



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final Committee of the Whole

Thursday, December 28, 2017

6:00 PM

City Hall

1. Roll Call

Council: Mayor Max Bacon, Derek Norton (Mayor Pro Tem), Susan Wilkinson, Maryline Blackburn, Doug Stoner

Staff: Scott Andrews (Assistant City Administrator), Terri Graham (City Clerk), Christy Ullman (Executive Assistant to Mayor and Council), Scott Cochran (City Attorney), Ashley Youmans (Management Fellow), Ken Suddreth (Community Development Director), Chief David Lee (Police Chief), Major Frank Durrance (Police Department)

Absent: Andrea Blustein, Ron Fennel, Charles Welch (Council); Tammi Saddler Jones (City Administrator)

2. Call to Order

Mayor Max Bacon called the meeting to order at 6:00 pm.

3. City Administrator Report

Assistant City Administrator Scott Andrews began the report by announcing that the Recycling Center would be closed on Saturday, December 30, 2017 for the New Year's Holiday. Mr. Andrews mentioned that in preparation for potential snowfall this weekend, Public Works staff will be preparing the roads on New Year's Eve and New Year's Day.

Mr. Andrews updated the Council on the traffic calming policy and said staff would be comfortable bringing the draft version to the next Committee of the Whole meeting for review. Mayor Max Bacon expressed that it has taken too long to create the policy and that the city needs one in place. Councilmember Susan Wilkinson asked if Council had seen a draft of the policy before, and Mr. Andrews answered yes. Ms. Wilkinson said that the city needs to address what the pricing would be for installing traffic calming measures. Mayor Bacon said he has spoken with residents at Williams Park and on Lee Street and explained that they have been waiting on this kind of policy. Ms. Wilkinson said she has spoken with constituents on Oaks Parkway who would like this policy because of drivers speeding through the community. City Attorney Scott Cochran noted that the policy should allow Mayor and Council to have the final decision on traffic calming decisions even if staff recommends approval.

Mr. Andrews presented the Open Data webpage on the city website under the Finance department and said the data will be updated monthly, showing city expenditures in order to be transparent. Management Fellow Ashley Youmans announced that the city had turned in the pre-application for the Georgia Department of Natural Resources Recreational Trails Program Grant the day before. She explained that she and Special Projects Coordinator Maxwell Ruppensburg had written the application with help from city staff across departments and the Mayor.

4. Review of the January 2, 2018 Mayor and Council Agenda

Item A under Privilege Licenses was a privilege license request for R & L Package Store with Willie Tyler as the agent. City Attorney Scott Cochran explained that the agent had been an employee at the business and sold alcohol to a minor during a police sting. Mr. Cochran continued that now, the employee is in the process of becoming the owner of the store. Mr. Cochran explained that there are three separate components of the agenda item: the application to have an alcohol package license under a new agent, criminal charge against Willie Tyler for selling to a minor, and an administrative hearing. Mr. Cochran said that according to the city's code of ordinances, that an application for a license cannot be approved until a criminal charge is resolved. He said he spoke with the City Solicitor about combining these separate processes into one action to avoid giving the applicant a one-month suspension while waiting for his court date at the end of January. Councilmember Susan Wilkinson asked if the applicant had gone through the city's training for an alcohol license, and Mr. Cochran said yes. Councilmember Doug Stoner mentioned that his background checks only showed one infraction. Mayor Max Bacon expressed that he would not want an empty storefront but also wants business owners to be responsible and understand the license requirements. Mr. Cochran said the applicant will still need to plea and would receive a fine, probation, and suspension. Mayor Bacon said that they should not punish the permit holder but instead the employee that sold to a minor. Mr. Cochran said they wanted to figure out how to punish offenders consistently, but these circumstances had not been seen before. Councilmember Maryline Blackburn asked Police Chief David Lee if the young person used in the police sting show a license stating that they are underage, and Chief Lee answered yes and that the undercover officer enters the business before the minor. Chief Lee said he can send the police report to the Mayor and Council.

Item B was a privilege license at 2175 Old Concord Road Suite 100. Councilmember Susan Wilkinson asked if there was a problem with a preschool being near the package store. Mr. Cochran said no because preschools and daycares are not considered schools under the ordinance. He also explained that for a package beer and wine store, the requirements are to be 300 feet from any school, church, park, or public library and that a liquor store would have longer distance requirements.

