



## Meeting Minutes - Final License and Variance Board

---

Wednesday, August 9, 2017

10:00 AM

Council Chambers

---

### Rollcall

**Present:** 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

**Also Present:** 4 - Jeffrey Tucker, Marla Gerber, Jim Cox and Heather Corn

### 2. Call to Order

Chairperson Tammi Saddler Jones called the August 9, 2017 meeting of the License and Variance Board to order at 10:00am.

### 3. Business

#### A. [LIC2017-17](#)

Public Hearing - Privilege License Request LIC2017-17 - Beer, Wine Package - 4330 East West Connector - SF Markets LLC dba Sprouts Farmers Market #518 with Billy Charles Jones, II as agent.

*Chairperson Tammi Saddler Jones announced the public hearing and asked the applicant to come forward. Mr. Billy Charles Jones came forward, as well as Mr. Mike Sarge, attorney for the applicant.*

*Chairperson Tammi Saddler Jones asked the applicant if he received a copy of the City's alcohol beverage ordinance, read it, understood it, and agreed to abide by it, and he said yes. She asked if he had attended the responsible alcohol sales class, and he said yes. He also stated that Sprouts had an alcohol training program as well that he had been through and their point of sale system on their cash registers had a POS system that requires the birthdate of the purchaser to be entered. Mr. Jones said his role with Sprouts was the Regional Grocery Beer and Wine Trainer. Boardmember Scott Stokes asked how often he was at the location, and Mr. Jones replied he spent about 5 hours a week at this location and was the registered agent for 8 other Sprouts locations.*

*Chairperson Tammi Saddler Jones asked Mr. Jones if he understood that the Smyrna Police Department does undercover investigations and that if anyone is caught selling alcohol to a minor they are taken to jail immediately, and he said yes. She said a background investigation was conducted that showed no information that would preclude issuance of the license to the applicant. She asked if there was anyone else present who wished to speak on the item, and there was no one.*

A motion was made by Boardmember Roy Acree to approve Item LIC2017-17, a Privilege License Request (LIC2017-17) for the sale of Beer and Wine Package at 4330 East West Connector, by SF Markets LLC dba Sprouts Farmers Market #518 with Billy Charles Jones, II as agent; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

**B. [2017-292](#)**

Appeal of the denial of an alcohol permit for Sean Michael Gatewood.

*Chairperson Tammi Saddler Jones announced the item and asked City Attorney Jeffrey Tucker to come forward. He swore in Ms. Marla Gerber and the applicant, Mr. Sean Gatewood.*

*He asked Ms. Marla Gerber what her job was, and she said she was a City of Smyrna employee and did the permits at the police department. Mr. Tucker asked her if applicants consent to background checks, and then she processes them, and she said that was correct and then she notified the proper people of any preclusions in their background checks that prevent the applicant from getting their permit. Mr. Tucker asked Ms. Gerber questions about Mr. Gatewood's application. He stated that Mr. Gatewood applied and on his application stated that he had a guilty DUI conviction in 2016 and a pending one in Marietta from February 2017. He said that per the City's ordinance, since the applicant had two DUIs in the last 3 years, that is why his permit was denied. She said that was correct, and she notified proper staff that it had been denied, and the applicant then submitted an appeal letter to the City Clerk's office. Mr. Jeffrey Tucker also stated that with the 2016 DUI in Hiram, the applicant showed a guilty disposition, fine of \$1,120.00, and one year of probation. He said in the next cycle of offenses, he was arrested for a DUI in February 2017 in Cobb County, within the one year probation period from Hiram. Boardmember Roy Acree asked if the applicant disclosed both offenses on his application, and Ms. Gerber replied yes. Mr. Jeffrey Tucker asked the applicant if there is anything he wished to correct or clarify in Ms. Gerber's testimony, and he said no.*

*Mr. Sean Gatewood said his court date for the second DUI charge from February 2017 was going to be in two weeks. He said his employment was on hold with Zucca and Corner Taqueria until he has his alcohol permit. Chairperson Tammi Saddler Jones asked if the management knew he was here today, and he said yes. Boardmember Acree asked Mr. Gatewood if he recalled that with the probation from the first DUI there was a term stipulating that he could not have another DUI within 12 months, and Mr. Gatewood said yes. Boardmember Acree then stated that since the 2nd DUI occurred within 12 months that could impact his probation sentence. Mr. Gatewood said he understood and reported the incident to his probation office, and will deal with the repercussions at the time of his court date. He said his probation would be complete on the 31st. Boardmember Acree said that Mr. Gatewood clearly made some decisions that he should not have made, and Mr. Gatewood said that was true. He said he was making changes in his life and no longer worked the bar and was just serving and was working on nights that were not as busy. He also stated that bartenders at the establishments were drinking during working hours with their patrons, and he spoke to the owner about stricter rules for the bartenders.*

*Chairperson Tammi Saddler Jones asked the applicant why the Board should overturn the appeal, and Mr. Gatewood replied it was his only source of income, and he needed to be able to pay for his room, food, probation fees, and lawyer's fees. Boardmember Scott Stokes asked how long he had been out of work, and Mr. Gatewood said his permit expired a month ago, and he had not been on the schedule since. He also said it had been a few weeks since his last drink.*

*There were no further comments from the Board and no one else present to speak on this item.*

A motion was made by Boardmember Scott Stokes to approve Item 2017-292, the

appeal of the denial of an alcohol permit for Sean Michael Gatewood; seconded by Boardmember Roy Acree.

The motion carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

#### **4. Approval of Minutes:**

##### **A. [2017-293](#)**

Approval of the minutes from the July 26, 2017 meeting of the License and Variance Board.

A motion was made by Boardmember Roy Acree to approve Item 2017-293 for the approval of the minutes from the July 26, 2017 meeting of the License and Variance Board; seconded by Boardmember Scott Stokes.

The motion carried by the following vote:

**Aye:** 3 - Roy Acree, Tammi Saddler Jones and Scott Stokes

#### **5. Adjournment**

Chairperson Tammi Saddler Jones declared the August 9, 2017 meeting of the License and Variance Board adjourned at 10:18am.