



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, July 21, 2014

7:30 PM

Council Chambers

Rollcall

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

Absent: 1 - Councilmember Charles Welch

Also Present: 16 - Ann Kirk, Eric Taylor, Chelsea Jackson, Jered Sigmon, Tom Boland, Ken Suddreth, Jennifer Bennett, Scott Stokes, Scott Cochran, Toni Jo Howard, Steve Ciaccio, Terri Graham, Lisa Moore, Tammi Saddler Jones, Roy Acree and Russell Martin

Call to Order

1. Invocation and Pledge:

Pastor Lee Delbridge delivered the invocation and led all in the Pledge of Allegiance. Smyrna Christian Church is located at 910 Concord Road, Smyrna, GA

2. Agenda Changes:

There were no changes to the Agenda.

3. Mayoral Report:

A. [2014-222](#) Proclamation in Recognition of Howard's Deli - 50 Years in Smyrna

Sponsors: Bacon

Ron Fennel read aloud the proclamation in recognition of 50 years in Smyrna for Howard's Deli and presented it to Bobby and Sandra Martin. Mayor Bacon invited Bobby Martin to come forward to say a few words. He thanked the Mayor and Council and with special thanks to his father for starting the business and giving him the opportunity to carry it on for the last 30 years after he passed away. If it wasn't for his ideas they wouldn't be where they are today. He thanked the loyal customers they have had and the staff.

4. Land Issues/Zonings/Annexations:

A. [2014-162](#) **Public Hearing** - Zoning Request Z14-016 - Approval of a Special Land Use Permit for the use of a modular classroom building - 8.83 Acre Tract - Land Lots 595, 596 and 597 - 3130 Atlanta Road -

Covenant Christian School

Sponsors: Lnenicka

Mr. Taylor read the background and stated this request is for a special land use permit for Covenant Christian School located at 3130 Atlanta Rd. This item is a continuance of an existing approval, the City Council has approved this in 24 month periods every 2 years which dates back to March 3, 2008. The last approval was on July 16, 2012. Covenant Christian is actively looking to raise money for a permanent classroom. This modular classroom allows them to serve their students until they are able to build the permanent facility. Staff recommends approval.

Mayor Bacon announced the Public hearing for anyone that wished to make a public comment concerning the approval of the special land use permit, no one came forward to speak. Councilmember Wade Lnenicka asked Ken Suddreth to come forward to explain the request. Mr. Suddreth explained that Covenant Christian school has been before the council several times as Mr. Taylor shared. The City's ordinance requires that temporary structures have to apply for a special use permit for modular school units and must come before council every two years. The site plan and building elevations were presented as well as the proposed special land use permit plan. Staff recommends approval.

The applicant Randall Ball stated that there are plans in place to expand the facility and get a permanent structure but for now they still need the temporary modular building for a class room for another 2 years. Councilmember Lnenicka noted he had been inside the modular building, it was very nice on the inside and out and is a nice asset to the community.

A motion was made by Councilmember Wade Lnenicka to approve 2014-162, Zoning Request Z14-016, to approve a Special Land Use Permit for the use of a modular classroom building on a 8.83 Acre Tract in Land Lots 595, 596 and 597 at 3130 Atlanta Road by Covenant Christian School; seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

B. [2014-164](#)

Public Hearing - Zoning Request Z14-015 - Modification of currently approved site plan and building elevations - 3.13 Acre Tract - Land Lot 519 and 562 - Hawthorne Avenue, Davis Drive and Saint Charles Avenue - Traton Homes, LLC.

Sponsors: Anulewicz

Mr. Taylor shared the background for the request stating that the property was originally rezoned (Z06-022) from FC, GC, and LC to RAD-Conditional for the development of 28 townhomes at a density of 8.86 units per acre on May 1, 2006 by a vote of 7-0. The original zoning tied the development to a specific site plan and building elevations. The property was later approved for a zoning amendment (Z07-010) on April 16, 2007 by a vote of 6-0 to modify the building elevations and the zoning condition requiring four-sided architecture. The site was developed and all infrastructure was installed. Ten of the twenty-eight units were constructed and finished prior to the project stalling during the 2008 recession. The remaining property has been vacant and undeveloped for the last six years. Traton homes has come in with a plan to modify that site plan, community development recommends approval with stipulations.

Mayor Bacon announced the public hearing and asked if there was anyone in opposition or who would like to make any public comment on this zoning request; no one came forward. Teri Anulewicz shared that Hawthorne Gate is not unique in its status of being a development that was begun and partially completed and then left incomplete for several years with the economic downturn, now as we enter the recovery period it too is being built out again. Ms. Anulewicz invited Ken Suddreth to come forward to talk about this request in greater detail and also thanked Rusty Martin for all his hard work on this project. Mr. Suddreth shared that Traton homes has requested to amend what was previously approved, that was a binding site plan the zoning stays the same which is RAD conditional the density remains as medium density so there will be no land use change. The zoning map and future zoning map with the proposed zoning amendments were presented increasing from 28 to 32 units. To achieve this they asked for a reduction from 25' to 20'. They would also like to modify the elevations and have asked for side set back reductions from 15' to 10' they would also ask to amend existing stipulations 20 and 21 to allow 3 sided architecture with the use of siding on the rear of the homes. The proposed site plan and proposed building elevations were presented. The building elevations are similar to the product Traton Homes built off of Fleming Street. Staff recommends approval with standard conditions; the proposed amended conditions were presented for council's consideration.

