

DRAFT

City of Norcross

*65 Lawrenceville Street
Norcross, GA 30071*



Meeting Minutes

Monday, May 5, 2025

6:30 PM

Council Chambers

Mayor and Council

Mayor Craig Newton

Mayor Pro Tem Marshall Cheek

Councilmember Andrew Hixson

Councilmember Josh Bare

Councilmember Matt Myers

Councilmember Bruce Gaynor

- A. Call to Order by Mayor Craig Newton**
- B. Invocation: Councilmember Hixson**
- C. Pledge of Allegiance to the Flag of the United States of America**
- D. Roll Call (recorded)**

Attendee Name	Title	Status	Arrived
Craig Newton	Mayor	Present	
Marshall Cheek	Mayor Pro Tem	Present	
Andrew Hixson	Councilmember	Present	
Josh Bare	Councilmember	Present	
Matt Myers	Councilmember	Present	
Bruce Gaynor	Councilmember	Present	

Regular Meeting was called to order at 6:32 PM by Mayor Craig Newton

- E. Presentation of Previous Meeting Minutes for Acceptance**
- 1. 25-7308: Approval of Previous Meeting Minutes**

Motion #1

A motion to approve the April 7th Regular Council meeting minutes and the April 21st Policy Work Session and Executive Session meeting minutes.

Mayor and Council - Regular Meeting - Apr 7, 2025, 6:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Matt Myers, Councilmember
SECONDER:	Bruce Gaynor, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

Policy Work Session - Policy Work Session - Apr 21, 2025, 6:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Matt Myers, Councilmember
SECONDER:	Bruce Gaynor, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

Motion #2

A motion to rescind the previous approval of the April 21, 2025, Policy Work Session minutes in order to make corrections, and to bring the revised minutes forward for approval at the June 2, 2025 Regular Meeting.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

- F. Set the agenda for the scheduled meeting as presented.**
- 1. 25-7309: Acceptance of the Agenda and Approval of the Consent Agenda**

Motion #1

A motion to Accept the Agenda and Approve the Consent Agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

Motion #2

A motion to add the following item to the agenda:

25-7317: Council Initiated Investigation Per Section 2.15 of the City of Norcross Charter

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Marshall Cheek, Mayor Pro Tem
SECONDER:	Bruce Gaynor, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

Motion #3

A motion to add the following items to the agenda as separate items:

25-7297: Comprehensive Plan Changes

25-7298: Buford Highway Master Plan Update

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember Matt
SECONDER:	Myers, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

G. Ceremonial Presentations, Recognitions, and Swearing-in Ceremonies**1. 25-7310: Proclamation Honoring Resident Randy Lee Johnson**

RESULT:	READ BY MAYOR NEWTON
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2. 25-7312: Swearing in of Officer William Donaldson

RESULT:	SWORN IN BY MAYOR NEWTON
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3. 25-7318: Proclamation Recognizing Professional Municipal Clerks Week

RESULT:	READ BY MAYOR NEWTON
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4. 25-7311: Presentation of the Excellence in Policing Certification Award Letter

RESULT:	PRESENTED BY GMA REPRESENTATIVE DAVID TROTTER
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H. Floor Open to Citizens Desiring to Address the Governing Authority**a. Comments by Citizens**

Jerry Gresham – Spoke on Item 25-7287, expressing frustration with the city proceeding with construction he believes violates code. Questioned why the Council has not stopped the project, which he views as a major subdivision under a minor subdivision permit.

Dusty Albury – Commented on Item 25-7287, offering documents and research to Council. Believes the permit was issued improperly and should be withdrawn and restarted. Raised concerns about chain of custody.

Darren Kusman – Developer of 551 Sunset Drive. Cited code compliance and stated the project has followed all required processes. Requested approval of the 40-ft right-of-way, noting significant time and money lost due to reported city errors and emphasizing the impact on property rights.

Heather Albury – Spoke on Item 25-7287, requesting that if a vote is taken on the road status, it be designated as public for the benefit of future residents.

Jim Eyre – Supports Anderson Place network dedication and cautioned Council on setting precedents affecting future UDO changes. On downtown parking, encouraged consistency with nearby jurisdictions and maximizing density. Noted two signs on Wingo Street: one regarding temporary parking during construction, and one for HPC review of exterior building work.

b. Comments by Council

c. Comments by City Manager

PH. Public Hearings

PH1. 25-7279: SUP2025-001 5390 Peachtree Industrial Blvd

Motion

A motion to Approve a Special Use Permit for an Event Hall in the C-2 zoning District at 5390 Peachtree Industrial Blvd, Suites 120 and 130, with the hours of operation being 8 AM to 1 AM for the event facility.

RESULT:	APPROVED [3 TO 2]
MOVER:	Matt Myers, Councilmember
SECONDER:	Marshall Cheek, Mayor Pro Tem
AYES:	Marshall Cheek, Matt Myers, Bruce Gaynor
NAYS:	Andrew Hixson, Josh Bare

J. Reports of the Mayor and Councilmembers

a. General Announcements

MAY CALENDAR OF EVENTS

Movie Monday: Wicked

Monday, May 12 | 1:30 & 6:30 p.m. | Cultural Arts & Community Center

Coffee With Council

Saturday, May 17 | 8:00 a.m. | 45 South Cafe

Historic Cemetery Tour

Sunday, May 18 | 2:00 p.m. | Norcross City Cemetery

Policy Work Session

Monday, May 19 | 6:30 p.m. | City Hall, 2nd Floor Conference Room

Summer Concert Series: Side Piece

Friday, May 23 | 7:30 - 9:30 p.m. | Thrasher Park

Memorial Day Observance

Monday, May 26 | Sanitation & Recycling Will Be Delayed

Memorial Day Remembrance

Monday, May 26 | 11:30 a.m. | Thrasher Park

Movie Monday: Inside Out

Tuesday, May 27 | 1:30 & 6:30 p.m. | Cultural Arts & Community Center

K. Board Appointments**1. 25-7313: Board Appointment - Discovery Garden Park Board**

Motion

A motion to approve an appointment to the Discovery Garden Park Board:

Carlotta Jackson June 1, 2027

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Bruce Gaynor, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

L. Consent Agenda

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Bruce Gaynor, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

1. 25-7288: Corrective Instruments for Right of Way Deed

Motion

A motion to Approve the transfer of real estate via quit claim deed that was erroneously conveyed to the city, and to authorize the Mayor to execute the attached deed.

2. 25-7289: Anderson Place Street Network Dedication

Motion

A motion to Approve a request to the developer to update preliminary plat and all subsequent plans and permit packages to indicate that the street network in the Anderson Place subdivision be identified as future publicly dedicated rights of way and to dedicate as such at the time of Final Plat approval by Mayor and Council.

3. 25-7290: PD Patrol Vehicle Purchase

Motion

A motion to Approve the appropriation of \$300,000 from the fund balance of the Motor Vehicle Rental Fund for the purchase and outfitting of five Dodge Durango police vehicles, in order to take advantage of current fleet sales discounts and to fulfill the vehicle replacement needs projected for Fiscal Year 2026.

4. 25-7291: Norcross Public Safety Building – Guaranteed Maximum Price

Motion

A motion to Approve Reeves Young's proposed Guaranteed Maximum Price (GMP) for the direct construction costs associated with building the new Public Safety Building in the amount of \$20,840,785 and indirect costs in the amount of \$1,373,835, which includes a 2% (\$416,816) construction contingency

5. **25-7292: MEAG Municipal Competitive Trust Transfer to Assist Funding the Public Safety Building**

Motion

A motion to authorize the transfer of \$5,000,000 from MEAG's Short-Term Portfolio Flexible Operating account to the City of Norcross General Fund and apply MEAG's Intermediate Extended Maturity Portfolio Generation Trust account, comprised of approximately \$5,000,000, towards the purchase of electricity from MEAG over a 17-month period.

6. **25-7296: Pedestrian Railroad Crossing(S) Project**

Motion

A motion to Approve the construction agreement with Norfolk Southern Railroad, authorize the release of the construction Request for Proposals (RFP), and approve a budget amendment in the amount of \$171,452.00 from Transportation SPLOST.

7. **25-7294: Expanded Downtown Parking**

Motion

A motion to authorize additional funding of \$76,000, including a corresponding budget amendment, to complete the 60% Design Development Plan documents for expanded downtown parking, with the funding to be transferred from the Mayor and Council Contingency Fund.

8. **25-7301: Concept Report for Piedmont Pathway, Trailhead, and Greenspaces Within the City of Norcross**

Motion

A motion to Approve a budget amendment and proposal for an RFP to develop a concept report for the Piedmont Pathway, Trailhead, and Greenspaces, in the amount of \$130,000, funded by Recreation SPLOST.

