



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Draft City Council

Monday, October 20, 2014

7:30 PM

Council Chambers

Roll Call

Present: 8 - Mayor Max Bacon, 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

Also Present: 16 - Scott Cochran, Eric Taylor, Jennifer Bennett, Scott Stokes, Chelsea Jackson, Heather Corn, Terri Graham, Kay Bolick, Russell Martin, Toni Jo Howard, David Lee, Dan Campbell, Steve Ciaccio, Ann Kirk, Tammi Saddler Jones and Ken Suddreth

Call to Order

Mayor Max Bacon called the meeting of the Mayor and Council to order at 7:30 PM

1. Invocation and Pledge:

Mr. Justin Radar, Minister to Children at Smyrna First Baptist Church gave the Invocation and led the Pledge of Allegiance.

2. Agenda Changes:

No changes were made to the agenda.

3. Mayoral Report:

Mayor Bacon asked if there were any candidates running for office that wished to speak and recognized Susan Thayer as a candidate running for School Board. She came forward to speak.

4. Land Issues/Zonings/Annexations:

- A. Public Hearing** - Zoning Request Z14-013 - Rezoning from R-15 to RAD-Conditional for the construction of two new single-family homes - 0.46 Acre Tract - Land Lot 489 - 1084 Fleming Street - Jasper Wayne Proctor

Sponsors: Anulewicz

Mayor Bacon announced the Public Hearing on this rezoning request and asked City Administrator Eric Taylor to give the background. Mr. Taylor stated that this request

by Jasper Wayne Proctor was for the rezoning of Land Lot 489 - 1084 Fleming Street, from R-15 to RAD Conditional for the construction of two new single family homes on the 0.46 acre tract. The Planning and Zoning Board voted 6-0 for approval of the rezoning conditions. Staff recommended approval.

Mayor Bacon announced the Public Hearing and asked if anyone wanted to come forward to speak for or against the rezoning. No one came forward. Mayor Bacon called on Councilmember Teri Anulewicz and she asked Russell Martin of Community Development to come forward and give the details of the zoning. The request was for the rezoning of the current R-15 to RAD-Conditional. The conditions for the development were as follows:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not applicable)

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. The stormwater management facility shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
3. All utilities within the development shall be underground.
4. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
5. No debris may be buried on any lot or common area.
6. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Russell Martin read aloud the following special conditions:

Special Conditions

10. The development shall maintain the following setbacks:

Front – 30'

Side – 10'

Z14-013

September 3, 2014

Page 7 of 9

Rear – 30'

11. Driveway – 22' minimum length from building face to back of sidewalk.

12. The right-of-ways along Fleming Street shall be increased to 50 feet. Therefore a dedication of approximately 5' feet is required along Fleming Street.

13. The developer shall provide a 5' sidewalk with a 2' grass buffer along Fleming Street for the length of the development.

14. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 4/11/2014 created by ACME American.

15. The applicant shall be bound to the elevations submitted and dated 4/11/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

Mayor Bacon asked if there were any questions for Mr. Martin, he then called the applicant, Jasper Wayne Proctor forward he was sworn in by City Attorney Scott Cochran.

There were no questions for Russell Martin but Mr. Proctor spoke about his experience as an Engineer and Surveyor and stated that he has lived in Marietta for most of his life. Councilmember Anulewicz said that she is pleased with the tree assessment on the property even with the building of two homes on what is currently a one home property.

Mayor Bacon asked if there were any further questions for the applicant. There were none.

A motion was made by Councilmember Teri Anulewicz to approve Z14-013 Zoning Request - Rezoning from R-15 to RAD-Conditional for the construction of two new single family homes - .46 Acre Tract - Land Lots 489- 1084 Fleming Street and she noted that this was the kind of development they anticipated and have been seeing since they announced the construction of Smyrna Elementary School and it was in line with current redevelopment trends in this neighborhood and kept with the feel of the community, seconded by Mayor ProTem/Councilmember Melleny Pritchett. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

B. Public Hearing - Zoning Request Z14-023 - Rezoning from LI to MU-Conditional for the construction of a 10,000 sq. ft. mixed use building - 1 Acre Tract - Land Lot 55 - 1860 Freeman Parkway - B. Terry Seymour, III

Sponsors: Fennel

Mayor Bacon announced the Public Hearing on this rezoning request and asked City Administrator Eric Taylor to give the background. Mr. Taylor stated that this request by B. Terry Seymour III was for the rezoning of Land Lot 55 - 1860 Freeman Parkway, from L1 to MU Conditional for the construction of a 10,000 Sq. ft. mixed use building - 1 acre tract. The Planning and Zoning Board voted 6-0 for approval of the rezoning with conditions. Staff recommended approval. He stated there would be medical facilities, a restaurant and small living space all within the 10,000 sq. ft. building.

