

Pre-Council Meeting - FINAL
January 3, 2018
6:00 PM

Present: *Mayor A. Max Bacon* *Maryline Blackburn* *Susan Wilkinson*
 Derek Norton *Charles "Corkey" Welch* *Doug Stoner*

Absent:

Also Present: *Scott Cochran (City Attorney), Tammi Saddler-Jones (City Administrator), Scott Andrews (Assistant City Administrator), Terri Graham (City Clerk), Ken Suddreth (Community Development Director), Jim Cox (Business License Officer), Rusty Martin (Senior Planner), Christy Ullman, (Executive Assistant to the Mayor and Council), Maxwell Ruppensburg (Special Projects Coordinator), David Lee (Chief of Police) and Lisa Moore (Assistant to City Clerk).*

Mayor A. Max Bacon Called the Pre-Council Meeting to Order at 6:00 PM.

Mayor Bacon began by reviewing the Agenda for the Mayor and Council meeting.

City Attorney Scott Cochran discussed the privilege license of Mr. Willie Tyler. Mr. Tyler is requesting to be the agent for a store that he is planning to purchase. Mr. Tyler was involved in a sting where he was accused of selling alcohol to a minor. He is going to plead guilty to the charge Thursday, January 5 to the charge and will be assessed a \$645 fine. He was handcuffed and arrested for the charge. He was accused of not asking for the ID of the patron, who was a minor. At a later date, he will be subject to a possible suspension for a period of time by the License and Variance Board. He will discuss at the meeting why he sold to a minor and the steps he is taking to make sure it does not happen again. Mayor Bacon wanted to know why he sold to the minor and how old was the minor. Police Chief David Lee stated that the minor was 18. Councilmember Susan Wilkinson asked if someone appears to be underage, shouldn't they ask for the ID? Mr. Cochran stated they should.

Mr. Cochran reminded the Council that they are not punishing him for the offense, which will be in court and at the License and Variance Board. Councilmember Doug Stoner asked if the Council can ask him questions about the criminal case before it happens. Mr. Cochran said that they can because they have negotiated a plea and sentence prior to the license hearing. He is certainly willing to discuss this issue. Traditionally, the Board would issue a probation period and/or a suspension. Business License Officer Jim Cox said the applicant told him that the sting happened the day before he was to take the city mandated Alcohol Awareness class.

The second item under Privilege License is a request for a change of agent. Councilmember Wilkinson expressed concern that when she went to the store on Friday, the required notices had an incorrect hearing date on them. The notices were corrected on Friday after she called attention to them. Ms. Wilkinson discussed the possibility of tabling the item. Mr. Suddreth stated there has been no opposition to the license request. After discussing the issue, she decided to move forward with the item.

The Mayor discussed the proposed hands free ordinance. He stated he believed everyone should vote on the issue. There was some information about the Public Hearing on social media today and the Mayor hoped that people who truly want to speak on the issue will do so. The Mayor talked about his experiences with a hands free device, but he believed the ordinance is about awareness and changing the mentality of people about driving hands free.

Councilmember Blustein stated that the calls she has been receiving was from people who are worried about there being different versions of the law that varies city to city.

Councilmember Norton addressed the discussion about the expense of putting up signs and markers in the city that denotes the hands free ordinance. The ordinance has been changed to have an effective date of April 2nd to allow the state to possibly enact a state law so the signs would be funded through the state. Mr. Norton did not believe a state law will be enacted and Mayor Bacon agreed. Ms. Blustein stated that she believed this was a state issue, and should be handled there. Mr. Norton stated his belief that the Council's responsibility is the safety of the citizens of Smyrna and that shouldn't wait until the state enacts a law. The Mayor asked how the people who drive through the City will know about the ordinance, how to enforce it and the fine is only \$150, which may be less than the cost to write a ticket. It is not a revenue generating fine; it is mainly to change people's behavior. The Mayor stated that if this is passed, he things other jurisdictions will follow suit.

Councilmember Blustein said if she was a merchant, she would worry about her business. She believed that people will avoid Smyrna.

The Mayor said there are too many people driving through Smyrna on their phones; it will be hard to enforce 100%. Chief Lee said he believed most tickets for this will be in conjunction with other tickets, such as speeding. Warnings will be given, but there is not time to stop everyone every day. Typically, traffic citations are normally given because of a complaint. These tickets will mostly be issued during weekday rush hours. This charge could also be used as probable cause for other charges. The Chief that the discussed that the cost of actually writing and processing the ticket is actually higher than the fine itself.

Councilmember Wilkinson said she was concerned that in her research, she saw a lot of information from the Medical Association of Georgia website and she was wondering about Councilmember Norton's involvement in that. Mr. Norton said he pushed the issue with them as well, it is not a coincidence. It is a patient safety issue and a citizen of Smyrna issue. It is a widespread issue. Mr. Norton said he is not getting paid for lobbying for this issue.

Councilmember Welch asked what the traffic court judge's opinion on the issue was. Councilmember Norton said that the judge said that she wishes the fine was higher, likes the ordinance and will add a traffic school component when needed on a case by case basis; she thinks it is a good idea and wishes the Council had done it earlier.

The Mayor said he believed that Councilman Norton this ordinance has nothing to do with his lobbyist activity with doctors. He believed that the ordinance will change the mindset and will be an awareness campaign. It will not solve the problem, but he believed it would help. Mayor Bacon reviewed the next items which were all various appointments and re-appointments to the Planning and Zoning Commission, Keep Smyrna Beautiful, Parks and Recreation Board, Smyrna Housing Board and the Smyrna Tree Board.

There was discussion about the pass along of an increase of the Cobb County Marietta Water Authority. This item is to make the community aware of the increase, which is part of the agreement with the authority.

Councilmember Welch asked what the progress was on the Hickory Lakes development. Scott Cochran said it was way ahead of schedule.

A motion was made by Councilmember Ron Fennel to go into Executive Session; seconded by Councilmember Doug Stoner at 6:46 PM. The motion carried by a vote of 6-0.

A motion was made by Councilmember Ron Fennel to adjourn the Executive Session; seconded by Councilmember Doug Stoner at 6:55 PM. The motion to adjourn passed by a vote of 6-0.