9. **25-7295: Norcross Beaver Ruin Greenway Contract Amendment for Planning and Engineering (P&E)**

Motion

A motion to Approve Contract Amendment Supplement No. 7 and associated cost increases to complete Preliminary Engineering (P&E) for the Norcross Beaver Ruin Greenway Project (Project No. 0016067), and to approve a budget amendment in the amount of \$54,960.00 from Transportation SPLOST to fund the additional costs.

10. **25-7299: IGA with Gwinnett County Board of Voter Registration and Elections for Use of Election Equipment**

Motion

A motion to Approve an Intergovernmental Agreement with the Gwinnett County Board of Registrations and Elections to authorize the loaning of election equipment to conduct the 2025 Municipal Elections.

L. Items for Discussion

1. **25-7297: Comprehensive Plan Changes**

[Agenda Report - Comprehensive Plan Changes](#)
[2045 Comprehensive Plan - Approved April 2024](#)

Motion

A motion to Approve reopening the comprehensive plan update for all land use character areas for review and to amend the Community Development budget by a minimum of \$75,000 for this effort.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Matt Myers, Councilmember
SECONDER:	Andrew Hixson, Councilmember
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

2. 25-7298: Buford Highway Master Plan Update**DRAFT**[Agenda Report - Buford Highway Master Plan Update](#)[Buford Highway Master Plan](#)

Motion

A motion to approve the reopening of the Buford Highway master Plan in order to update the plan and amend the Community Development budget by \$75,000 for this effort.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Andrew Hixson, Councilmember
SECONDER:	Marshall Cheek, Mayor Pro Tem
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

3. 25-7317: Council Initiated Investigation Per Section 2.15 of the City of Norcross Charter[Agenda Report – Initiation of Ethics Investigation](#)[Signed Special Master's Report](#)

Original Motion

A motion to proceed with the appointment of an Investigator to bring back the facts to the Council expeditiously.

RESULT:	APPROVED [5 TO 1]
MOVER:	Bruce Gaynor, Councilmember
SECONDER:	Marshall Cheek, Mayor Pro Tem
AYES:	Newton, Cheek, Hixson, Myers, Gaynor
NAYS:	Josh Bare

Amended Motion

A motion to proceed with the city's legal firm to appoint an Investigator within two weeks and close out the investigation 45 days or sooner from the appointment date.

RESULT:	APPROVED [6 TO 0]
MOVER:	Bruce Gaynor, Councilmember
SECONDER:	Andrew Hixson, Councilmember
AYES:	Newton, Cheek, Hixson, Bare, Myers, Gaynor

4. 25-7287: Private/Public Road ROW Configuration at 551 Sunset Drive

Motion #1 (Failed)

A motion to Approve a request to consider a 50-foot public road right-of-way meeting the Norcross standard, with the opportunity for appeal to the Zoning Board of Appeals.

RESULT:	MOTION FAILED [2 TO 3]
MOVER:	Bruce Gaynor, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Matt Myers, Bruce Gaynor
NAYS:	Marshall Cheek, Andrew Hixson, Josh Bare

Motion #2 (Passed)

A motion to Approve a request to consider a Private Road Right-of-Way Configuration at 551 Sunset Drive to serve the 4-Lot Single Family Development, with Intent for Dedication to the city as a Public Road (Option 2).

RESULT:	APPROVED [3 TO 2]
MOVER:	Josh Bare, Councilmember
SECONDER:	Marshall Cheek, Mayor Pro Tem
AYES:	Marshall Cheek, Andrew Hixson, Josh Bare
NAYS:	Matt Myers, Bruce Gaynor

5. **25-7268: UDO Revision Update/Moratorium**

Motion

A motion to Approve an extension of the moratorium on private roads for an additional three months, resulting in a total moratorium period of six months from the original date of enactment, due to the complexity of the related code amendment requests; and to consider lifting the moratorium on the development of new public roads.

RESULT:	APPROVED [4 TO 1]
MOVER:	Josh Bare, Councilmember
SECONDER:	Matt Myers, Councilmember
AYES:	Andrew Hixson, Josh Bare, Matt Myers, Bruce Gaynor
NAYS:	Marshall Cheek

6. **25-7293: Downtown Parking Study Update**

Motion

A motion to Approve an update to the Downtown Parking Study by on-call firm Kimley-Horn for a fee not to exceed \$28,500, plus reimbursable expenses of \$500, to be funded from the Mayor and Council Contingency.

RESULT:	APPROVED [4 TO 1]
MOVER:	Matt Myers, Councilmember
SECONDER:	Bruce Gaynor, Councilmember
AYES:	Marshall Cheek, Andrew Hixson, Matt Myers, Bruce Gaynor
NAYS:	Josh Bare

7. **25-7302: Norcross 2025 Road Resurfacing Program**

Motion

A motion to Approve the Norcross 2025 Road Resurfacing Program for residential streets, with a total project budget of \$4,003,210.52, with \$3,800,000 to be funded by Transportation SPLOST and \$203,210.52 from LMIG.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Josh Bare, Councilmember
SECONDER:	Marshall Cheek, Mayor Pro Tem
AYES:	Cheek, Hixson, Bare, Myers, Gaynor

M. **Adjourn to Executive Session for Personnel, Real Estate, or Legal**

Councilman Bare motioned to adjourn to exec for Real Estate and Legal at 9:21 PM, seconded by Councilmember Myers. The vote was unanimous.

Signed by _____ Mayor Craig Newton.

Attest _____ Monique Philip, City Clerk



Mayor: Craig Newton • Mayor Pro Tem: Marshall Cheek • Councilmember: Andrew Hixson • Councilmember: Bruce Gaynor
Councilmember: Matt Myers • Councilmember: Josh Bare • City Manager: Eric Johnson • City Clerk: Monique Philip

AGENDA REPORT

To: Mayor and Council

From: Marshall Cheek, Mayor Pro Tem

Meeting Date: May 5, 2025; Regular Meeting Session

Item No.: [Raised from Floor]

Title: Council initiated Investigation per Section 2.15 of the City of Norcross Charter

CC: Eric Johnson, City Manager

Recommendation:

Initiate an investigation through the appointment of a Special Commissioned Investigator into the use of City funds to support a fundraiser for a private foundation associated with Mayor Newton.

Background

On March 2, 2025 an ethics complaint was filed against Mayor Newton asking for an investigation of whether the Mayor had the “authority from the Council to properly solicit funds on behalf of the City and for what purpose”. On April 24, 2025, Jody C. Campbell, the appointed special master, issued a report dismissing the ethics complaint as being filed untimely. The special master’s report explicitly made no findings regarding the veracity of the allegations against Mayor Newton but it did indicate that the “use of City funds to pay for a fundraiser of a private foundation... would be extremely troubling and could violate a number of ethical rules and ordinances of the City as well as both state and federal law.”

Section 2.25 of the Charter allows the City Council, “by majority vote”, to “make inquires and investigations into the affairs of the city and the conduct of any department, office, or authority thereof and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.” Furthermore, Section 1.13 gives the Council the power to commission and delegate such powers as necessary to carry out the power of the City’s government.

Those combined powers would allow this Council to create an investigative officer with the power to evaluate the merits of the allegations in the ethics complaint, particularly related to the use of City funds to pay for a private fundraiser.

This agenda item proposes that the City Council use its authority to investigate whether the Mayor used city funds to support a fundraiser for a private foundation. Such investigation would be conducted by an appointed Special Commissioned Investigator appointed by the Office of the City Attorney. The Special Commissioned Investigator would issue a report. The City

Council would then evaluate the report and determine whether to adopt the report and its findings.

Financial Impact

- Unknown

Consistent with Comprehensive Plan? (If applicable, please select which goal applies)

1. Goal Six – Furthers the City's Tradition of Strong Leadership and High Level of Quality Services

Attachments

- Ethics Complaint
- Special Master Report

**Special Master's Report
City of Norcross, Georgia
Ethics Complaint Filed by Bucky Johnson
against Mayor Craig Newton and Arlene Beckles
Complaint filed March 4, 2025**

Jody Charles Campbell
Georgia Bar Number 308466
Blum & Campbell, LLC
3000 Langford Road, Bldg. 100
Peachtree Corners, Georgia 30071

INTRODUCTION

This investigation was initiated by the filing of an ethics complaint by Bucky Johnson (“Mr. Johnson”) with Eric Johnson, the City Manager of the City of Norcross, Georgia (the “Ethics Complaint”). The Ethics Complaint was filed on March 4, 2025. The Complaint refers to allegations made by Paul Hanebuth, the former Director of Finance and Administrative Services in a pending lawsuit styled *Paul Hanebuth v. City of Norcross, Georgia, et al., United States District Court for the Northern District of Georgia, Case No. 2:24-cv-05037-TWT-RDC* (the “Federal Lawsuit”). The Federal Lawsuit was filed on November 1, 2024. Copies of both the Ethics Complaint and the Federal Lawsuit are attached hereto as Exhibits “A” and “B” respectively.

