



**Meeting Minutes - Final
Committee of the Whole**

Thursday, November 2, 2017

6:00 PM

City Hall

1. Roll Call

Council: Mayor Max Bacon, Derek Norton (Mayor Pro Tem), Ron Fennel, Andrea Blustein, Susan Wilkinson

Staff: Tammi Saddler Jones (City Administrator), Christy Ullman (Executive Assistant to Mayor and Council), Scott Cochran (City Attorney), Terri Graham (City Clerk), Ashley Youmans (Government Management Fellow), Maxwell Ruppensburg (Special Projects Coordinator), Kay Bolick (Human Resources Director), David Lee (Police Chief), Eric Randall (City Engineer), Janet Liberman (Keep Smyrna Beautiful Director)

Guests: Larry Terry (Croy Engineering), Shaddi Abusaid (Marietta Daily Journal)

Absent: Corkey Welch, Doug Stoner

2. Call to Order

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

3. City Administrator Report:

A. City Administrator Report

City Administrator Tammi Saddler Jones began the City Administrator Report by introducing the new Keep Smyrna Beautiful Director Janet Liberman who will start with the City on November 13, 2017.

Ms. Saddler Jones shared information about the Memorial Wall Dedication Ceremony in memory of Deputy Chief Michael L. Brown of the Smyrna Police Department. The ceremony will be held on Friday, November 10, 2017 at 11:00 am at the Smyrna Police Department. Deputy Chief Brown served the City for 38 years and passed away while on duty in February 2015.

Ms. Saddler Jones shared pictures from the Halloween Costume Contest from the previous weekend put on by the Smyrna Police Department. Police Chief David Lee encouraged everyone to come out in the future. Mayor Max Bacon asked if there were any issues during the event, and Chief Lee responded that there were not.

Ms. Saddler Jones mentioned that Parks and Recreation Director Richard Garland has informed her that the Reed House grand opening will be scheduled sometime during the week of December 4, 2017. She said she will send information to Mayor and Council when the details are finalized.

City Engineer Eric Randall gave an update on the SPLOST Roswell Street Roundabout project. Mr. Randall explained that the project is creating a roundabout at the intersection of Hawthorne Avenue, Roswell Street, and Mathews Street for traffic calming. He said the City is currently in the process of right-of-way acquisitions and project plans are about 50-75% complete. He explained that project plans are expected to be completed by the end of this year. He also said the project is expected to go out for bid at the beginning of 2018 and construction to start by summer 2018. Mayor Bacon asked how long the roundabout will take to build. Mr. Randall estimated 6 months, but said that is dependent on utility locations. Mr. Randall said one of the drivers of the project is traffic coming from Williams Park. Councilmember Susan Wilkinson asked if there was speeding in that area, to which Mr. Randall answered yes. He stated he has current traffic data that shows that 85% of drivers drive at speeds of 10 mph over the speed limit.

Ms. Saddler Jones shared the open enrollment dates, which will be November 14, 15, and 16 from 6:00 am to 6:00 pm located at Brawner Hall. Human Resources Director Kay Bolick mentioned that as a new service, open enrollment will also be held online. Ms. Bolick said that staff is still working on finalizing the dates but is hoping to begin the online open enrollment in the next week.

4. Hands-Free Ordinance Discussion

A. Hands Free Ordinance

Mayor Pro Tem Derek Norton began the discussion on Smyrna adopting a hands-free ordinance. Mr. Norton explained that he noticed a public safety issue of people using their phones while driving and not staying in their lane, running red lights, or not moving on green lights. He mentioned that there is a committee at the state legislation that discusses moving to hands-free law since the current legislation only prohibits texting and driving. He explained that the current legislation is unenforceable because an officer would need to get a warrant if the person was using their phone for another use such as voice calling or navigation. The committee wants to move to hands-free to avoid having an unenforceable law. Mr. Norton mentioned that he inquired if there was something that prevents a municipality from passing a hands-free ordinance, which there was not. Mr. Norton also said that he has asked Police Chief David Lee if he would enforce such an ordinance and asked City Engineer Eric Randall if distracted driving was an issue in Smyrna, both of whom responded yes.

