



## Meeting Minutes - Final City Council

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Tuesday, September 2, 2014

7:30 PM

Council Chambers

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### Call to Order

The meeting of the City Council was called to order by Mayor Pro Tem/ Council Member Melleny Pritchett.

**Present:** 7 - Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

**Absent:** 1 - Mayor Max Bacon

**Also Present:** 5 - Chelsea Jackson, Jeffrey Tucker, Dan Campbell, Eric Taylor and Tammi Saddler Jones

### 1. Invocation and Pledge:

The invocation was given by Deacon Mark Mitchell from St. Thomas The Apostle Church located at 4300 King Springs Street, Smyrna, GA.

### 2. Agenda Changes:

Mayor Pro Tem/ Council Member Melleny Pritchett announced there were a few agenda changes. The applicant, Nabil Muzemil, for item 10 (B) 2014-284 was unable to attend the meeting, but his mother was present. Nabil's mother stated tabling the item until September 15, 2014 would be sufficient. Mayor Pro Tem/ Council Member Melleny Pritchett stated they will table the item later, in the order it appears on the agenda.

#### Suspend the rules

A motion was made by Councilmember Wade Lnenicka to suspend the rules for the purpose of adding an item to the Consent Agenda, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

A motion was made by Councilmember Wade Lnenicka to add item 8 (D) to the agenda which will be to call a Special Called Meeting of the Mayor and Council on Monday, September 8, 2014, 7:30 PM in Council Chambers, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**3. Mayoral Report:****A. Recognize The Smyrna Sharks Swim Team for an Outstanding Season and Success at the GRPA State Meet**

**Sponsors:** Wilkinson

Mayor Pro Tem/ Councilmember Melleny Pritchett recognized The Smyrna Sharks Swim Team by introducing their President and swim team. The President shared a brief summary of accomplishments about The Smyrna Sharks Swim Team. Last time the team was present among the City Council was to honor their dive team. The President stated they had an amazing season and now have about 420 individuals amongst all their teams. Swimmers presents competed for the GRPA State Meet. Of 300 members who are on competitive swim teams with The Smyrna Sharks, 56 out of 86 qualified for the State meet. Out of the 56 swimmers, 30 made it to finals, there were also Top 3 and Top 8 swimmers present, with one member setting the state record at the GRPA State Meet. The President concluded how appreciative she was for the City and the Community for providing the swim team with such a great facility to swim in, she also thanked their coach for his hardwork throughout the years.

**4. Land Issues/Zonings/Annexations:**

There were no Land Issues, Zonings or Annexations.

**5. Privilege Licenses:**

There were no Privilege Licenses.

**6. Formal business:****A. Approval of an Amendment to the City of Smyrna's Code of Ordinances Chapter 6 entitled Alcoholic Beverages Article II, Section 6-51, Issuance of photo permit for all employees involved in serving alcoholic beverages.**

**Sponsors:** Blustein

Mr. Taylor provided background information of the amendment. The current ordinance limits the ability for those who have a felony to receive a permit to serve alcoholic beverages in the City of Smyrna. In addition, the ordinance limits the discretion of the License and Variance Board to authorize issuing a permit for those who have had previous legal issues. This has led to an increase in the amount of appeals reaching the level of Mayor and City Council. This ordinance is an attempt to rectify this while adding to the discretion of the License and Variance Board. Staff recommends approval.

No Councilmembers had questions about the ordinance.

A motion was made by Councilmember Andrea Blustein to approve Ordinance 2014-12 an Amendment to the City of Smyrna's Code of Ordinances, Chapter 6 entitled Alcoholic Beverages Article II, Section 6-51, issuance of photo permit for all employees involved in serving alcoholic beverages, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

\*Clerk's note: Councilmember Susan Wilkinson stepped away from her council seat and was not present for this vote.

**Aye:** 5 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Lnenicka and Councilmember Fennel

**Absent:** 1 - Councilmember Wilkinson

## 7. Commercial Building Permits:

There were no Commercial Building Permits.

## 8. Consent Agenda:

Mr. Taylor read the items on the Consent Agenda.

A motion was made by Councilmember Wade Lnenicka to approve the consent agenda, seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

### A. Approval of August 18, 2014 Mayor and Council Meeting Minutes

**Sponsors:** City Council

### B. Award RFP 15-001 Building Automation Systems-Community Center & Library HVAC Controls/DDC Upgrade to the lowest bidder Controls Concepts for \$52,860.00 and authorize the Mayor to execute any related documents.

**Sponsors:** Anulewicz

### C. Approval to allow Williams Park Neighborhood Association Meeting to be held in Council Chamber September 23, 2014 from 7:00 - 9:00 PM

**Sponsors:** Anulewicz

Approval to hold Special called meeting Monday, September 8, 2014, 7:30 PM in Council Chambers

## 10. Show Cause Hearings:

### A. Appeal of the denial of application for an alcohol servers permit for Universe Winston.

**Sponsors:** Blustein

Assistant City Attorney Jeffrey Tucker swore in the applicant, Universe Winston, as well as Eleanor Butts, Smyrna Police Department, Records Section. Ms. Butts stated the Smyrna Police Department run criminal background checks for applicants who

want an alcohol server permit and that the police department performed a check on Ms. Winston. Ms. Butts stated the background check revealed a pending felony, but no disposition. Councilmember Andrea Blustein asked if Ms. Butts knew of a court date for the felony and if that was the principle reason for denial. Ms. Butts stated denial of the permit was because of there being a felony within the last 5 years. Councilmember Ron Fennel asked what is the typical time period for a case of this nature to come to a decision. Ms. Butts stated it depends on the disposition the court gives to a particular case. Councilmember Ron Fennel also inquired about the duration of this pending status and the specific pending felony charge. Ms. Butts stated she does not know the particular duration but the pending felony charge is a financial transaction card fraud and she believes the charge was levied in February 2014.