Following the receipt of the Ethics Complaint, the undersigned was appointed to serve as special master by the Chief Magistrate of Gwinnett County, Georgia and the City Attorney. The appointment was made within ten (10) days of receipt of the Ethics Complaint pursuant to Section 2-309(a)(1) of the Norcross City Code. The letter of appointment is attached hereto as Exhibit “C.”

By my signature below, I hereby swear and affirm that I have been a licensed attorney in good standing with the State Bar of Georgia for more than eighteen (18) years. I am a resident of unincorporated Gwinnett County, Georgia with a mailing address located in Lawrenceville, Georgia. I have no personal or financial interest in the outcome of this matter.

SUMMARY OF RELEVANT FACTUAL FINDINGS

I. Allegations in the Federal Lawsuit

Upon receipt of the Ethics Complaint, the Special Master first reviewed the Complaint filed in the Federal Lawsuit. Mr. Hanebuth alleges that he was the victim of retaliation and wrongful termination following his objection to Mayor Craig Newton using city funds to hold a fundraiser where donations were solicited and received for what was ultimately Mayor Newton’s private charitable foundation. Mr. Hanebuth also alleges that he was the subject of racial and gender discrimination by then Commissioner Arelene Beckles. The City has denied all allegations in the Federal Lawsuit and further denied that Mr. Hanebuth’s termination was in any way related to his allegations of wrongdoing by Mayor Newton. The Federal Lawsuit is currently pending and in the discovery phase of the litigation. Discovery is not set to expire until June 2025.

Given the contested posture of the Federal Lawsuit, the Special Master makes no findings regarding the accuracy or veracity of Mr. Hanebuth’s allegations. Additionally, whether Mr.

Hanebuth's allegations are true and accurate are not relevant to the legal conclusions reached by the Special Master.

II. Timing of the Ethics Complaint.

The Federal Lawsuit was filed on November 1, 2024. All pleadings filed with the United States Court system are public records available through the Public Access to Court Electronic Records ("PACER") System. The Federal Lawsuit was not filed under seal or otherwise protected from public disclosure. Thus, the first time a member of the public could have become aware of the allegations made by Mr. Hanebuth was on November 1, 2024.

The Ethics Complaint was filed on March 4, 2025. In the Ethics Complaint, Mr. Johnson states that "I learned, along with a number of other citizens of the [Federal Lawsuit] shortly after the case was filed." It is unclear from this statement when exactly Mr. Johnson learned about the Federal Lawsuit. On April 18, 2025, the Special Master met with Mr. Johnson to discuss the Ethics Complaint. During that meeting, Mr. Johnson stated that he learned about the Federal Lawsuit when it was emailed to him by Pat Eidt "a few days after it was filed."

LEGAL CONCLUSIONS

Section 2-307(c) of the Norcross City Code provides as follows:

"Accusations shall be filed with the City Clerk within 90 days of the date of such alleged violation of this code of ethics occurred, or within 90 days from the date the part (*sic*) making the accusation knew or should have known about the alleged violation so long as such date is not more than six months after the date the alleged violation occurred."

In layman's terms, this Code section imposes two possible time limits upon any person alleging a violation of the Code of Ethics. The first possible limit is ninety (90) days from the date the alleged violation occurred. Although the Federal Lawsuit does not identify a specific date that the alleged incidents occurred, Mr. Hanebuth generally states that the incidents involving Mayor Newton's improper fundraiser and handling of said funds occurred "around late-January or early-February of 2023." *See*, Federal Lawsuit, ¶ 27. With respect to the allegations that Mayor Newton and Ms. Beckles pressured Eric Johnson to terminate Mr. Hanebuth, the Federal Lawsuit states that those actions took place "[s]ometime in June or July 2023." *See*, Federal Lawsuit, ¶ 56. Using the latest of these two timeframes, that would mean any ethics complaint would need to be brought by the end of October 2023. Because the Ethics Complaint was not filed with the City until sixteen (16) months after such actions purportedly took place, the Ethics Complaint was filed beyond the first limitations period provided for by the Code.

The Ethics Complaint would also be untimely if the second limitations period were applicable. This true for two reasons. First, while it is not clear exactly when Mr. Johnson obtained actual knowledge of the Federal Lawsuit, it is indisputable that the Federal Lawsuit was

a matter of public record beginning on November 1, 2024. The law regarding constructive knowledge is well-settled: a party is charged with constructive knowledge of legal instruments or legal proceedings publicly available through the records of courts the day they are made available to the public. See, e.g., Leeds Bldg. Prods. v. Sears Mortg. Corp., 267 Ga. 300, 301, 477 S.E.2d 565, 567 (1996). While the Special Master acknowledges that Mr. Johnson is not an attorney and does not regularly monitor the federal court system for filings involving either the City of Norcross or its officials, the law imputes constructive knowledge on anyone and everyone that could access such information, regardless of whether such access is regularly done. Thus, the second limitations period would have commenced on November 1, 2024 meaning the Ethics Complaint would have been filed beyond the ninety (90) deadline.

Furthermore, Mr. Johnson acknowledges that he had actual knowledge of the Federal Lawsuit within a few days of its filing. Although that exact date is not known, Mr. Johnson stated it would have been “within a week or so” of Mr. Hanebuth’s filing. At best, that would extend the start of the second limitations period by perhaps a week to November 11, 2024. Using this time frame of November 2, 2024 through November 8, 2024, the deadline for filing any ethics allegation would have been between January 30, 2025 and February 6, 2025, i.e., well before the March 4, 2025 Ethics Complaint.

But this is only half of the statutory analysis relative to the second limitations period. The extended timeframe provided by the second limitations period only applies if the complainant’s knowledge of the alleged violation occurred “not more than six months” after the date of said conduct. Applied here, the latest conduct alluded to by Mr. Johnson was Mayor Newton and Ms. Beckles pressuring the City Manager to terminate Mr. Hanebuth. The Federal Lawsuit states that this occurred in June or July of 2023. That would mean Mr. Johnson’s ninety (90) clock would have started six (6) months from this date and run through January 2024. Thus, even if given the benefit of this timeframe, Mr. Johnson’s deadline to file such a complaint at best would be April 2024. Either way, the Ethics Complaint was filed beyond the time required by the Code.

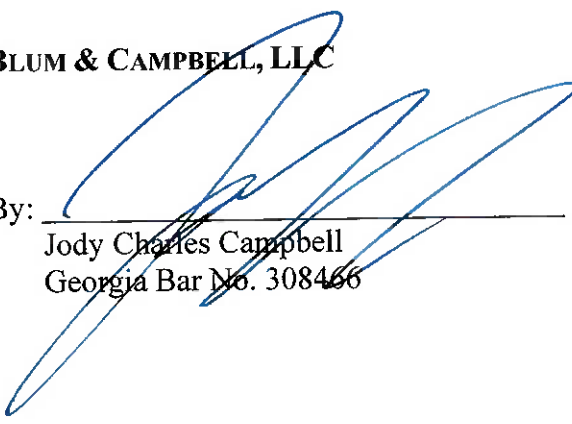
Under Section 2-309(b)(2), the Special Master is authorized to dismiss any accusation that fails to state facts sufficient to constitute a violation of the Code of Ethics. Inherent in that duty is the obligation to ensure the Ethics Complaint itself satisfies the procedural requirements of the Code. For purposes of the City Ethic’s Code, the Special Master finds that the Ethics Complaint was filed outside the time required by Section 2-307(c), and thus, the Ethics Complaint must be dismissed as untimely.

To be clear, the Special Master expresses no opinion regarding the veracity or accuracy of the allegations set forth in the Federal Lawsuit. If said allegations were found to be true, especially those involving the use of City funds to pay for a fundraiser of a private foundation, then such conduct would be extremely troubling and could violate a number of ethical rules and ordinances of the City as well as both state and federal law. However, because the Special

Master has determined that the Ethics Complaint fails to satisfy the procedure necessary to warrant further investigation, the Special Master will not offer any conclusions in this regard.