Mayor Bacon announced the Public Hearing and asked if anyone wanted to come forward to speak for or against the rezoning. No one came forward. Mayor Bacon requested B. Terry Seymour to come forward and have a seat.

Councilmember Ron Fennel called on Russell Martin of Community Development to come forward and give the details of the zoning. The request was for the rezoning of

the current L1 to MU- Conditional. The conditions for the development were as follows:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not applicable)

1. The composition of the mixed use building shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
3. All utilities within the development shall be underground.
4. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
5. No debris may be buried on any lot or common area.
6. The developer will install decorative streetlights and parking lot lights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
7. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Russell Martin read aloud the following special conditions:

Special Conditions

10. The development shall maintain the following minimum setbacks:

Front – 0'

Side – 0'

Rear – 20'

The development shall maintain the following maximum setbacks:

Front – 86'

Side – 20'

11. The developer shall provide a 5' sidewalk with a 2' grass buffer along Freeman Parkway for the length of the development.

12. Approval of the subject property for the Mixed Use (MU) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 8/8/2014 created by Williams and Associates.

13. The applicant shall be bound to the elevations submitted and dated 8/8/2014 by Blue Frog Construction. Approval of any change to the elevations must be obtained from the Director of Community Development.

Due to the size of the site and its topography, the applicant is requesting five waivers from the MU zoning district. These waivers include the following:

1. Waiver from Section 720.3(1)(c) to increase the maximum front building setback

- from 20' to 95';
2. Waiver from Section 720.9(3) to allow for more than 50% of the gross floor area to be in non-residential uses;
 3. Waiver from Section 720.9(4) to allow for parking between the building and the street;
 4. Waiver from Section 720.9(10) to allow the primary egress onto a local road; and
 5. Waiver from Section 906 to allow reduced parking from 56 spaces to 43 spaces.

Community Development has reviewed these waiver requests against the variance review standards and has found the waivers to meet those standards due to the constraints of the site with respect to the topography. In addition, had this property been located in a true urban area, some of these requested waivers would not be needed (i.e. the parking reduction) because the parking ratios would have been significantly less due to downtown parking requirements. Since there is no opportunity for shared parking, each use must meet the standard parking ratios. The parking ratios for the site are broken down according to the following uses:

- Residential: 2 spaces per unit - 1 unit x 2 spaces = 2 required spaces
- Office: 1 space/ 250 sq. ft. – 2,708 sq. ft./250 = 10.8 required spaces
- Retail: 5.5 spaces/ 1,000 sq. ft. – 3,380 sq. ft./1,000 sf. ft. x 5.5 = 18.6 required spaces
- Restaurant: 1 space/75 sq. ft. – 1,800 sq. ft./ 75 sq. = 24 required spaces

The required total number of spaces is 56 parking spaces and the proposed plan provides 43 parking spaces. Community Development is supportive of the reduced parking due to opportunity to share spaces within the development.

Mayor Bacon asked if there were any questions for Mr. Martin, he then called the applicant, B. Terry Seymour forward. Dr. Seymour and Mr. Scott Haynes of Williams and Associates were sworn in by City Attorney Scott Cochran.

There were no questions for Russell Martin but Mr. Seymour called on Mr. Haynes to speak about the development of his behalf.

Mr. Haynes explained about the usage and how it will be broken down. There will be medical office space for Mr. Seymour's plastic surgery / sleep study practice, an 1800 sq. ft. Tapas restaurant, 3000 sq. ft. of general retail and a day spa, 900 sq. ft. of personal living space and 1500 sq. ft. of manager office space. He noted that there were no Civil War artifacts or features found on this property and thanked staff for putting together the application.