Mr. Norton explained that no other city in Georgia has enacted a hands-free ordinance, but other cities across the country have. Mr. Norton presented a hands-free ordinance draft and stated that the goal was to have the ordinance on the November 20, 2017 Mayor and Council agenda and go into effect January 1, 2018. City Attorney Scott Cochran explained that the ordinance is a compilation of several ordinances from other cities in the country with some edits to include what the state has already included. Mr. Cochran further explained that the state law is difficult to enforce and does not address all methods of distracted driving.

Councilmember Andrea Blustein asked Mr. Cochran if people were allowed to use a phone's navigation under this ordinance. Mr. Cochran responded that yes, people are allowed to use navigation. He explained that the draft ordinance states that you cannot use a phone unless you are using it in hands-free mode.

Mayor Max Bacon asked if the ordinance applies to someone reading something on

their phone. Mr. Cochran responded that if the phone is in a person's hand, then it would be against the terms of the ordinance.

Mayor Bacon said that it was important to enforce the ordinance if passed. Chief Lee mentioned that it would be easier to enforce this ordinance because under the current state law, police officers need a warrant to see what exactly the phones are being used for. Mr. Norton asked Chief Lee to explain how it could be enforced. Chief Lee said that police could have safety checkpoints and simply noticing someone driving distracted. He explained that if the ordinance was passed, police could issue warnings for the first 30 days after the ordinance goes into effect. Mr. Randall said the city can place signs citywide announcing the new ordinance and penalties. Chief Lee also said that since this is an ordinance and not a state law, a penalty will not affect insurance or driver's history. Mr. Cochran stated he would talk with the city court and judge to see how this could be implemented.

Mr. Cochran said that currently, the fine is left blank in the draft ordinance. He stated he would want the judge to have discretion in fining each case but that many penalties have a minimum fee. Mr. Norton said he believes there should be a minimum fine for disobeying the ordinance. Mr. Norton asked if the fines should be discussed now or at the next Committee of the Whole meeting, and Mayor Bacon said the fines should be presented when it is planned to be adopted.

City Clerk Terri Graham said that the most common offenses in our traffic court are for the move over law and for distracted driving. She also said that the only time people get ticketed for distracted driving is after they have been in an accident.

Mr. Norton said that there is a coalition of people that recognize distracted driving is an issue. He said that the state may pass a law, but there is no guarantee. Councilmember Ron Fennel said that no other city in Georgia has this kind of ordinance and Smyrna has the opportunity to send a signal that this issue is a priority. Mayor Pro Tem Derek Norton began the discussion on Smyrna adopting a hands-free ordinance. Mr. Norton explained that he noticed a public safety issue of people using their phones while driving and not staying in their lane, running red lights, or not moving on green lights. He mentioned that there is a committee at the state legislation that discusses moving to hands-free law since the current legislation only prohibits texting and driving. He explained that the current legislation is unenforceable because an officer would need to get a warrant if the person was using their phone for another use such as voice calling or navigation. The committee wants to move to hands-free to avoid having an unenforceable law. Mr. Norton mentioned that he inquired if there was something that prevents a municipality from passing a hands-free ordinance, which there was not. Mr. Norton also said that he has asked Police Chief David Lee if he would enforce such an ordinance and asked City Engineer Eric Randall if distracted driving was an issue in Smyrna, both of whom responded yes.

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5. Art on the Box Discussion

This item was not ready to be discussed, it has been postponed for another meeting.

A. Art Wrap Project Document

6. Review of the November 6, 2017 Mayor and Council Agenda

City Administrator Tammi Saddler Jones asked the council if the appointment of the new Keep Smyrna Beautiful Director should be added to the November 6, 2017 Mayor and Council Agenda. Mayor Max Bacon stated that he was not sure if the Keep Smyrna Beautiful Director is classified as a department head, since department heads need to be approved by Mayor and Council on the agenda. Mayor Bacon asked for a list of all department heads in the city. City Attorney Scott Cochran said that in the city's code, 'department head' is defined by their duties. Mayor Bacon wants this to be clarified.

Under the Mayoral Report was a proclamation in recognition of Veteran's Day Poppy Weekend which will be given to Barbara McGee from American Legion. Also under the Mayoral Report was the recognition of the Smyrna Blue All-Star Rookie League (8u) as the 2017 Georgia State Champions.

Ms. Saddler Jones mentioned the Aachis Indian Cuisine privilege license request and explained that the restaurant owner had let their alcohol license lapse so he needed to come before council again.