This 24th of April, 2025,

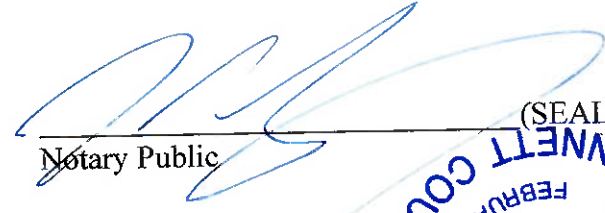
BLUM & CAMPBELL, LLC

By: 

Jody Charles Campbell
Georgia Bar No. 308466

3000 Langford Road, Bldg. 100
Peachtree Corners, Georgia 30071
Telephone: (470) 365-2890
Facsimile: (470) 365-2889
Email: jody@blumcampbell.com

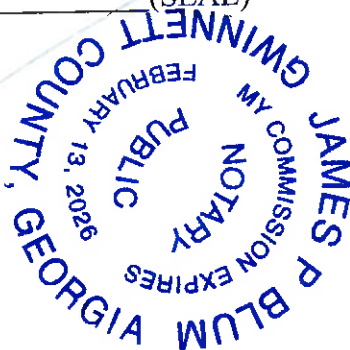
Sworn and subscribed before me
this 24th day of April, 2025:



Notary Public

(SEAL)

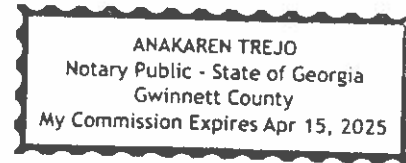
My Commission Expires:



EXHIBIT

“A”

March 4, 2025



To: City of Norcross - Eric Johnson, City Manager, Mayor and Council

From: Bucky Johnson, Norcross Citizen at 635 Sunset Dr.

Subject: Investigation into possible Ethics violations

I learned, along with a number of other citizens, of the Lawsuit Case 1:24-mi-99999-UNA Document 3597 Filled 11/01/24 shortly after the case was filed (I assume I do not have to attach that document). After reviewing it, I asked all Council members if they were going to call for an ethics investigation which I believe would have been appropriate. I did not get a commitment from any of them and later heard that they were advised by Legal Council to wait until the suit was adjudicated before an Ethics Investigation would take place. Recently, I learned that it will still take quite a long time to complete the suit, therefore I am bringing it to the attention of the city at this time. I understand that this starts a ten day clock.

I don't have any idea if the claims espoused in the Lawsuit have merit, but they give the appearance of ethics violations that should be addressed now rather than later. I spoke to the Mayor last month about it and he said it was a "nothing sandwich", which I hope is true.

Based on the City of Norcross Code of Conduct under the Ethics section two areas need to be addressed. Firstly, did the Mayor have authority from the Council to properly solicit funds on behalf of the City and for what purpose, and secondly did the Mayor and Arlene Beckles pressure the City Manager to fire the Finance Director?

See the sections below which. relate to the violation (from your City Code):

- Sec. 2.32. - City council's noninterference with administration.

Except for the purpose of inquiries and investigations, the mayor and council shall not give orders or directions to any city employees who are subject to the direction and supervision of the city manager, either publicly or privately, directly or indirectly.

(2007 Ga. Laws (Act No. 213), page 4067, § 2; Res. of [4-1-2024](#))

Note— Formerly [§ 2.33](#), see editor's note for [§ 2.29](#).

Sec. 2-300. - Definitions. *Benefit* means anything of monetary value that a reasonably prudent person would recognize as being likely to be intended to influence a city official or employee in the performance or non-performance of an official action.

- **Sec. 2-301. - Purpose.**

The purpose of this code of ethics is to:

- (1) Encourage high ethical standards in official conduct by city officials and employees;
- (2) Establish guidelines for ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the interest of the city;
- (3) Require disclosure by such officials of private financial or other interest in matters affecting the city; and
- (4) Serve as a basis for disciplining those who fail to abide by its terms.

(Ord. No. [02-2019](#), § 1, 2-4-2019)

The provisions of this code of ethics shall be applicable to all city officials and employees. Notwithstanding anything herein to the contrary, state law and the Charter of the city shall be controlling in the event of an actual conflict with the provisions of this code of ethics. This ordinance shall be interpreted to supplement, and not replace, said provisions of state law and the Charter.

- **Sec. 2-304. - Intent of the code of ethics.**

It is the intent of this code of ethics that city officials and employees shall not knowingly engage in any activity that is incompatible with the proper discharge of their official duties or which would tend to impair their judgment or actions in the performance of their official duties. Furthermore, city officials and employees should avoid any action that might result in or create the appearance of:

- (1) Using public office or position in an unethical manner for private gain;
- (2) Impeding city efficiency or economy; or
- (3). (Affecting adversely the confidence of the public in the integrity of those who conduct the affairs and business of the city.

(Ord. No. [02-2019](#), § 1, 2-4-2019)

Please keep me informed of the progress.

EXHIBIT

“B”

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

PAUL HANEBUTH,

Plaintiff,

V.

CITY OF NORCROSS, GEORGIA,
CRAIG NEWTON, ARLENE
BECKLES, and ERIC JOHNSON

Defendants.

CIVIL ACTION

FILE NO.:

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff, Paul Hanebuth (“Plaintiff” or “Mr. Hanebuth”), and files this Complaint for Damages and Equitable Relief against Defendants City of Norcross, Georgia, Craig Newton, Arlene Beckles, and Eric Johnson showing the Court as follows:

INTRODUCTION

1.

This is a case of retaliation brought under the First Amendment to the United States Constitution through 42 U.S.C. § 1983, the Georgia Whistleblower Act, O.C.G.A. § 45-1-4 (“GWA”), 42 U.S.C. § 1981 (“Section 1981”) brought through

42 U.S.C. § 1983, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”).

2.

Plaintiff Paul Hanebuth faithfully and effectively served as the Director of Finance and Administrative Services for the City of Norcross. But after Mr. Hanebuth courageously disclosed fraud, waste, abuse, and violations of the law by Mayor Craig Newton, Mr. Hanebuth was punished for his integrity with a campaign of vicious retaliation instituted by Defendant Newton. During his employment, Mr. Hanebuth was also subjected to hostile and discriminatory treatment by Councilwoman Arlene Beckles because of his race, sex, and/or his race and sex. Mr. Hanebuth was eventually fired in retaliation for his whistleblowing activity and because of his race, sex, and/or his race and sex. Mr. Hanebuth seeks all available legal and equitable relief in this lawsuit.

PARTIES

3.

Plaintiff, Mr. Paul Hanebuth, is a resident of Mobile County in the State of Alabama. He is a White male. He subjects himself to the jurisdiction of this Court. At all times relevant to this action, Mr. Hanebuth was a resident of DeKalb County, Georgia.

4.

Defendant City of Norcross, Georgia, hereinafter referred to as the “City” or the “City of Norcross,” is a municipal corporation organized under the laws of the State of Georgia and subject to the jurisdiction of this Court. It is governed by a mayor and city council. The City of Norcross may be served with process by personal service upon Mayor Craig Newton at 65 Lawrenceville St., Norcross, GA 30071.

5.

Defendant Craig Newton was, at all relevant times, the Mayor of the City of Norcross. He is sued in his individual and official capacity and may be served with process by personal service at his residence or by other means authorized by the Georgia Civil Practice Act.

6.

Defendant Arlene Beckles was, at all relevant times, a Councilmember of the City of Norcross City Council. She is sued in her individual and official capacity and may be served with process by personal service at her residence or by other means authorized by the Georgia Civil Practice Act.

7.

Defendant Eric Johnson was, at all relevant times, the City Manager for the City of Norcross. He is sued in his individual and official capacity and may be served with process by personal service at his residence or by other means authorized by the Georgia Civil Practice Act.

JURISDICTION AND VENUE

8.

The Court has federal question jurisdiction over Mr. Hanebuth's federal claims under 28 U.S.C. § 1331 and supplemental jurisdiction over Mr. Hanebuth's state law claims under 28 U.S.C. § 1367.

9.

Mr. Hanebuth is a citizen and resident of the State of Alabama. He subjects himself to the jurisdiction of this court. At all times relevant to this action, Mr. Hanebuth was a resident of DeKalb County, Georgia.

10.

Defendant City of Norcross is a municipality in the State of Georgia and subject to the jurisdiction of this Court.

11.

Defendant Newton is a citizen and resident of the State of Georgia.

12.

Defendant Beckles is a citizen and resident of the State of Georgia.

13.

Defendant Johnson is a citizen and resident of the State of Georgia.

14.

The violations of Plaintiff's rights occurred in the Northern District of Georgia. Venue is proper under 28 U.S.C. § 1391(b) as a substantial part of the events, omissions, and/or unlawful actions and practices which give rise to Plaintiff's claims occurred in this District.

ADMINISTRATIVE PROCEEDINGS

15.