Mayor Bacon asked the councilmembers if they had any further questions and there were none.

Councilmember Fennel commented about the transforming of this property and the area.

A motion was made by Councilmember Ron Fennel to approve zoning request Z14-023 - Rezoning from LI to MU-Conditional for the construction of a 10,000 sq. ft. - 1 Acre Tract - Land Lot 55 located at 1860 Freeman Parkway the applicant is B. Terry Seymour, III, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

Aye: 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

Nay: 2 - Councilmember Wilkinson and Councilmember Lnenicka

5. Privilege Licenses:

- A. Public Hearing-Privilege License Request 2014-332-Beer and Wine Package-4495 South Cobb Dr-QuikTrip Corporation dba QuikTrip 1702 with Albert Dewey Wagner II as agent.

Sponsors: Lnenicka

Mayor Bacon called upon Eric Taylor to read the background for the Privilege License. Mr. Taylor stated that this is the newly built QuikTrip #1702 the owners were requesting to sell beer and wine at this location. The applicant had been given a copy of the City's alcoholic beverage ordinance and he had attended the mandatory awareness workshop. An investigation into the applicant's background was conducted by the Smyrna Police Department and there was no information that would preclude the applicant from receiving the license. Staff recommended approval.

Mayor Bacon called for a Public Hearing on the matter and no one came forward to speak. Councilmember Wade Lnenicka asked Dewey Wagner II to come forward and noted that he had just spoken with Craig Williams that day and it was told to him that the existing QT store would not be closed and that it would remain open for an indefinite amount of time. He then asked Mr. Wagner to explain what his position was with QuikTrip. Mr. Wagner stated that he currently holds the regional sales manager position for 130 QT stores in the Atlanta area.

Councilmember Lnenicka commented that QT has a great reputation for their strict no underage sales policy and procedures and the Smyrna Police Department never had issues with them when tested, that he was aware of. He also said the new store would have its official opening on or about November 20, 2014.

The applicant acknowledged being given a copy of the alcohol ordinance, has read it and he understood it. He acknowledged that he had been trained according to its requirements.

A motion was made by Councilmember Wade Lnenicka for item 2014-332 a Privilege License Request for Beer and Wine Package located at 4495 South Cobb Dr - QuikTrip Corporation doing business as QuikTrip #1702 be approved with Albert Dewey Wagner II as agent, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

6. Formal business:

- A. Resolution to authorize the execution of an ISDA Credit Support Annex, JP Morgan August 2012 and March 2013 Bilateral Dodd-Frank Agreements, and to authorize and adopt certain policies and procedures for Swap Transactions in Compliance with the Wall Street Transparency and Accountability Act.

Mayor Bacon called upon City Administrator Eric Taylor to read the background for this resolution. Mr. Taylor stated that the city is party to an interest rate exchange agreement in connection with its participation with Georgia Municipal Association's

equipment leasing program. The city currently has two items we lease through GMA. One was a fire truck and the other was the soon to be implemented finance software. GMA came to the City and asked that we adopt a resolution in order to continue to participate in this pool as well as adopt other policies to be compliant with the Dodd-Frank Wall Street Transparency and Accountability Act. Staff recommended approval.

A motion was made by Councilmember Teri Anulewicz to approve RES2014-13 a resolution to authorize the execution of an ISDA Credit Support Annex, JP Morgan August 2012 and March 2013 Bilateral Dodd-Frank Agreements, and to authorize and adopt certain policies and procedures for Swap Transactions in Compliance with the Wall Street Transparency and Accountability Act, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

B. Approval for the use of FY14 Surplus

Mayor Bacon asked Mr. Eric Taylor to read the background for the item. Mr. Taylor stated that the finance department is in the process of closing the books on FY2014 and he noted that the City would have an estimated 3.3 million dollar surplus. As with previous years the monies would be allocated to other items that would help maintain good budgeting practices in the future. Out of the 3.3 million, the staff proposed 1 million to the City retirement program, \$100,000 to the other post-employment benefits liabilities that the City currently has, \$25,000 towards public safety equipment, \$400,000 for the vehicle replacement fund, \$400,000 for the capital improvement program and \$400,000 to debt service. That left \$975,000 to go to the unassigned fund balance. The staff recommended approval.