Under Formal Business, Human Resources Director Kay Bolick mentioned the approval to award Georgia Firefighters' Cancer Benefit Program to GMA-GIRMA. She explained that all legally organized fire departments in Georgia are required by House Bill 146 to provide certain cancer benefits to their firefighters effective January 1, 2018. The program provides a Lump Sum Cancer Benefit as well as Long-Term Disability coverage. Ms. Bolick explained that the City only needs to secure additional coverage for the Lump Sum Cancer Benefit because the City already provides Long-Term Disability Coverage. She said the Lump Sum Cancer Benefit will cost \$9,535 per year.

Under the Consent Agenda was the authorization of Atkins Park Tavern to operate a beer/wine/specialty one-item cocktail station at the Woofstock event on September 29 and 30, 2018. Councilmember Susan Wilkinson asked if the city usually authorizes the station this far in advance. Mayor Bacon replied that it is better to do it in advance since the entity needs to get a state permit after the city permit. Also under the Consent Agenda was the authorization of Atkins Park Tavern to operate a beer trailer at 2018 Smyrna events including the Taste of Smyrna and the Fall and Spring Jonquil Festivals. City Clerk Terri Graham explained that these events would only have a beer trailer, while the station at the Woofstock event will serve more than beer.

Ms. Graham stated that she would add the street closures to the titles of the Annual Crawfish Boil, Smyrna Oyster Mardi Gras, and St. Patrick's Day Celebration Weekend events under the Consent Agenda.

7. Other Business

City Clerk Terri Graham reminded everyone about the upcoming special election. She mentioned there would be voting tomorrow but the polls would be closed on Monday, November 6. Ms. Graham said that Tuesday, November 7 is Election Day for every precinct and would add wording on the city's digital signs about voting. She also gave an update about the search for a Deputy City Clerk. Ms. Graham said that out of over 500 applicants, 30 were qualified and she will begin going through applications.

Councilmember Ron Fennel mentioned that there will be a third Finance Committee meeting but have not finalized a date given the holiday and election schedule. He said he is hoping to schedule the meeting during the first week of December.

Councilmember Susan Wilkinson shared that she spoke with a resident that wanted a hitching post for her horse. Mayor Max Bacon explained that state law allows horses as transportation but have had citizens bring up concerns about horse excrement. Mayor Bacon also mentioned that if the city were to install hitches, the city may be liable if the horse injures someone. City Attorney Scott Cochran said he could research the topic.

Special Projects Coordinator Maxwell Ruppensburg mentioned that during the recent ICMA Conference, he was able to tour San Antonio's preschool center and learn how

the city implemented the program. He mentioned he will be aiming to schedule a tour of Decatur City Schools' preschool program in January and learn what about how their model could be applied in Smyrna. Mr. Ruppensburg also shared that the bike rack installation funded by a grant awarded to Keep Smyrna Beautiful came in under budget and will have money to install two more bike racks.

Mr. Fennel said he had a conversation with a constituent who has a student at Nickajack Elementary who said there was a traffic problem along the East-West Connector for those that have to turn left to go into the school. He said the trestle of the Silver Comet Trail limits the widening of the portion of the road on Cooper Lake to expand the area for people to turn left. Mr. Fennel said people coming south on East-West Connector have to traverse that intersection and are reporting accidents. He stated that people have also asked about expanding Mavell Road, but it is not in the city limits. He said the City has asked the school board to annex property of elementary school into city to help make changes, but the school board has not agreed.

Ms. Wilkinson announced that Green Acres Elementary School is installing a learning garden on November 9, 2017, sponsored by Sprouts and would like to communicate the event to the people of Smyrna.

Mayor Max Bacon announced that the meeting will enter into executive session and requested staff and visitors exit the room.

8. Executive Session:

There was a motion made to enter into executive session to discuss personnel by Councilmember Ron Fennel: seconded by Mayor Pro Tem/Councilmember Derek Norton.

The motion to approve carried by the following vote: 4-0

Aye - Councilmember Derek Norton, Councilmember Ron Fennel, Councilmember Andrea Blustein and Councilmember Susan Wilkinson

There was a motion to return to regular session made by Councilmember Ron Fennel: seconded by Mayor Pro Tem/Councilmember Derek Norton.

The motion to approve carried by the following vote: 4-0

Aye - Councilmember Derek Norton, Councilmember Ron Fennel, Councilmember Andrea Blustein and Councilmember Susan Wilkinson

9. Adjournment

Mayor Max Bacon declared the meeting adjourned at 7:30 pm.