



# City of Smyrna

2800 King Street  
Smyrna, Georgia 30080

## Meeting Minutes - Final Committee of the Whole

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Thursday, February 11, 2021

6:00 PM

VIRTUAL MEETING - GoToMeeting

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### **Virtual Committee of the Whole Meeting**

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### **Roll Call**

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

**Also Present** 1 - Scott Cochran

**Staff** 11 - Joe Bennett, Penny Moceri, Heather Peacon-Corn, Julie Barwig, Jennifer Bennett, Dan Campbell, Frank Martin, Russell Martin, Tina Monaghan, Kristin Robinson, and Joey Staubes

### **1. Call to Order**

Mayor Derek Norton called the February 11, 2021 Committee of the Whole meeting to order at 6:00 PM.

### **2. New Business**

*Mayor Norton asked Mr. Frank Martin to speak on his agenda item so he would not have to stay for the whole meeting. Consent Agenda Item regarding Campbell Road closure. Public Works Director Frank Martin presented the information on the agenda item. If passed, signs will go up right away to notify residents. Two speed tables and an island at Spring Road at Vinings Point will be the reason for the closure being voted on.*

*Councilmember Wilkinson asked for clarification on what all would be included as work for this particular closure. She wanted to understand the difference between the signals and crosswalks. She would like to see a layout of the work in the area.*

*Councilmember Pickens asked about the height of the speed humps.*

*Councilmember asked where the funding was coming from for the project and it was verified that the monies are coming from the FY2021 budget.*

*Councilmember Gould thanked staff for their work on this project.*

**A. COW21-09****Discussion with Schneider Energy - Joe Bennett**

*Interim City Administrator Joe Bennett opened the discussion by providing the history behind the discussion. He turned it over to the Schneider team to offer explanation.*

*Ms. Alyssa Hovland from Schneider Electric program manager in Georgia. She gave some background on herself as well as the others present from Schneider. Ms. Hovland provided a power point presentation summarizing the project with the city. The goal is to improve energy efficiency throughout the city.*

*Councilmember Welch asked where we were in the process. Getting very close to a final proposal which means providing information that will be useful for the city to make final decisions in the end project. A final deliverable including pricing will be another month or so out.*

*Mr. Matt Wolkow and Ms. Tammy Fulop were present to give more details on the court case that has recently caused concern.*

*Ms. Tammy Fulop thanked everyone for the opportunity to speak. She appreciated the chance to share their experiences from the past event which led to many positive changes in the company. Start up business about ten years ago for this particular division in the federal space which has very different regulations from state and local government. One of the persons hired was taking advantage of their position by taking kickbacks from federal construction projects. Once discovered, the employee was immediately terminated and an investigation was conducted. None of the illegal activity took place within the Schneider Electric company. It was all done on the individuals accounts and this person has since then been prosecuted. another issue that was discovered through the investigation was a problem with pricing. Essentially there was a price break out form that was not followed. These discoveries led to serious changes.*

*Mr. Matt Wolkow spoke on changes that were made as a result of the discoveries. A thorough investigation into all aspects was conducted which led to many new procedures that were put in place to ensure that nothing like that would happen again. There are many parts to Schneider Electric. There is annual required training with a required exam that must be passed to move forward. Red Line is for any Schneider Electric employee and is a hot line for people to report any issues that they believe to be outside the boundaries of what is acceptable. The Green Line is a hot line for non Schneider electric employees to report any issues. Green Line language is in all subcontracts and documentation. All calls that come in are investigated through a series of methods. Audits are conducted around key controls on a regular basis throughout each project. Performance reviews have also been set up in a way to utilize core values as a heavily aspect of the evaluation. Schneider hired a former federal contract officer to come in and train anyone dealing with federal contracts within the company. Expert counsel was also brought in to do training and to review all aspects to ensure that the right things are being done the right way. Additional qualifications for contractors and subcontractors has been put into place and multiple eyes are on each stage of the project which has really helped preventing anything further from happening.*

*Councilmember Wheaton had some questions. He asked about the investigation that was initially done when there was an issue discovered.*

*The response was that the legal department conducted the investigation and helped*

*the department of justice with their investigation. A third party was also brought in to help.*

*Councilmember Wheaton also asked if this ever disclosed to other potential customers?*