Mr. Hanebuth has satisfied all administrative prerequisites to perfect his claims of discrimination and retaliation under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*

16.

Plaintiff has filed a timely Charge of Discrimination with the EEOC.

17.

Plaintiff has received a Notice of Right to Sue from the EEOC and has timely brought this action following receipt of the Notice of Right to Sue.

BACKGROUND FACTS

18.

Mr. Hanebuth was hired as the Director of Finance and Administrative Services for the City of Norcross in March of 2022.

19.

As the Director of Finance and Administrative Services, Mr. Hanebuth oversaw the Administrative Services Department and was ultimately responsible for all financial operations for the City of Norcross, including accounting and budgeting, business licenses, coordinating the annual audit, taxes, and utilities, among other things.

20.

As the Director of Finance and Administrative Services, Mr. Hanebuth reported to and was directly supervised by Eric Johnson, the City Manager for the city of Norcross.

21.

Mr. Hanebuth did not report directly to Mayor Newton. Mr. Newton is a Black male.

22.

Throughout his employment, Mr. Hanebuth was consistently complimented in his work by Mr. Johnson.

23.

Among Mr. Johnson's compliments of Mr. Hanebuth's work, Mr. Johnson specifically noted that Mr. Hanebuth was particularly adept at detecting non-compliant activity, what Mr. Johnson colorfully referred to as "turning over rocks" and finding "covered scorpions that did not like being exposed to the light."

MR. HANEBUTH UNCOVERS UNLAWFUL MISAPPROPRIATION OF FUNDS BY MAYOR NEWTON

24.

In January of 2023, Defendant Mayor Newton held a city-funded reception to raise money for "The Mayor's School and Civic Projects Fund."

25.

Such a fund did not and has never existed.

26.

At this reception, Mayor Newton solicited and collected several checks from donors totaling at least \$10,000 for "The Mayor's School and Civic Projects Fund" which did not exist as a separate cognizable fund under local law.

27.

Following the solicitation and collection of these checks, around late-January or early-February of 2023, Mayor Newton had a phone call with Sonja Hampton—then-Assistant Director of Finance and Administrative Services and

Mr. Hanebuth's direct subordinate—wherein Mayor Newton directed Ms. Hampton to deposit the checks in the “Mayor’s Special Fund.”

28.

Mayor Newton’s use of city funds for the reception and his failure to follow the appropriate processes to account for funds received from donors for City purposes violated various applicable policies, procedures, rules, laws, and/or ordinances, including but not limited to City Charter ¶ 2.14 (prohibiting financial conflicts of interest and acceptance of financial gifts or sums without following the appropriate City channels or getting Council approval) and the City Code of Ordinances § 2-300 *et seq.* (related to soliciting donations).

29.

Mr. Hanebuth overheard portions of the phone call between Defendant Newton and Ms. Hampton and had a subsequent conversation with Ms. Hampton wherein they discussed the proper accounting treatment of donations to municipal organizations. Mr. Hanebuth directed Ms. Hampton to call Mayor Newton back and explain that donations could not simply be deposited into a “Special Fund” as Mayor Newton had discussed.

30.

As the Director of Finance and Administrative Services, Mr. Hanebuth knew that such a fund did not exist.

31.

After Ms. Hampton returned Mayor Newton's call per the direction of Mr. Hanebuth, Mayor Newton indicated that he would come by to meet with Mr. Hanebuth and Ms. Hampton.

32.

At this meeting, Mr. Hanebuth explained that—per applicable policies, procedures, rules, laws, and/or ordinances—City donations must go to the general fund and are then appropriated by the City Council. Mayor Newton responded by saying that he “didn’t want to have to do that” and accused Mr. Hanebuth of being unnecessarily bureaucratic.

33.

Mayor Newton then directed Mr. Hanebuth to issue refund checks to the donors who had written checks in response to Mayor Newton's unlawful solicitation of funds, which Mr. Hanebuth did.

34.

Around the same time that these refund checks were being issued, Mayor Newton sent letters to the donors asking that they re-submit their donations to the

“Give Us Hope Foundation” at Mayor Newton’s personal home address and stating that the refund issue was related to “problems in the City of Norcross with our new Finance manager.”

35.

The “new Finance manager” referenced in Mayor Newton’s letters to donors was Mr. Hanebuth.

MAYOR NEWTON RETALIATES AGAINST MR. HANEBUTH FOR WHISTLEBLOWING

36.

After Mr. Hanebuth, as described above, opposed Mayor Newton’s scheme to circumvent applicable policies, procedures, rules, laws, and/or ordinances by funneling donations to the nonexistent “Mayor’s Special Fund,” Mayor Newton began retaliating against Mr. Hanebuth.

37.

On one occasion, Mayor Newton attacked Mr. Hanebuth’s professional credibility by accusing Mr. Hanebuth of not paying the City Clerk’s credit card bill after the credit card declined. In fact, the reason that the City Clerk’s credit card declined was because the Clerk had reported fraud on the card, and it had been cancelled.

38.

On another occasion, Mayor Newton accused Mr. Hanebuth of defrauding the City by having the City pay for Mr. Hanebuth's personal cell phone. This was done because of the involvement of Arlene Beckles who had reported to Mayor Newton that Mr. Hanebuth's phone was an Alabama area code.

39.

Mr. Hanebuth had followed the proper procedures for having the City pay for his cell phone, which was justified by the fact that Mr. Hanebuth regularly used his cell phone for City business.

40.

Mayor Newton was involved in reviewing and promulgating the policies regarding proper procedures for the City to pay for the cell phones of City employees.

41.

On another occasion, Mayor Newton blamed Mr. Hanebuth for a customer complaint against the Finance and Administrative Services Department relating to setting up an account for electricity bills, in which the customer attempted to set up the account in April of 2023 but failed to submit all proper documentation along with the application. Rather than seek to resolve this situation and instill confidence and assurance in the Finance and Administrative services department,

Mayor Newton instead accused Mr. Hanebuth of incompetence even though Mr. Hanebuth's actions were not the cause of the issue.

42.

Mayor Newton also blamed Mr. Hanebuth for other customer complaints and the Finance and Administrative Services department even though Mr. Hanebuth was not at fault.

43.

When Mr. Hanebuth responded to Mayor Newton's continual attacks, City Manager Johnson falsely accused Mr. Hanebuth of lacking interpersonal skills.

COUNCILMEMBER BECKLES' DISCRIMINATORY TREATMENT

44.

Mr. Hanebuth's predecessor as the City's Director of Finance and Administrative Services was Ms. Karen Slaton-Dixon.

45.

Ms. Slaton-Dixon is a Black female. Mr. Hanebuth is a white male.

46.

During Ms. Slaton-Dixon's tenure as Director of Finance and Administrative Services, Sonja Hampton served as her assistant.

47.

When the position of Director of Finance and Administrative Services became available, Ms. Hampton applied as did Mr. Hanebuth.

48.

Mr. Hanebuth was ultimately selected for the position as Director of Finance and Administrative Services following several interviews with City personnel.

49.

Ms. Hampton and Defendant Beckles are Black women.

50.

Following the decision to select Mr. Hanebuth instead of Ms. Hampton for the position of Director of Finance and Administrative Services, Defendant Beckles treated Mr. Hanebuth differently from other City employees who were not white.

51.

For instance, whenever Defendant Beckles would tour Mr. Hanebuth's department, she would speak to everyone except Mr. Hanebuth. Of the employees in Mr. Hanebuth's department, he was the only white male individual.

52.

Additionally, on one occasion, when several City department heads had to stay late to finish a project, Defendant Beckles personally thanked everyone except

Mr. Hanebuth. Upon information and belief, all of the City department heads present at the time were non-white.

53.

Additionally, during a public meeting, Defendant Beckles questioned Mr. Hanebuth regarding his education in music, which questioning was designed and interposed in a manner intended to make Mr. Hanebuth falsely appear unqualified for his job. Upon information and belief, Defendant Beckles has never questioned any non-white City employees about their educational background at a public meeting.

54.

Additionally, on October 27, 2023, Defendant Beckles wrote an email to City Manager Johnson, a white male, falsely accusing Mr. Hanebuth of having anger problems as related to a complaining citizen.

55.

This October 27, 2023 email also accused City Manager Johnson of abandoning his responsibility to correct Mr. Hanebuth's alleged anger issues and specifically referenced the fact that City Manager Johnson is the one that hired Mr. Hanebuth.

MR. HANEBUTH'S TERMINATION

56.

Sometime in June or July of 2023, Defendant Beckles and Mayor Newton communicated to City Manager Johnson a desire to terminate Mr. Hanebuth.

57.