Mayor Bacon called on Councilmember Teri Anulewicz who thanked the Finance Department, Finance Director Toni Jo Howard, Eric Taylor, city staff and department heads for their prudence in management of the finances.

A motion was made by Councilmember Teri Anulewicz to approve item 2014-327 for the use of FY14 Surplus, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

Aye: 5 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch and Councilmember Fennel

Nay: 2 - Councilmember Wilkinson and Councilmember Lnenicka

C. Approval to extend employee benefits to employees in legally recognized same sex marriages.

Sponsors: Lnenicka

Mayor Bacon requested Mr. Eric Taylor give the background on the Domestic Partnership and Eligibility for City Benefits. Mr. Taylor stated that currently, like other places of work, the City had a comprehensive benefits program where benefits are provided to employees but also to their spouses and family when they are in a legally recognized marriage. The City had been considering for a while whether or not to extend domestic partner benefits to other employees who otherwise might not be eligible for the current program. The City's focus was on whether or not to extend employee benefits to same sex couples who were in a legally recognized marriage in

one of the current states that offer these recognized marriage licenses. This was not an item to be voted on but it was on the agenda for public comment only.

Mayor Bacon recognized Councilmember Wade Lnenicka and asked for his comment. He stated that as the Human Resources chair he simply requested that there be public input and asked citizens to come forward who wished to speak.

The following citizens made comments:

Alex Backry requested a referendum on this issue and stated that he is against this policy and talked about the Bible saying marriage was between a man and woman.

Thomas G. of 2863 Spring Villa Lane is for the policy and stated that he felt like it was only a matter of time before all states recognized Domestic Partnership.

Helen S. of 2859 Green Cove Way noted that she had her partner of 22 years in attendance and they were legally married in Washington DC four years ago. She was for the policy.

Al Graves of 1079 Pinehurst Drive stated he was against the policy because he felt it contradicts Georgia's current stance on Domestic Partnership and feels the City does not have a right to go against state law.

Mayor Bacon closed the portion of the Public Comment.

No vote was taken on this item it was for Public Comment only.

7. Commercial Building Permits:

- A. Issuance of a commercial building permit for Ridgeview Institute for the construction of a 26,533 sq. ft. expansion for the institutional mental health hospital - Land Lots 551, 552 and 601 - 3995 South Cobb Drive - Ridgeview Institute

Sponsors: Lnenicka

Mayor Bacon asked if there was anyone present from Ridgeview after reading the item and no one came forward. He called on Councilmember Wade Lnenicka who gave the background.

Councilmember Lnenicka talked about the issuance of the commercial building permit for Ridgeview Institute expansion and mentioned a meeting to be held on Wednesday, October 23rd to go over plans and make sure everyone understood what would take place. He noted there was no legal reason to withhold the permit.

A motion was made by Councilmember Wade Lnenicka to approve 2014-347 Issuance of a commercial building permit for Ridgeview Institute for the construction of a 26,533 sq. ft. expansion for the institutional mental health hospital - Land Lots 551, 552 and 601 located at 3995 South Cobb Drive - Ridgeview Institute, seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

8. Consent Agenda:

The consent agenda was read aloud by City Administrator Eric Taylor.

A motion was made by Councilmember Ron Fennel to approve the consent agenda as read aloud, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

- A.** Approval of Mayor and Council Meeting Minutes October 6, 2014
- Sponsors:** City Council
- B.** Approval of 2015 Smyrna Community Event Dates
- Sponsors:** Anulewicz
- C.** Approval of the 2015 Employee Insurance providers and plans (Blue Cross/Blue Shield of GA and Guardian) and authorize the Mayor to execute all related documents
- Sponsors:** Lnenicka
- D.** Approval of Personnel Policy RSK 5-0 Light/Modified/Restricted Duty and authorize Mayor to execute related document
- Sponsors:** Lnenicka
- E.** Approval of revision to Personnel Policy RSK 2-0 Worker's Compensation and authorize Mayor to execute related document.
- Sponsors:** Lnenicka
- F.** Approval for proposed Smyrna Plan Document language change for coordination of medical coverage with Medicare
- Sponsors:** Lnenicka
- G.** Approve the purchase of FY 2015 City Police Vehicles from Wade Ford (\$113,922.40) for four (4) 2015 Ford Inteceptor Police Vehicles with all necessary emergency equipment under the state contract.
- Sponsors:** Fennel
- H.** Approve RFP 15-008, Playground equipment for Highland Drive to Gametime Inc., c/o Dominica Recreation Products in the amount of \$41, 634.11
- Sponsors:** Wilkinson

