students from local Smyrna high schools. She invited the students to speak.

Aric Jiles - He stated that he has grown to love this community after moving to Smyrna from inner-city Atlanta. He expressed that he is so glad to be part of this group with other intelligent students, and he cannot wait to learn and experience what the program has to offer.

Haley Parker - She expressed that this is an awesome opportunity. She is glad to see so many kids involved in this program and community. She thanked the Mayor and Council for the opportunity.

Councilmember/Mayor pro tem Tim Gould, Education Committee Chair, thanked the students for being a part of this program and introduced the class:

Sophie Balzuweit

Olivia Brown

Rachele Cece

Aric Giles

Noah Mallon

Kate Mazur

Fiona McDermott

Rachel Odister

Haley Parker

Justin Wu

Mr. Gould performed the oath of office.

4. Land Issues/Zonings/Annexations:

- A. [2021-572](#) Approval to replace an existing wall mural with a new mural on the eastern side of the restaurant, Land Lot 452, 0.14 acres located at 1061 Concord Road by the applicant Ben's Crab.

Ward 3 / Councilmember Lindley

Councilmember Travis Lindley made a motion to approve item 2021-572, the replacement of an existing wall mural with a new mural on the eastern side of the restaurant on land lot 452 on 0.14 acres located at 1061 Concord Road by applicant Ben's Crab; seconded by Councilmember Charles Welch.

The motion carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

5. Privilege Licenses:

6. Formal Business:

- A. [2021-547](#) Approval of change order to the Windy Hill project in the amount of \$92,281.75 for concrete cap demo work done by Baldwin Paving

Company, 1014 Kenmill Drive, Marietta, Georgia, 30060 to be paid out of the 2016 SPLOST fund.

Ward 3 / Councilmember Travis Lindley - Ward 5 / Councilmember Susan Wilkinson

Joe Bennett, City Administrator, presented the following background:

This change order is for removal of concrete ditch cap over new sewer main and AT&T duct bank. Baldwin's asphalt milling machine is not designed to mill out 10 inches of concrete. Staff recommends approval of the change order to the Windy Hill project in the amount of \$92,281.75 for concrete cap demo work done by Baldwin Paving Company, 1014 Kenmill Drive, Marietta, Georgia, 30060 to be paid out of the 2016 SPLOST fund and authorize the Mayor to sign and execute all related documents.

Councilmember Travis Lindley made a motion to approve item 2021-547, a change order to the Windy Hill project in the amount of \$92,281.75 for concrete cap demo work done by Baldwin Paving Company, 1014 Kenmill Drive, Marietta, Georgia 30060, to be paid out of the 2016 SPLOST fund; seconded by Councilmember/Mayor pro tem Tim Gould.

The motion to approve carried with the following vote:

Aye: 6 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Gould and Councilmember Wheaton

Nay: 1 - Councilmember Wilkinson

B. [2021-548](#)

Approval of change order to the Windy Hill project in the amount of \$102,132.77 for undercutting and stabilization work done by Baldwin Paving Company, 1014 Kenmill Drive, Marietta, Georgia, 30060 to be paid out of the 2016 SPLOST fund.

Ward 3 / Councilmember Travis Lindley - Ward 5 / Councilmember Susan Wilkinson

Joe Bennett, City Administrator, presented the following background:

The change order is due to soil failure after proof roll test under the roadway between Wings 101 and Belmont Place. We got a recommendation from Geo Hydro Engineers on how to make the roadway structural to prevent any future failures. The area is 600 feet long x 30 feet wide x 20 inches deep. The recommendation is to bridge the roadway back to ensure the structural integrity. Staff recommends approval of the change order to the Windy Hill project in the amount of \$102,132.77 for undercutting and stabilization work done by Baldwin Paving Company, 1014 Kenmill Drive, Marietta, Georgia, 30060 to be paid out of the 2016 SPLOST fund and authorize the Mayor to sign and execute all related documents.

Councilmember Travis Lindley made a motion to approve item 2021-548, a change order to the Windy Hill project in the amount of \$102,132.77 for undercutting and stabilization work done by Baldwin Paving Company, 1014 Kenmill Drive, Marietta, Georgia, 30060 to be paid out of the 2016 SPLOST fund; seconded by Councilmember Glenn Pickens.

*During the Consent Agenda review, Councilmember Wilkinson approached City Attorney Scott Cochran and stated she had inadvertently hit Aye instead of Nay on

item 6B, but the vote was finalized and she was unable to withdraw the Aye vote and change it to a Nay vote. Additionally, she did not verbally indicate her withdrawal, so the vote stands at 7-0.*

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

C. [CON2021-15](#)

Authorization to approve the purchase of new Rubrik backup system from PC Solutions & Integration, Inc. (4937 SW 75th Ave, Miami, FL 33155 · (305) 667-0633) in the amount of \$113,665.55 (NCPA cooperative 01-96) with an annual maintenance fee of \$31,000.00 and authorize the Mayor to sign and execute all related documents.