Neither Defendant Beckles nor Mayor Newton had the authority to terminate Mr. Hanebuth or directly take any employment-related actions against him. Only City Manager Johnson could directly take employment-related actions against Mr. Hanebuth.

58.

Beckles and Newton pressured City Manager Johnson to terminate Mr. Hanebuth, and Johnson felt that he might be fired if he did not do so. City Manager Johnson acquiesced and agreed to take adverse actions against Mr. Hanebuth.

59.

Under this pressure, City Manager Johnson put Mr. Hanebuth on a performance improvement plan (“PIP”).

60.

The document outlining Mr. Hanebuth’s PIP began with a nearly two-page “partial listing” of Mr. Hanebuth’s accomplishments and included only one

sentence specifying the actions that he was to take: “Improve your communication style, tone, and body language with City staff.”

61.

On October 18, 2023, City Manager Johnson told Mr. Hanebuth that Mr. Hanebuth had satisfied all of the PIP requirements.

62.

Nevertheless, on November 3, 2023, Mr. Hanebuth was terminated.

63.

Defendants Newton and Beckles directed Defendant Johnson to terminate Plaintiff’s employment for the unlawful discriminatory and retaliatory reasons alleged herein. Defendant Johnson acquiesced and consented to Newton’s and Beckles’ unlawful directive and accordingly terminated Plaintiff’s employment.

64.

Ms. Hampton replaced Mr. Hanebuth as Director of Finance and Administrative Services.

MR. HANEBUTH FILES A GRIEVANCE AND IS NOT REINSTATED

65.

Following the termination of him employment on or around November 13, 2023, Mr. Hanebuth filed an internal grievance/appeal of the termination decision.

66.

In his grievance/appeal, Mr. Hanebuth complained of discrimination based on race and sex and also of whistleblower retaliation.

67.

Despite the various evidence of violations of law and policy by Mayor Newton, Ms. Beckles, Johnson and others, Mr. Hanebuth was not reinstated to his position as a result of his grievance/appeal.

COUNT I
WHISTLEBLOWER RETALIATION IN VIOLATION OF THE
GEORGIA WHISTLEBLOWER ACT
O.C.G.A. § 45-1-4
Against Defendant City of Norcross, Georgia

68.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

69.

Plaintiff was, at all relevant times, a “public employee” as that term is defined by O.C.G.A. § 45-1-4(a)(3).

70.

Defendants City of Norcross, Georgia is a “public employer” as that term is defined by the Georgia Whistleblower Act, O.C.G.A. § 45-1-4(a)(4).

71.

During his employment, Plaintiff engaged in statutorily protected activity within the meaning of the Georgia Whistleblower Act, O.C.G.A. § 45-1-4(d)(2)–(3), by disclosing a violation of or noncompliance with a law, rule, or regulation and/or objecting to, or refusing to participate in, an activity, policy, or practice that Plaintiff had reasonable cause to believe was in violation of or noncompliance with a law, rule, or regulation.

72.

This protected activity was disclosed to a supervisor and/or the City of Norcross, Georgia through its agents.

73.

The violation of or noncompliance with a law, rule, or regulation which Plaintiff disclosed, and/or the activity, policy, or practice which objected to included, but were not limited to, violations of:

- (a) City Charter of the City of Norcross ¶ 2.14;
- (b) City Code of Ordinances ¶ 2-300 *et seq.*;
- (c) 42 U.S.C. § 1981;
- (d) 42 U.S.C. § 2000e, *et seq.*; and/or
- (e) O.C.G.A. § 45-10-1

74.

As a result of Plaintiff's statutorily protected activity, Defendant retaliated against him within the meaning of O.C.G.A. § 45-1-4(a)(5) by subjecting him to numerous adverse employment actions including but not limited to, subjecting him to false accusations, subjecting him to unwarranted discipline, placing him on an unwarranted PIP, terminating his employment, and refusing to reinstate him.

75.

Defendants engaged in these retaliatory acts against Plaintiff because of Plaintiff's statutorily protected activities, or Plaintiff's statutorily protected activities were a motivating factor in Defendant's retaliatory acts against him.

76.

Plaintiff is entitled to reinstatement to his position as Director of Finance and Administrative Services or an equivalent position and reinstatement of full fringe benefits and seniority rights that he would have had in the absence of the retaliation he suffered.

77.

In the alternative, Plaintiff is entitled to front pay.

78.

Plaintiff is entitled to compensation for lost wages, economic benefits of his employment with, and other remuneration he would have earned or received in the absence of the retaliation he suffered.

79.

Plaintiff is entitled to non-economic compensatory damages for pain and suffering, including emotional distress, occasioned by Defendant's violation of the Georgia Whistleblower Act.

80.

Plaintiff is entitled to reasonable attorney's fees, court costs, and expenses of litigation.

COUNT II
RACE DISCRIMINATION IN VIOLATION OF 42 U.S.C. § 1981
Against All Defendants

81.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

82.

Defendant Mayor Newton was an agent of the City of Norcross, Georgia and caused City Manager Johnson to take adverse employment actions against Plaintiff

including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

83.

Defendant Mayor Newton adversely affected Plaintiff's employment by other means as described above including, but not limited to: attacking Plaintiff's professional credibility, accusing Plaintiff of defrauding the City, and amplifying customer complaints in the Finance and Administrative Services Department.

84.

Defendant Councilmember Beckles was an agent of the City of Norcross, Georgia and caused City Manager Johnson to take adverse employment actions against Plaintiff including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

85.

Defendant Councilmember Beckles affected Plaintiff's employment by other means as described above including, but not limited to: ignoring him on tours of Plaintiff's department, passing him over for thanks for efforts, questioning his qualifications regarding his education in music, and falsely accusing him of anger issues.

86.

Defendant City Manager Johnson was an agent of the City of Norcross, Georgia and took adverse employment actions against Plaintiff under pressure and influence from Newton and Beckles including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

87.

Defendant City Manager Johnson acquiesced to, agreed with, or otherwise complied with the discriminatorily motivated pressure from Newton and Beckles.

88.

Plaintiff was replaced by a Black individual.

89.

42 U.S.C. § 1981 prohibits Defendants from discriminating against Plaintiff on the basis of race with regard to his employment.

90.

The above-pleaded discriminatory conduct toward Plaintiff was done because of Plaintiff's race and constitutes unlawful race discrimination against Plaintiff in the terms and conditions of his employment and in the termination of his employment in violation of 42 U.S.C. § 1981.

91.

Defendants undertook their conduct intentionally and maliciously with respect to Plaintiff and his federally protected rights, or additionally, and in the alternative, undertook their conduct recklessly with respect to Plaintiff and his federally protected rights, entitling Plaintiff to recover punitive damages against Defendants Newton and Beckles.

92.

Defendants willfully and wantonly disregarded Plaintiff's federally protected rights and Defendants' discrimination against Plaintiff was undertaken in bad faith.

93.

As a direct and proximate result of Defendants' violations of 42 U.S.C. § 1981, Plaintiff has suffered damages including lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

94.

Accordingly, Plaintiff is entitled to the equitable and monetary relief set forth in the following prayer for relief for Defendants' violation of his rights under 42 U.S.C. § 1981.

COUNT III
RETALIATION IN VIOLATION OF 42 U.S.C. § 1981

Against All Defendants

95.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

96.

42 U.S.C. § 1981 prohibits Defendants from retaliating against Plaintiff because he engaged in protected activity with regard to his employment.

97.

Plaintiff engaged in protected activity when he submitted complaints of race discrimination in his grievance/appeal.

98.

Defendants retaliated against Plaintiff in the terms and conditions of his employment when, among other things, they refused to reinstate Plaintiff following his grievance/appeal.

99.

Defendant Newton caused or directed the denial of Plaintiff's reinstatement through his grievance/appeal.

100.

Defendant Beckles caused or directed the denial of Plaintiff's reinstatement through his grievance/appeal.

101.

Defendant Johnson acquiesced to, agreed with, or otherwise complied with the denial of Plaintiff's reinstatement through his grievance/appeal.

102.

The above-pleaded retaliatory conduct toward Plaintiff was done because of his complaints of race discrimination and constitutes unlawful retaliation against Plaintiff in the terms and conditions of his employment in violation of 42 U.S.C. § 1981.

103.

Defendants' actions constitute unlawful intentional retaliation in violation of 42 U.S.C. § 1981.

104.

Defendants willfully and wantonly disregarded Plaintiff's federally protected rights and Defendant's discrimination against Plaintiff was undertaken in bad faith.

105.

Defendants undertook their conduct intentionally and maliciously with respect to Plaintiff and his federally protected rights, or additionally, and in the

alternative, undertook their conduct recklessly with respect to Plaintiff and his federally protected rights, entitling Plaintiff to recover punitive damages against Defendants Newton and Beckles.