Under formal business was the discussion on the second public hearing for the proposed ordinance prohibiting the use of handheld mobile telephones or portable electronic devices while operating a motor vehicle. Mayor Bacon expressed that the public hearing should be advertised on the city website so people will give their opinion on the hands-free ordinance. Assistant City Administrator Scott Andrews told the Mayor that some staff members are hesitant if the advertisement makes it seem that the vote will definitely pass. Mayor Bacon also mentioned that Councilmember Ron Fennel had a concern about voting, and Mayor Pro Tem Derek Norton said it was because of his affiliation with an advocacy organization. Mayor Bacon said he believed a councilmember's first obligation is to their constituents and that every councilmember needs to vote. Mr. Norton mentioned that there were two issues addressed since last discussing, which were the one-touch rule and the possibility of spending taxpayer money on implementing the ordinance if the state may pass a law in the near future. Mr. Norton said the proposed ordinance has been amended to have the effective date begin April 2, 2018 so the city does not spend money if the state enacts a similar law. Mayor Bacon expressed that he does not believe the hands-free ordinance addresses all means of distracted driving. Mr. Norton said that it does not, but it is a good step forward. Mr. Andrews asked if there are any concerns about

advertising the public hearing, and Mr. Cochran said to only state the agenda item and that there will be an opportunity for public input. Ms. Blackburn expressed concern about duplicating state legislation. Councilmember Doug Stoner said he believed the legislation would be introduced at the state level but not adopted. Ms. Blackburn suggested waiting until the state decides about hands-free legislation and bringing the item back after April 2 and Ms. Wilkinson agreed. Mr. Norton said there has already been a delay by the city and Mr. Stoner mentioned that in his experience, states tend to move ahead on legislation when cities are passing similar ordinances. Ms. Blackburn asked if there will be educational initiatives for the ordinance and Chief Lee said the police department is making a public service announcement video including young adults giving their perspective on the situation. Chief Lee said that the seatbelt law was implemented similarly by focusing on educating children first. He said there will also be educational classes at Campbell Middle School. Mr. Norton said the first 45 days will act as the educational and warning period and Chief Lee said police will hand out hands-free devices and will also have them available for Smyrna residents at the police station. Mayor Bacon said he would want a message about the public hearing on the electronic signs around the city. Ms. Wilkinson mentioned that no other cities in Georgia have enacted this kind of legislation but some states have. Mayor Bacon mentioned that this is not an initiative to generate revenue and will cost more to issue tickets than what would be received at the maximum \$150 fee. Mr. Cochran explained that it is a temporary two-year ordinance to address pre-emption issue and measure how the regulation would change behavior. Mayor Bacon expressed concern about enforcement and Chief Lee hopes the word will spread during the educational period to help reduce the number of distracted drivers.

Also under formal business was recognition of the Cobb County Marietta Water Authority approval of a 3-year rate program with a 2% annual rate increase through 2020. Mayor Bacon explained that he is on the Cobb County Marietta Water Authority board and that the annual rate increase has decreased from 11% years ago to 2% this year. He said there was an environmental concern about some municipalities mixing well water with water from the water authority. Ms. Wilkinson asked if there will be increased rates and Mayor Bacon responded that it will show an increase in residents' water rates but did not know if the full rate is passed on to consumers. Mr. Cochran believed that the rates are entirely passed onto the consumers. Mr. Cochran asked if the Mayor wanted to move this item under the mayoral report, and Mayor Bacon responded no. Mr. Andrews said that he would check with the city's Controller in the Finance department to find out what exactly is passed onto the consumer.

Mayor Max Bacon asked if there was anything to add to the agenda, and the consensus was that there was not.

5. Other Business

Assistant City Administrator Scott Andrews mentioned that the Community Relations department had received questions from residents about paying 2018 property taxes in 2017. He said that residents cannot pay property taxes ahead of time because taxes must be assessed and billed within the same calendar year.

Councilmember Maryline Blackburn shared a quiz on driving while hands-free from technology and explained that things other than a phone can be distracting. Ms. Blackburn then announced that both she and Mayor Pro Tem Derek Norton were on the Smyrna Public Safety Foundation board. Mr. Norton explained that he actually was not on the board anymore because he did not think two councilmembers needed to be on the board and that he was still the Public Safety Committee chair.

Police Chief David Lee mentioned an arrest at the All or Nothing Tattoo shop that involved the owner holding a customer at gunpoint. Chief Lee mentioned that police confiscated drugs and 11 guns from the establishment.

Mayor Max Bacon announced that the meeting will enter into executive session to discuss personnel issues and that only councilmembers and the city attorney were to stay in the room. The motion to enter into executive session was made by Councilmember Doug Stoner and seconded by Mayor Pro Tem Derek Norton. The motion passed with a vote 4-0 aye from Councilmembers Doug Stoner, Derek Norton, Susan Wilkinson, and Maryline Blackburn.

A motion to return to regular session was made by Councilmember Doug Stoner and seconded by Mayor Pro Tem Derek Norton. The motion passed with a vote 4-0 aye from Councilmembers Doug Stoner, Derek Norton, Susan Wilkinson, and Maryline Blackburn.

6. Adjournment

Mayor Max Bacon declared the meeting adjourned at 7:45 pm.