Ms. Winston stated she has a court date of September 4, 2014 and she needs the alcohol permit for her job, Ruby Tuesday, where she is a hostess. As a hostess she sometimes serves drinks, non-alcoholic and alcoholic. Ruby Tuesday is her only job and source of income and she has learned from the mistake she has made. Furthermore, her manager has received advice from corporate stating everyone in the establishment should have as alcohol license. Ms. Winston understands the seriousness of serving alcohol and knows if she violates the guidelines of the license, not only will she be responsible but her employer as well. Councilmember Andrea Blustein stated she was not extremely comfortable with making a decision until after the court date and asked if the City Council could postpone for two weeks until after Ms. Winston's court date. Councilmember Charles (Corkey) Welch asked if the pending charge has anything to do with a customer at a previous employer, Ms. Winston stated it was not. Councilmember Wade Lnenicka wanted to clarify the court date was this Thursday, Ms. Winston stated yes. Ms. Winston added she had a previous court date in August, but her lawyer asked for it to be postponed so she could have the option of diversion so she will not have the charge on her record. Ms. Winston stated in the meantime she would like to have her liquor license but stated she understands why it would be a risk for her to have it. Councilmember Wade Lnenicka emphasized with the applicant stating he appreciates her courage and ability to speak and testify in a public setting and in front of the City Council. He added he hopes she can resolve the issues and lead a productive life and earn a living while treating people and Smyrna residents correctly at her work establishment. Councilmember Wade Lnenicka asked Ms. Winston if there is any reason the issue should not be tabled, the applicant stated her manager is being very patient and lenient with her. Furthermore, Councilmember Wade Lnenicka suggested the case be heard at the Special Call Meeting on September 8, 2014. Assistant City Attorney Jeffrey Tucker added the Mayor and City Council can entertain any official business that is entertained at any other regular Mayor and Council Meeting as long as it has been properly advertised.

A motion was made by Councilmember Andrea Blustein to table the appeal for the denial of application for an alcohol servers permit for Universe Winston to September 8, 2014, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

**B.** Appeal of the denial of application for an alcohol servers permit for Nabil Muzemil.

**Sponsors:** Blustein

A motion was made by Councilmember Charles (Corkey) Welch to table the appeal

of the denial of application for an alcohol servers permit for Nabil Muzemil to September 15, 2014, seconded by Councilmember Teri Anulewicz. Motion carried by the following vote:

**Aye:** 6 - Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

## **9. Committee Reports:**

Mayor Pro Tem/ Councilmember Melleny Pritchett stated Mayor Bacon had planned to be in attendance at the meeting, but due to his recent surgeries he was unable to attend, but he does plan to attend the September 15, 2014 meeting.

Councilmember Andrea Blustein had no report, but hoped everyone had a good Labor Day weekend.

Councilmember Teri Anulewicz reported Smyrna's Food Truck Tuesdays continued until the end of the month as well as the Smyrna's Farmers Market continuing, she also spoke about the Smyrna Sharks Team and her appreciation for the team. Councilmember Teri Anulewicz stated citizens should check the City's website and Facebook page for the most current and constant updates.

Councilmember Charles (Corkey) Welch did not have any Committee Reports other than he will not be present for the September 15th City Council meeting.

Councilmember Susan Wilkinson spoke about several Library events and insists residents check the calendar on the City's website for updates and events. During the month of September there will be a special Smyrna Reads highlighting the book "Until Tuesday" and on November 1st there will be an event, entitled, "A Dinner with Destiny" provided by Friends of the Smyrna Library. Also on September 7, 2014 at 3pm at the Smyrna Community Center, there will be a first Sunday lecture in celebration of National Classic Music Month, entitled, "The Great American Composer".

Councilmember Wade Lnenicka shared there will be a free shredding event from 9-12am on September 13th at the Aline Wolfe Adult Recreation Center.

Councilmember Ron Fennel stated his appreciation to the Smyrna Sharks during the season and at the State meet. He also spoke about the importance of citizens not being distracted while around school zones, following speed limits, not using cell phones while around school zones, and he also comment school buses now have cameras installed. September is Preparedness Month and it is very important of having a family plan for preparedness in case of an emergency. Also, this Saturday is the Smyrna Public Safety Foundation Annual Gala held at the Smyrna Community Center, more information can be found at [spsf.org](http://spsf.org). He reminded all to always thank any member of our public safety personnel for their service to the community.

Mayor Pro tem/Councilmember Melleny Pritchett echoed she hopes Mayor Bacon is feeling better and his presence was missed.

## **11. Citizen Input:**

No one came forward to speak during citizens input.

## **12. Adjournment:**

The meeting was adjourned by Mayor Pro Tem/ Councilmember Melleny Pritchett at 8:10 PM.