Ward / City Wide

Joe Bennett, City Administrator, presented the following background:

Smyrna's IT Department has determined that because our file server has grown in capacity over the years, the backup systems have run out of space due to the amount of data that has accumulated. IT had hoped that the City could hold off on requesting a new backup system until next budget year, but we are no longer able to back up the file server because of the storage space issue on the backup system. This means our network drives (Z drives and other department file shares) have not been backed up since last week.

If we run into a situation where the file server becomes corrupted or a ransomware attack occurs, we would only have the backups from last week (11/1/2021) to restore to our production servers. All new data after last week would be lost.

ThinkGard is proposing upgrading our appliance at no cost but the annual cost would go up significantly. The IT department has been exploring new technology that is considered next generation backup solutions and we came across Rubrik. Our recommendation is to move to Rubrik because of the annual cost savings and new feature sets that we are receiving that will greatly improve our cybersecurity posture.

Current Backup Provider - ThinkGard (Budgeted)

- *Backup and Restore Services (MSP) - \$50,976.00 per year*
- *The minimum increase to fix our situation would make backup services \$61,524 per year*
- *Office 365 Backup (not yet implemented, but budgeted) - \$14,832.00 per year*
- *Total cost of annual services for ThinkGard services after upgrading the backup appliance - \$76,356 per year*

Top reasons for the decision

- *Annual cost savings*
 - o *ThinkGard Backup Services - \$76,356 per year*
 - o *Rubrik Backup Subscription and Azure Cloud Backup - \$31,000 per year*
- *ThinkGard currently does not backup all of our virtual servers due to capacity. The Rubrik system has enough space to backup all of our virtual servers.*
- *Rubrik integrates with our Hyper-V infrastructure with APIs. This results in faster backups and restores.*
- *Immutable Backup System - There is no way to alter or delete the backups on the Rubrik system.*

It is the recommendation of Information Technology and Purchasing that the City

approve the purchase of new Rubrik backup system from PC Solutions & Integration, Inc. in the amount of \$113,665.55 (NCPA cooperative 01-96) with an annual maintenance fee of \$31,000.00 and authorize the Mayor to sign and execute all related documents.

Councilmember Glenn Pickens made a motion to approve item CON2021-15, an authorization to purchase of new Rubrik back system from PC Solutions & Integration, Inc. (4937 SW 75th Ave, Miami, FL 33155 · (305) 667-0633) in the amount of \$113,665.55 (NCPA cooperative 01-96) with an annual maintenance fee of \$31,000.00 and authorize the Mayor to sign and execute all related documents; seconded by Councilmember Austin Wagner.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

D. [CVY2021-02](#)

Authorization to release any interest that the city has in the undedicated Aberdeen Way and authorize the mayor to sign a quit claim deed to accomplish this.

Ward 2 / Councilmember Austin Wagner

Joe Bennett, City Administrator, presented the following background:

On April 1, 1974 the Smyrna city council voted to release any interest it had in an undedicated street proposed to be known as Aberdeen Way. This road had been platted but never built nor dedicated to the city. A deed releasing whatever interest the city had in the proposed roadway was prepared and signed by the mayor at the time. For some reason this deed was never recorded in the real estate records but the clerk's office located a copy of this deed in city files. For more than 40 years a development has been situated on parts of Aberdeen Way. This has become a title problem and the current owner has requested that the city release whatever interest it has in this old road bed so that it can remedy the problem that this is causing.

Councilmember Austin Wagner made a motion to approve item CVY2021-02, and authorization to release any interested that the City of Smyrna has in the undedicated Abderdeen Way and authorize the Mayor to sign a quit-claim deed to accomplish this; seconded by Councilmember Glenn Pickens.