9. Committee Reports:

Councilmember Ron Fennel called Police Chief David Lee to come forward for the department report.

Chief Lee spoke about the Smyrna Public Safety Foundation Banquet where they gave out several awards. There were six given for meritorious service, 7 for life saving, the annual Officer of the Year and Employee of the Year, and a new award called the Chief's Award. There was also a Marksman award and Rookie of the Year Award. There were four (4) detective meritorious awards for homicide cases and the entire S.W.A.T team received awards.

This year will be the 1st Annual Children's Costume Parade on Saturday, October 25th and it will be a free event. They will hand out safety tip bags that will be reflective. Jennifer Bennett was thanked for her hard work and help. Chief reminded everyone of Halloween on Friday, October 31 and to be careful especially driving. Councilmember Fennel thanked Chief for last year's impromptu event.

Councilmember Ron Fennel then requested Battalion Chief Steven Westbrook to come forward for the Fire department report. Public Safety awards were mentioned and they also had a Firefighter of the Year award and Rookie of the Year award. He spoke of the Shop With a Hero Christmas event coming soon. Councilmember Fennel added an additional comment regarding SPLOST and the Windy Hill Corridor at Windy Hill and I-75. He noted that the City preferred the SPLOST "pay as you go" program as opposed to "owe" programs.

Councilmember Wade Lnenicka attended and enjoyed the Public Safety Foundation Awards Banquet. He mentioned that Woodland Ridge held their fall festival the previous Saturday afternoon and Forest Hills held their fall festival the previous Sunday afternoon. He spoke of the Ridgeview Institute and the wonderful work they do for the community. Friends of the Smyrna Library would be having dinner with Mr. Lincoln in a few weeks. Veterans Day will be Nov 11th this year. He again mentioned the QuickTrip store opening on November 20th and the other store will remain open. He suggested that people should shop the QuickTrip to encourage the store to remain open. He went on to discuss the public comment regarding domestic partnership and said that we have practical issues that need decisions. He asked what would the City do with married couples that are same sex? Would we move ahead or would we wait? Finally he acknowledged a former councilmember's mother in law's passing and wished the family of Helen McGee his condolences.

Councilmember

Susan Wilkinson asked Steve Ciacco Director of the Parks and Rec Department to give his report. He talked about Casper's Friendly Castle at the Community Center and gave the details of the event, there would be a cost associated with the event but it was per family and had been charged in previous years as well.

Librarian Mary Moore came forward and spoke about the library's bi-annual book sale featuring books for all ages at the weekends Jonquil Festival. Friends of the Library would hold a dinner with President Abraham Lincoln on November 1st.

Councilmember Charles "Corkey" Welch talked about the Adopt a Mile event he participated in said his mile was very clean.

Public Works Director Scott Stokes mentioned naked telephone poles on Atlanta Highway where AT&T had stripped them of wires. He also said the signboard were not informative enough regarding the closing of King Springs and his intention was to get more information and have that rectified immediately. The Spring Rd pedestrian bridge was moving slowly and he was looking for answers as to why there were delays. Councilmember Welch asked about Concord Road's estimated completion date and was told it was going to be finished mid to late January which was two months ahead of schedule.

Councilmember Welch spoke about the recycling center and the progress.

Councilmember Teri Anulewicz asked Toni Jo Howard to give a brief announcement about property taxes due on November 17th.

Jennifer Bennett came forward to give a report. The upcoming Jonquil Festival is October 25-26. She mentioned the weather would be the best to date for this event and typically there is approximately 10,000 people that are drawn to the downtown area for this festival. She discussed a booth at the event for the Sizemoore Group where citizens can give input as to what recommendations they have for a use of the leftover right of way space. Food Truck Tuesday concluded on the last Tuesday in September and it was calculated that each Tuesday saw anywhere from 800-1200 people.