*Schneider said that they were not able to initially discuss the investigation but were free to speak of it once it was disclosed by the Department of Justice on Google and such.*

*Councilmember Wheaton was concerned that it was not openly disclosed when it was able to be and that it was found by accident.*

*The attending representatives apologized for not coming forth sooner but they were not even aware it was released to Google until days after.*

*Councilmember Welch feels that we still have a deliverable plan in about 30 days and serious decisions will have to be made at that time. He feels that the contracts need to be opened to all qualified outside vendors. Alyssa Hovland answered that in order to guarantee the savings, Schneider uses the bidding process that they do because they have worked with these vendors before and can make sure that the contract with the city is met.*

**B. COW21-11**

**Discussion regarding multi family inspections - Rusty Martin**

*Community Development Director Rusty Martin shared information regarding multi-family unit inspections. Third party inspections were required by the city beginning in 2012. Each year there has to be interior inspections for 20% of their units with all units inspected with a five year time limit. These inspections have to be turned into the city prior to the issuance of the business license renewal. There are requirements for the inspector including state certifications. The department is finding that apartment complexes are calling saying that they are unable to complete the internal inspections due to push back by residents. Currently out of 32 developments, only 9 have turned in inspections.*

*Payment has been received for 5 additional but they are unable to process due to lack of inspections. 18 of the developments have done nothing at this point.*

*Mr. Martin is coming to Mayor and Council because the code doesn't give the Community Development director a way to waive or create a remedy. The ask is not to waive inspections, but to defer out for the next two years and do 30% next year and the year after should help until vaccinations come out and people feel more comfortable allowing inspectors into their homes. This will not effect outside inspections.*

*Mayor Norton said he felt that this was an ideal solution since we are dealing with the pandemic and people being afraid to be exposed.*

*Councilmember Charles "Corkey" Welch said that he would be in favor of voting on this and making it official to avoid any problems.*

*Councilmember Susan Wilkinson asked if this was a temporary measure and it is. Should only last two years and will sign an affidavit of understanding. That will provide record of the requirements.*

*Councilmember Austin Wagner said he feels that it makes sense as he lives in an apartment and it makes him feel better about safety and the internal inspections.*

**3. Review of the February 15, 2021 Mayor and Council Agenda**

*Mayor Norton spoke of the annexation of the islands of land that Scott Cochran has been working so hard on to take it to the state.*

*Derek said that he would like to add voting regarding the approval of Police Chief / Interim City Administrator Joseph Bennett in as the permanent City Administrator on the upcoming agenda. He asked Council what their thoughts were regarding same and everyone offered their support for this decision.*

*Mr. Bennett stated he would not have been able to do this job the last six months if it wasn't for the help of one person, Penny Moceri.*

**A. COW21-12**

**Review of the February 15, 2021 Mayor and Council Meeting Agenda.**

*Mayor Norton read off the agenda items. He asked Community Development Director Rusty Martin if he had anything to offer regarding the land issues.*

*Mr. Martin explained that the Watkins Road items that have been tabled are now ready to move forward. The 19 acres annexation will remain the same zoning as in Cobb County. It is a wooded lot with no project proposals. Due to agreement with Cobb County, once annexed, it can not be heard for a project for at least one year. So far no one has come forward with any proposals.*

*Councilmember Austin Wagner asked what the zoning was and there was a conservation credit on it which is still in place. Does not expire until 2022 or 2023. No rush to develop as a result of this.*

*Councilmember Tim Gould spoke of the rezoning item on Atlanta Road by Edgeline. He has concerns that he sent over to Garvis Sams and has not yet heard any answers. Concerned about the one way in situation since the property is tight as well as the neighborhood connectivity.*

*Mayor Norton asked Rusty how Community Development viewed this proposal and the process that occurred when the application was received. He said they have gone through several reiterations of the plan to try to get the best plan possible. They were not interested in joining up with a neighboring town home community. We are requiring a right in right out on Atlanta Road as well as guest parking. There is an opportunity at the end of the road for some additional parking as well as a space for vehicles to turn around.*

*Councilmember Gould asked about garages. Units will have two car garages. Challenging that people will have to use someone's driveway to turn around in and that doesn't set well with Mr. Gould. The road is 26 feet wide which is standard road which leaves plenty of room for three point turn or more guest parking.*