The motion to approve carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

A motion was made by Councilmember Lindley, seconded by Councilmember Pickens, that the Consent Agenda be approved. The motion carried with the following vote:

Aye: 7 - Councilmember Pickens, Councilmember Wagner, Councilmember Lindley, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Wheaton

- A. [MIN2021-89](#) Approval of the November 11, 2021 Committee of the Whole Meeting Minutes.
These Minutes were approved on the Consent Agenda.
- B. [MIN2021-85](#) Approval of the November 15, 2021 Pre-Council Meeting Minutes.
These Minutes were approved on the Consent Agenda.
- C. [MIN2021-86](#) Approval of the November 15, 2021 Mayor and Council Meeting Minutes.
These Minutes were approved on the Consent Agenda.
- D. [2021-573](#) Approve the update of the time for the December 12, 2021 Town Hall Meeting in City Hall Council Chambers from 2:00PM - 3:30PM.
This item was approved on the Consent Agenda.
- E. [2021-577](#) Authorization to use Council Chambers on January 25th, 2022 from 7:00 PM - 9:00 PM for the Laurel Hill Townhome Association meeting.
This authorization was approved on the Consent Agenda.
- F. [2021-578](#) Authorization to use Council Chambers on January 30, 2022 from 4:00 PM - 5:30 PM for the Concord Lake Village Homeowners Association meeting.
This authorization was approved on the Consent Agenda.
- G. [2021-564](#) Approval of the Reappointment of the Downtown Development Authority (DDA) members as follows: Ron Davis, Kevin Drawe, Jim Duelmer, Larry Freeman, Kimberly Gangemi, Dianne Rasin and Jason Saliba, with Mayor Derek Norton serving as Chairman. This is a one-year term that will expire December 31, 2022.

This reappointment was approved on the Consent Agenda.
- H. [2021-557](#) Approval of the Reappointment of Ward 1 resident, Nicholas Bergeron, to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.
- I. [2021-560](#) Approval of the Reappointment of Ward 1 resident, Charlie Phillips, to the Planning and Zoning Board. This is a two-year term that expires

12/31/2023.

This reappointment was approved on the Consent Agenda.

- J. [2021-553](#) Approval of the Reappointment of Ward 2 resident, Lisa Castleberry, to the Keep Smyrna Beautiful Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- K. [2021-561](#) Approval of the Reappointment of Ward 3 resident, Keith Bentley, to the Planning and Zoning Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- L. [2021-554](#) Approval of the Reappointment of Ward 3 resident, Betty Williams, to the Keep Smyrna Beautiful Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- M. [2021-579](#) Approval of the Reappointment of Ward 4 resident, Karleen McNabb, to the Keep Smyrna Beautiful Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- N. [2021-580](#) Approval of the Reappointment of Ward 4 resident, Tom Sconzo, to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- O. [2021-581](#) Approval of the Reappointment of Ward 4 resident, Earl Rice, to the Planning and Zoning Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- P. [2021-558](#) Approval of the Reappointment of Ward 6 resident, Paula Weeks, to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- Q. [2021-562](#) Approval of the Reappointment of Ward 6 resident, Michael Seagraves, to the Planning and Zoning Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- R. [2021-555](#) Approval of the Reappointment of Ward 7 resident, Tripti Gadgade, to the Keep Smyrna Beautiful Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- S. [2021-559](#) Approval of the Reappointment of Ward 7 resident, J. Barrett Carter, to the Parks and Recreation Commission. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

- T. [2021-563](#) Approval of the Reappointment of Ward 7 resident, Henriette Ostrzega, to the Planning and Zoning Board. This is a two-year term that expires 12/31/2023.

This reappointment was approved on the Consent Agenda.

9. Ward / Committee Reports:

Councilmember Glenn Pickens reminded everyone about the short term rentals town hall on December 9, 2021 from 7:00 - 9:00 PM to go over the draft ordinance. It will be held in-person in the HR Training room, but there is also a virtual option.

Councilmember Travis Lindley thanked the staff for their hard work on the tree lighting ceremony, the Home for the Holidays event, and the Menorah lighting.

Councilmember Charles Welch echoed Mr. Lindley's sentiments and thanked staff and citizens for attending the events. They were a huge success, and staff did a great job.

Councilmember Susan Wilkinson explained that she meant to vote Nay on Item 6B but accidentally pressed Aye. When she attempted to withdraw the vote, the vote was already submitted. Ms. Wilkinson also expressed a huge thanks to the staff for the Christmas tree lighting event. She further expressed her thanks to Deputy City Administrator Penny Mocerri for her work in organizing the Rebuilding Together Atlanta event. Several volunteers from the City were there to assist a Veteran who is disabled clean up his home and yard. The grant received through that program will allow the resident's deck to be rebuilt, grab bars to be installed in his bathroom, and other such amenities the resident might need in order to continue aging in place. She thanked the many police officers that were there, Councilmembers Gould and Lindley, and her

husband, Doward, for their assistance.

Councilmember/Mayor pro tem Tim Gould echoed the thanks for the volunteers who assisted with the Rebuild Together Atlanta. He stated how remarkable it is that so many City staff and Police Department members came out to support the project on Glendale Circle. The Home for the Holidays event and the Menorah Lighting were both wonderful events as well.

Councilmember Lewis Wheaton thanked all of those in the community that participate. There are many means of service in the City - Boards, Task Forces, Commissions - and those who volunteer for those positions do a great service for the City.