106.

As a direct and proximate result of Defendants' violations of 42 U.S.C. § 1981, Plaintiff has suffered damages including lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

107.

Accordingly, Plaintiff is entitled to the equitable and monetary relief set forth in the following prayer for relief for Defendants' violation of his rights under 42 U.S.C. § 1981.

COUNT IV
RACE DISCRIMINATION IN VIOLATION OF TITLE VII
Against Defendant City of Norcross, Georgia

108.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

109.

Defendant Mayor Newton was an agent of the City of Norcross, Georgia and caused Defendant City, through City Manager Johnson, to take adverse employment actions against Plaintiff including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

110.

The City, through the action of Defendant Mayor Newton, adversely affected Plaintiff's employment by other means as described above including, but not limited to: attacking Plaintiff's professional credibility, accusing Plaintiff of defrauding the City, and amplifying customer complaints in the Finance and Administrative Services Department.

111.

Defendant Councilmember Beckles was an agent of the City of Norcross, Georgia and caused Defendant City, through City Manager Johnson, to take adverse employment actions against Plaintiff including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

112.

The City, through the actions of Defendant Councilmember Beckles, affected Plaintiff's employment by other means as described above including, but not limited to: ignoring him on tours of Plaintiff's department, passing him over for thanks for efforts, questioning his qualifications regarding his education in music, and falsely accusing him of anger issues.

113.

Defendant City Manager Johnson was an agent of the City of Norcross, Georgia and took adverse employment actions against Plaintiff under pressure and influence from Newton and Beckles including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

114.

Defendant City Manager Johnson acquiesced to, agreed with, or otherwise complied with the discriminatorily motivated pressure from Newton and Beckles.

115.

Plaintiff was replaced by a Black individual.

116.

Title VII prohibits Defendant City from discriminating against Plaintiff on the basis of race with regard to his employment.

117.

The above-pleaded discriminatory conduct toward Plaintiff was done because of Plaintiff's race and constitutes unlawful race discrimination against Plaintiff in the terms and conditions of his employment in violation of Title VII.

118.

Additionally and in the alternative, Plaintiff's race was a motivating factor in the above-pleaded discriminatory conduct toward Plaintiff in violation of Title VII.

119.

As a direct and proximate result of Defendant's violations of Title VII, Plaintiff has suffered damages including lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

120.

Accordingly, Plaintiff is entitled to the equitable and monetary relief set forth in the following prayer for relief for Defendant's violation of his rights under Title VII.

COUNT V
SEX DISCRIMINATION IN VIOLATION OF TITLE VII
Against Defendant City of Norcross, Georgia

121.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

122.

Defendant Mayor Newton was an agent of the City of Norcross, Georgia and caused Defendant City, through the conduct of City Manager Johnson, to take adverse employment actions against Plaintiff including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

123.

The City, through the actions of Defendant Mayor Newton, adversely affected Plaintiff's employment by other means as described above including, but not limited to: attacking Plaintiff's professional credibility, accusing Plaintiff of defrauding the City, and amplifying customer complaints in the Finance and Administrative Services Department.

124.

Defendant Councilmember Beckles was an agent of the City of Norcross, Georgia and caused Defendant City, through the conduct of City Manager Johnson, to take adverse employment actions against Plaintiff including, but not limited to,

placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

125.

The City, through the actions of Defendant Councilmember Beckles, affected Plaintiff's employment by other means as described above including, but not limited to: ignoring him on tours of Plaintiff's department, passing him over for thanks for efforts, questioning his qualifications regarding his education in music, and falsely accusing him of anger issues.

126.

Defendant City Manager Johnson was an agent of the City of Norcross, Georgia and took adverse employment actions against Plaintiff under pressure and influence from Newton and Beckles including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

127.

Defendant City Manager Johnson acquiesced to, agreed with, or otherwise complied with the discriminatorily motivated pressure from Newton and Beckles.

128.

Plaintiff was replaced by a woman.

129.

Title VII prohibits Defendant City from discriminating against Plaintiff on the basis of sex with regard to his employment.

130.

The above-pleaded discriminatory conduct toward Plaintiff was done because of Plaintiff's sex and constitutes unlawful sex discrimination against Plaintiff in the terms and conditions of his employment in violation of Title VII.

131.

Additionally and in the alternative, Plaintiff's sex was a motivating factor in the above-pleaded discriminatory conduct toward Plaintiff in violation of Title VII.

132.

As a direct and proximate result of Defendant's violations of Title VII, Plaintiff has suffered damages including lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

133.

Accordingly, Plaintiff is entitled to the equitable and monetary relief set forth in the following prayer for relief for Defendant's violation of his rights under Title VII.

COUNT VI
INTERSECTIONAL OR SUBGROUP DISCRIMINATION IN VIOLATION
OF TITLE VII
Against Defendant City of Norcross, Georgia

134.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

135.

Defendant Mayor Newton was an agent of the City of Norcross, Georgia and caused the City, through City Manager Johnson to take adverse employment actions against Plaintiff including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

136.

The City, through the actions of Defendant Mayor Newton, adversely affected Plaintiff's employment by other means as described above including, but not limited to: attacking Plaintiff's professional credibility, accusing Plaintiff of defrauding the City, and amplifying customer complaints in the Finance and Administrative Services Department.

137.

Defendant Councilmember Beckles was an agent of the City of Norcross, Georgia and caused the City, through City Manager Johnson, to take adverse employment actions against Plaintiff including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

138.

The City, through the actions of Defendant Councilmember Beckles, affected Plaintiff's employment by other means as described above including, but not limited to: ignoring him on tours of Plaintiff's department, passing him over for thanks for efforts, questioning his qualifications regarding his education in music, and falsely accusing him of anger issues.

139.

Defendant City Manager Johnson was an agent of the City of Norcross, Georgia and took adverse employment actions against Plaintiff under pressure and influence from Newton and Beckles including, but not limited to, placing him on an unwarranted PIP, terminating his employment, and/or refusing to reinstate Plaintiff following his grievance/appeal.

140.

Defendant City Manager Johnson acquiesced to, agreed with, or otherwise complied with the discriminatorily motivated pressure from Newton and Beckles.

141.

Plaintiff was replaced by a Black woman.

142.

Title VII prohibits Defendant from discriminating against Plaintiff on the basis of the intersection of his race and sex or based on his subgroup class of white males with regard to his employment.

143.

The above-pleaded discriminatory conduct toward Plaintiff was done because of the intersection of Plaintiff's race and sex or based on his subgroup class of white males and constitutes unlawful intersectional or subgroup discrimination against Plaintiff in the terms and conditions of his employment in violation of Title VII.

144.

Additionally and in the alternative, the intersection of his race and sex or his status within the subgroup class of white males was a motivating factor in the above-pleaded discriminatory conduct toward Plaintiff.

145.

As a direct and proximate result of Defendant's violations of Title VII, Plaintiff has suffered damages including lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

146.

Accordingly, Plaintiff is entitled to the equitable and monetary relief set forth in the following prayer for relief for Defendant's violation of his rights under

Title VII.

COUNT VII
RETALIATION IN VIOLATION OF TITLE VII
Against Defendant City of Norcross, Georgia

147.

Plaintiff incorporates paragraphs 1 through 67 by reference as if set forth fully herein.

148.

Title VII prohibits Defendant City from retaliating against Plaintiff because he engaged in protected activity with regard to his employment.

149.

Plaintiff engaged in protected activity when he brought complaints of race, sex, and intersectional discrimination in his grievance/appeal.

150.

Defendant City retaliated against Plaintiff in the terms and conditions of his employment when, among other things, it refused to reinstate Plaintiff following his grievance/appeal.

151.

The above-pleaded retaliatory conduct toward Plaintiff was done because of his complaints of race, sex, and intersectional discrimination and constitutes unlawful retaliation against Plaintiff in the terms and conditions of his employment in violation of Title VII.

152.

Defendant City's actions constitute unlawful intentional retaliation in violation of Title VII.

153.

As a direct and proximate result of Defendant's violations of Title VII, Plaintiff has suffered damages including lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

154.