Councilmember Andrea Blustein requested Community Development Director Ken Suddreth to give an update, he spoke about the tremendous month Community Development has had so far. All projects are currently on track. Ms. Blustein also mentions the Jonquil Festival this weekend and the thought of a Ferris Wheel at Food Truck Tuesdays.

Mayor ProTem/Councilmember Melleny Pritchett commented also about Food Truck Tuesday and stated that as a citizen she really enjoyed that weekly event. She stated the Vision Committee was having their final meeting Friday, October 23, from 8:00 am - 10:30 am. The participants of that committee were invited to the November 3rd Council Meeting and would be introduced then. She gave instruction on how to go to SmyrnaVision.com to read about the Vision Committee.

11. Citizen Input:

Mayor Bacon announced the Citizen Input portion and Alex Backry came forward to speak. He commented on the Marietta Daily Journal article regarding Hickory Lakes / Smyrna Grove and requested a better understanding of the financials through a town hall meeting. He stated the City had delusions of grandeur and that there was no such thing as a halo effect. He talked about the devastation of trees on the property and likened it to a war zone.

Al Graves came forward next to also speak about Hickory Lakes / Smyrna Grove. His main question posed to the council was if there was a complete and accurate record of all expenses and bond issuance. He asked if he was able to request all these documents and how many departments he would have to go through to get them. Mayor Bacon stated he could have any documents he wanted and he needed to contact the Clerks office.

10. Show Cause Hearings:

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

Sponsors: Blustein

Mayor Bacon requested City Administrator Eric Taylor give the background regarding this appeal of denial of an alcohol permit by the Police Department and the License and Variance Board. The Mayor called the applicant to the podium. Mr. Taylor gave the background regarding the application process for this alcohol permit and its subsequent denial.

Mr. Scott Cochran swore in Ms. Eleanor Butts from the police department and she stated her position was Records and Permit Supervisor. Mr. Cochran asked her to explain why the application was denied. Ms. Butts explained that he had an outstanding warrant in Spartanburg, South Carolina as of October 17th and said that the City Ordinance required a denial based on the outstanding issue. He also had an FTA (failure to appear) warrant in Dekalb County that he satisfied by serving time. It had not yet been updated to his criminal history and still showed as open. The applicant was unable to attend the previous council meeting because of an incarceration in Cobb County.

Mr. Cochran asked if the Council had any questions and there were none. Mayor Bacon asked the applicant to come forward. Mr. Cochran asked the applicant to explain why he needs this permit and why the South Carolina warrant had not been satisfied. He said he just has not had an opportunity to take care of it and that he needs the permit in order to work. He asked the Council to authorize the permit with conditions. The condition being that he would have a specific time frame to go to South Carolina and take care of the outstanding warrant. He stated he cannot satisfy the warrant unless he had a job making money so he could pay the fines.

Mayor Bacon and Councilmember Ron Fennel reiterated that they felt the warrant needed to be satisfied before the council would approve the permit. Councilmember Fennel stated that the applicants outstanding matters needed to be cleared prior to resubmitting the appeal. He stated that he needed to follow staff recommendation and deny at this time based on history and the outstanding legal matters.

Councilmember Andrea Blustein left the bench to consult with Mr. Cochran and Ms. Butts and when she returned, Councilmember Welch asked a question of Mr. Cochran. He wanted to know if there was ever a time the council had an appeal where there was an outstanding legal issues and the response was no. That is why the situation was different. It was reiterated to the applicant that if he satisfied the warrant in South Carolina he could come before the Council immediately and request another appeal.

Councilmember Blustein left the bench at 9:16 PM and was absent for the vote.

A motion was made by Councilmember Ron Fennel to follow staffs recommendation

to deny the appeal of the application for an alcohol servers permit for Nabil Muzemil, seconded by Councilmember Charles (Corkey) Welch. The motion carried by the following vote:

Aye: 6 - Mayor pro tem/Councilmember Pritchett, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

12. Adjournment:

Mayor Max Bacon adjourned the meeting at 9:17 PM