Mayor Derek Norton spoke about Thursday's Committee of the Whole meeting when representatives from the City of Suwanee came to discuss their experiences with Stillfire Brewery. Many questions were answered:

- What kind of building/space are they proposing?
- How will Stillfire and the park work together?
- How many silos, and what will they look like?
- How much space is for the tap room and social/event space?
- How much production do they anticipate?
- Could production increase in the future?
- How much truck traffic with deliveries and distribution will there be?
- How does this compare to the Suwanee facility?
- What concerns did Suwanee have, and were they addressed?
- Are there odors?
- What kind of lease and/or land sale did Suwanee do with Stillfire?
- Why isn't there a kitchen like a brewpub?
- Has there been an increase in DUIs?
- What has been the economic impact of Stillfire?
- Are they a good community partner?

There is a recording on social media, and you can request a copy. He encouraged everyone to come out to the Town Hall meeting on Sunday.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Shaun Martin - 2884 Anderson Circle - Ms. Martin spoke about the proposed brewery. She expressed that words matter. She gave examples of when the Council stated this was a "done deal" and that there was a letter of intent, among other examples. She further expressed that accountability and transparency are not words of convenience, but are values that the Council must consider. She stated that they are still collecting signatures on a petition.

Mayor Norton stated that many of the questions and concerns were addressed at the Committee of the Whole meeting and will again be addressed at the Sunday meeting. The City has yet to receive a copy of the petition.

Kathy Omaitis - 207 Countryside Place - Ms. Omaitis stated that she is aware of the good things the people in this community have done. She stated that she has heard so many positive things about the City Attorney. Austin Wagner is her Ward representative and, he has always been gracious. She has heard that Councilmember

Wilkinson is a wonderful steward. She has heard a lot of good things that Mayor Norton has done. She stated that in the Nextdoor application, the pushback and hatred is coming from people that are in support of the City's project. She expressed that they are ill-mannered and disrespectful. The citizens should be able to have that discourse. She is concerned about the process.

Mayor Norton stated that there has been a lot of discourse. He cannot speak for those people who are participating online, but he stated disrespect came directly from Ms. Omais previously.

Jenny Bartee - 4094 Laurel Springs Way - Ms. Bartee stated that the brewery was not appropriately announced to the residents. By the time many found out about the brewery project, they felt it was already too late. She stated that many feel this was a rushed vote. Over the last six months, the community has learned more, but never enough. The City has not been forthcoming with the plans. She stated on a personal note that she gave Mayor Norton the benefit of the doubt. She stated that Mayor Norton and his family had a booth directly in front of City Hall when campaigning while his opponent was not able to have the same privilege. She expressed that many people are opposed to the redevelopment and to the sale of the City's land to the brewery. (A full copy of her statement was submitted to the City Clerk and will be part of the final agenda packet.)

Montserrat Knowlton - 1367 Poplar Pointe - Ms. Knowlton spoke about her disagreement concerning the brewery and its proposed location in the downtown area. She does not like the proposed location. She stated that Smyrna and Suwanee are not similar. Suwanee is smaller in population and farther from Atlanta and other entertainment areas while Smyrna has a growing population and is near many entertainment areas such as The Battery, Cumberland, Marietta, and Sandy Springs. She asked the Council to consider a different location for the brewery. (A full copy of her statement was submitted to the City Clerk and will be part of the final agenda packet.)

Larry Mazzoni - 2646 Atlanta Road - He is an employee with the Smyrna Police Department, and he asked if he could have a private meeting in reference to a Human Resources issue. Mayor Norton thanked him for his service and told him to call and set up an appointment.

Pat Burns - 10 Concord Rd - Ms. Burns stated that Smyrna posted a video of the Committee of the Whole meeting which is its first ever. She stated that doing this does not build trust between the City and the residents.

Mayor Norton stated that the Committee of the Whole meetings are always public meetings. Because this is a major issue, it was important for the City to put the recording out there so people could have answers to their questions.

Cheryl Hodgins - 1480 Memory Lane - Ms. Hodgins stated she will be going to the brewery, and she thanked the Mayor and Council for putting the video out there so she can be more informed. She stated that the reason she wanted to speak was to thank Jodi Mills and the organization for the recent craft fairs. She was amazed how many vendors were there and how well put together it all was. She expressed she is proud of the people who put everything together, and proud to say she lives in Smyrna.

Mayor Norton stated that Ms. Mills always does a great job, and her husband also helped and had a drone flying taking great pictures of the events.

12. Adjournment:

7

Mayor Derek Norton adjourned the meeting of the Mayor and Council at 7:53 PM.