Accordingly, Plaintiff is entitled to the equitable and monetary relief set forth in the following prayer for relief for Defendants' violation of his rights under Title VII.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands a **TRIAL BY JURY** and that the following relief be granted:

- A. That the Court take jurisdiction of this matter;
- B. That process be served;
- C. That the Court award Plaintiff his back pay and lost economic benefits of employment, including interest, in an amount to be determined at the trial of this case;
- D. That the Court award non-economic compensatory damages in an amount to be determined by the trier of fact;
- E. That the Court award punitive damages against Defendants Newton, Beckles and Johson in an amount to be determined by the trier of fact;
- F. That the Court enter an order reinstating Plaintiff to his employment with Defendant, or if this is not practicable, award him front pay damages and lost pension and other economic benefits in lieu thereof;

G. That the Court award Plaintiff his costs of litigation in this action and his reasonable attorney's fees and costs of litigation;

H. That the Court grant to Plaintiff the right to have a trial by jury on all issues triable to a jury; and

I. That the Court grant such additional relief as the Court deems proper and just.

Respectfully submitted this 1st day of November, 2024.

BUCKLEY BALA WILSON MEW LLP

By: /s/Joseph Quattlebaum
Anita K. Balasubramanian
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Counsel for Plaintiff

EXHIBIT

“C”



THOMPSON
O'BRIEN

Thompson, O'Brien, Kappler & Nasuti, P.C.
Attorneys at Law

William J. Diehl
wdiehl@tokn.com
Phone: 770-925-0111

March 14, 2025

VIA ELECTRONIC MAIL

Monique Philip
City Clerk, City of Norcross
65 Lawrenceville Street
Norcross, GA 30071
Monique.philip@norcrossga.net

**RE: Appointment of Special Master in Ethics Investigation made
Pursuant to City of Norcross Code of Ethics § 2-309**

Madam Clerk,

Please allow this correspondence to serve as notice of the appointment of a special master to investigate the accusation made by Hon. Buckey Johnson against Mayor Craig Newton. Pursuant to § 2-309 of the City of Norcross Code, accusations against an elected official require the appointment of a special master, determined by the Chief Magistrate Judge of the County and the City Attorney. Having conferred with Chief Magistrate Judge Kristina Blum, ***Charles Jody Campbell*** has been selected as the special master to administer the investigative duties assigned to him by the Code of Ethics.

Mr. Campbell meets the qualification of a special master under our ordinances. His engagement agreement with the City is attached hereto. Mr. Campbell shall have the powers appointed to him by the Code of Ethics and, within 60 days of receipt of the accusation (that is, May 5, 2025) may, if sufficient facts are stated and justified, issue a written report making a recommendation to the City Council on further actions.

Please forward this communication to the accused (Mayor Newton) and retain this communication in the record of this proceeding.

THOMPSON, O'BRIEN, KAPPLER & NASUTI, P.C.

/s/ William J. Diehl
William J. Diehl, City Attorney

CC: Jody Campbell
Chief Magistrate, Kristina Blum

BLUM & CAMPBELL, LLC

Attorneys at Law

JODY CHARLES CAMPBELL
ATTORNEY AT LAW
LICENSED IN GA

3000 Langford Road, Building 100
Peachtree Corners, Georgia 30071

TELEPHONE: (470) 365-2890
FACSIMILE: (470) 365-2889
JODY@BLUMCAMPBELL.COM

March 14, 2025

Via Email Only to
wdiehl@tokn.com

The City of Norcross, Georgia
c/o William Diehl, City Attorney
65 Lawrenceville St NW
Norcross, GA 30071

RE: ATTORNEY-CLIENT PRIVILEGED COMMUNICATION
Engagement of Blum & Campbell, LLC

Dear Mr. Diehl:

On behalf of the entire firm, I would like to express our appreciation in your selection of me to serve as Special Master in the pending ethics complaint filed by Bucky Johnson against Mayor Craig Newton on March 4, 2025. We would like to take this opportunity to outline the exact scope of the representation, and to acquaint you with our firm's policies and procedures.

Pursuant to Section 2-309(a)(3), for all time spent on this matter, the City agrees to pay an hourly rate of \$220.00 per hour. You further agree to pay any and all expenses incurred in defending you in this action, which said expenses will be added to the monthly invoice. Invoices are due thirty (30) days from the date of the invoice and failure to pay invoices on a timely basis may result in a suspension or termination of this engagement.

I will be the attorney in charge of your case and, therefore, will be the appropriate contact person for services to be rendered on your behalf by our firm. Although I strive to be as responsive as possible, please understand that our firm represents a number of different clients with a wide variety of legal needs, and there will be occasions where other matters must take priority. In any case, we will endeavor to return your call within 24 hours.

You agree to provide me with any and all information and documents necessary to complete all tasks required by law. The scope of this engagement and the duties and powers of me as Special Master are set forth in Section 2-309(b) of the Code of Ordinances of the City of Norcross. Furthermore, when this matter is closed, it is your responsibility to identify any

documents in the firm's possession of which you would like the firm to return to your custody. The undersigned maintains and uses secure, cloud-based software for storage of client information and management of client case files. You consent to the use of this software for your file(s). At the conclusion of the representation, we will retain your legal files for a period of two years after we close our file. At the expiration of the two-year period, we will destroy these files unless you notify us in writing that you wish to take possession of them. We reserve the right to charge administrative fees and costs associated with researching, retrieving, copying and delivering such files.

In addition to the foregoing, you have been advised that a portion of this firm's practice includes representing property owners in zoning and land use matters, including zoning matters for properties located within the municipal limits of the City of Norcross. On behalf of both yourself and the City of Norcross, you acknowledge and agree that the firm's representation of will be limited only to the aforementioned matter, that you and the City waive any future conflicts of interest involving different this firm's representation of other clients before, and potentially against, the City of Norcross in matters related to other properties, clients and matters unrelated to the subject of this representation.

This letter sets forth the entire agreement between us regarding our engagement in connection with the above-referenced matter. It may be changed only in writing signed by all parties to this agreement. This agreement and its performance are governed by the laws of the State of Georgia. If this letter satisfactorily represents our agreement, please sign below and return to me. It is a pleasure to represent you in this matter.

Sincerely,

BLUM & CAMPBELL, LLC

Idy Charles Campbell

SO READ AND AGREED TO:

Print Name: William J. Dodel

Title: City Attorney



Mayor: Craig Newton • **Mayor Pro Tem:** Marshall Cheek • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Bruce Gaynor • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

Agenda Report

To: Mayor and Council

From: Councilmembers Bruce Gaynor, Matt Myers, Marshall Cheek

Meeting Date: May 5, 2025 – Regular Council Meeting (RCM)

Item No.: 25-7297

Title: Comprehensive Plan changes

CC: Eric Johnson, City Manager

Recommendation:

Reopen the Comprehensive Plan as approved in April 2024 to resolve inconsistencies, with staff to present Council-suggested and staff-recommended changes at a future Planning Work Session.

Background: The 2024 Comprehensive Plan was approved by Council in April, 2024. At the time, Council was being pressured to approve the document due to time constraints placed on us by the ARC. The Council reserved the right to immediately reopen the plan to address any concerns that might have been overlooked due to the time pressures.

Financial Impact: none

Consistent with Comprehensive Plan?

1. Continues to define Norcross' sense of place
2. Continues to Strengthen Norcross as a Livable, Inclusive, and Safe Environment

Attachments

Comp plan as approved in April of 2024



Mayor: Craig Newton • **Mayor Pro Tem:** Marshall Cheek • **Councilmember:** Andrew Hixson • **Councilmember:** Josh Bare
Councilmember: Matt Myers • **Councilmember:** Bruce Gaynor • **City Manager:** Eric Johnson • **City Clerk:** Monique Philip

AGENDA REPORT

To: Mayor and Council

From: Andrew Hixson, Councilmember

Meeting Date: May 5, 2025 – Regular Council Meeting (RCM)

Item No.: 25-7298

Title: Buford Highway Master Plan Update

CC: Eric Johnson, City Manager

Recommendation

Approval to perform an update to the Buford Highway Master Plan, financial impact to be determined.

Background

Between 2020 and 2021, the City developed a high-level master plan to guide the intentional development along the Buford Highway corridor between Jimmy Carter Boulevard and Beaver Ruin Road, with a specific interest in uniting the city through new homes, retail, parks and office space. Since then, the City has updated and adopted a new Comprehensive Plan which serves as the guiding document for development City-wide. The Buford Highway Master Plan is now inconsistent with the Comprehensive Plan and consideration should be made toward consistency across all plans, and including the Unified Development Ordinance (UDO) with respect to the Buford Highway (BH) zoning district.

Financial Impact

Currently unknown, this undertaking will necessitate supplemental support from a consultant to assist staff with the update

Consistent with Comprehensive Plan?

Goal 6 - Furthers the City's Tradition of Strong Leadership and High Level of Quality Services.

Attachments

The Buford Highway Master Plan can be reviewed here: <https://norcrossga.net/335/Studies-Plans>

Next Steps

Approve request and funding allocation and allow City Manager to authorize the work to commence.