*Mayor Norton noted that he was shocked that Councilmember Gould has received no response to his questions when the meeting to take a vote is mere days away.*

*Councilmember Welch asked about the width of the center units.*

*Councilmember Wilkinson noted that there are more than 6 units and asked if there was a variance. There is a zoning acceptance which says that they can ask for 7. She was concerned that they were not sticking to that regulation. The rule was put in place to make sure that the fire hose could reach all of the units if there were to be a fire. Inner units are 22 feet but the outer units may be a bit wider.*

*Councilmember Travis Lindley asked if we could stipulate that they must tie in to the two existing neighborhoods. How will the trash trucks function in the neighborhood? Rusty showed how this same scenario but worse exists in other areas. He said that the one already there was a bad design so why repeat the same mistake.*

*Councilmember Wagner said we cannot force people to give up their land to create a road right now. Unless we are going to take the land and pay for it, we cannot force this.*

*Councilmember Wilkinson asked about the roads next to it. The roads in that existing neighborhood are private so the HOA is responsible for the roads.*

*Mr. Rusty Martin said that they were unable to come to an agreement with the other neighborhood. Claiming is was an engineering problem with the elevations of the roads.*

*Councilmember Welch feels that money was the issue as to why they couldn't reach an agreement.*

*Councilmember Gould is going to reach out to the HOA president to get an update on where the discussions have been. He was under the impression that the goal of the new town homes is to be a higher end product from what is already there.*

*Councilmember Wilkinson asked about guest parking of which there are six spaces. She likes the elevations but feels that it slopes way downhill and that could cause problems. She asked about common areas because none appear on the drawing.*

*On item F, withdrawal without prejudice allows the developer to come back with a new plan at a later time.*

*City Clerk Heather Peacon-Corn spoke about the agenda item regarding budget changes for court staff. Solicitor Tim Williams will now be full time beginning March 1st. Judge Pugh is grateful for his time with the city and will transition out in April.*

*Councilmember Wilkinson asked about the minutes and was concerned about not being able to redo them due to time constraints. City Clerk Heather Peacon-Corn explained that they would be added tomorrow due to Clerk's training that occurred this week. Councilmember Wilkinson expressed her concern that they would not be available until 5:00pm which would only give her one day to review before Monday's meeting.*

*City Attorney Scott Cochran explained the cell tower item on the consent agenda.*

*Mr. Rusty Martin provided a summary of the extended time request for Campbell High School. There were many concerns of the Saturday hours being way too early at 7:00 am and would like to see them moved a little later. There have been many concerns about the noise already. Rusty will notify them of the change.*

*Councilmember Travis Lindley thanked everyone for their help on the Mount Zion cemetery and invited everyone to drive out there and see it.*

*Councilmember Susan Wilkinson mentioned that folks from Smyrna Grove have reached out to her regarding the Georgia Power sub station on Windy Hill Road. She*

*arranged a virtual meeting that will take place on Monday. They want some shielding. Thanked Joe for meeting with them and the folks from Georgia Power.*

*Councilmember Tim Gould spoke of the great clean up day at Campbell Middle School. Some of the other elected officials were there to help as well. Got an email about King Springs relating to pedestrian safety which has been an ongoing issue.*

*Councilmember Lewis Wheaton gave a huge thank you for those that have helped with Black History Month events. He has received a lot of positive feedback from people. Encouraged everyone to take advantage of what is out there. Ward 7 specific...zip code issue has come up again and hope to speak to people that can bring this to a level to get something done.*

#### **4. Other Business (as needed)**

#### **5. Executive Session (as needed)**

Mayor Derek Norton asked for a motion to go into Executive Session to discuss personnel. The motion was made by Councilmember Travis Lindley and seconded by Councilmember Susan Wilkinson.

The motion carried by an approval vote of 7 - 0.

**A. COW21-10 Executive Session for Personnel**

#### **6. Adjournment**

Mayor Derek Norton asked for a motion to go into Regular Session for adjournment. The motion was made by Councilmember Travis Lindley and seconded by Councilmember Corkey Welch.

The motion carried by an approval vote of 7 - 0.

Mayor Derek Norton adjourned the February 11, 2021 Committee of the Whole Meeting at 7:43PM.