Mayor Bacon invited the representative to come forward. Brandon Wilson with Traton Homes approached and identified himself. City Attorney, Scott Cochran swore in the applicant. Mr. Wilson stated they have had success with their development across the street on Fleming Street and they are trying to duplicate that success. He believes they have reached an agreement with all to make their project successful while making all existing homeowners satisfied. They requested a change to condition # 23 for units 19 and 20 which prohibits using siding on the rear of the elevations. They proposed to use hardy plank on all rear elevations. The condition set forth under 23 is that they are required to use brick on units 19 and 20 they requested the use of hardy plank on these units to make the appearance more uniform. Councilmember Teri Anulewicz commented that this was discussed in one of the meetings held and this is something that the current residents are fine with, she is comfortable with taking it out.

Councilmember Anulewicz stressed other conditions that came from conversations with residents 26, 27 and 28 which she read aloud and discussed.

Standard Conditions (Requirements # 2, 8, 16, and 17 from Section 1201 of the Zoning Code are 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.

3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.

4. 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.

5. All utilities within the development shall be underground.
6. 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.
7. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
9. No debris may be buried on any lot or common area.
10. The developer will install decorative streetlights 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".
11. 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.
12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
13. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
Special Conditions.
14. A 10' landscape buffer shall be provided along the northern development boundary.
15. The right-of-way along Saint Charles Avenue and Davis Drive shall be increased to 50' to match other residential road right-of-ways. Therefore a dedication of 5' is required.
18. Driveways shall have a minimum length of 22' from building face to edge of common drive.
19. The development shall maintain the following setbacks from the existing right of ways:
Front - 25'
Rear - 25'
Major Side (Davis Drive & St Charles Avenue) - 10'
West Side - 10'
Building side to side - 35'
Building side to rear - 60'
21. The townhomes shall be designed with three-sided brick or stucco architecture and match the renderings provided with the rezoning amendment documentation submitted 5/9/2014. The developer must obtain approval from the Director of Community Development for any changes in the elevations.
22. The developer shall be permitted to use siding on the rear elevation of the units in the development. However, if the developer chooses to incorporate

siding into the elevations, the developer shall provide an amenity for the development.

23. Units #19 and #20 rear elevations face a public right-of-way and shall be prohibited from using siding on these elevations.

24. The side elevation of the townhouses facing Davis Drive and Saint Charles Avenue shall include a mixture of elements to provide architectural interest including; but not limited to: doors, windows, shutters, and juliet balconies.

25. Approval of the subject property for the requested zoning amendment shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/9/2014 created by Gaskins.

26. In lieu of the amenity improvements, the developer will install brick dividers between the decks on the second floor of the proposed units.

27. The developer/home builder will use its best efforts to compliment the brick and trim colors of the existing units.

28. The developer/home builder will explore the cost of screening the air conditioner units located in the rear of the townhomes.

A motion was made by Councilmember Teri Anulewicz to approve 2014-164, Zoning Request Z14-015, a modification of the currently approved site plan and building elevations of a 3.13 Acre Tract in Land Lot 519 and 562 at Hawthorne Avenue, Davis Drive and Saint Charles Avenue by Traton Homes, LLC with the omission of stipulation 23; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

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

C. [2014-201](#)

Public Hearing - Approval of the subdivision of the lot at 928 Pat Mell Road into two lots of record - 0.96 Acres - Land Lot 445 - 928 Pat Mell Road - NW Metro Atlanta Habitat for Humanity

Sponsors: Wilkinson

Eric Taylor provided the background for a request by NW Metro Habitat for Humanity for approval to subdivide their property at 928 Pat Mell Road into two lots for the construction of two single-family homes. The applicant plans to subdivide the property within the requirements of the R-15 zoning district, so no rezoning is required. The subject property is 0.96 acres in size and is zoned R-15 (single-family residential). The proposed subdivision will result in two new lots being 21,001 sq. ft. and 20,723 sq. ft. in size. The plat approval was heard by the Planning and Zoning Board at their meeting on July 14, 2014 and was approved by a vote of 7-0. Staff recommends approval.

Mayor Bacon announced the public hearing and asked if there was anyone in opposition or who would like to make any public comment on this zoning request; no one came forward. Councilmember Susan Wilkinson invited Ken Suddreth to provide details for the zoning request. Mr. Suddreth stated the ordinance requires that all lot splits need to come before council for approval. They are asking for a waiver of the lot width requirement along with the lot split. The proposed lots meet all the zoning

requirements of the R-15 zoning district, except the minimum lot width requirement. The R-15 zoning district requires a minimum lot width of 85' and the applicant is proposing a lot width for both lots of 82'. The proposed plat shows a possible property line discrepancy of 7.25' at the northeast corner of the property along Pat Mell Road (the surveyor has noted this possible discrepancy on the submitted survey). If the 7.25' along Pat Mell Road is in fact the applicant's property, the proposed lots would then have enough lot width for each lot to meet the zoning requirement. However, the applicant is seeking a variance to reduce the minimum lot width from 85' to 82' for precautionary measures. Staff recommends approval of the lot split along with the width variance.

Councilmember Susan Wilkinson invited David McGinnis to speak about the zoning request and variance. Mr. McGinnis introduced himself as the President of NW Habitat for Humanity located in Smyrna. They would like to take this piece of property that has been lying dormant for a while and put homes on it. They have a huge waiting list of families that need homes. He stated that if the request is granted they would move forward and have the homes built by November 2014. Ms. Wilkinson asked about the driveways to both homes and if they will have separate driveways or a shared driveway. Mr. McGinnis replied that the properties will have separate driveways. The driveways will be on the extreme opposite sides of the lots.

A motion was made by Councilmember Susan Wilkinson to approve 2014-201, to approve the subdivision of the lot at 928 Pat Mell Road into two lots of record - 0.96 Acres in Land Lot 445 at 928 Pat Mell Road by NW Metro Atlanta Habitat for Humanity; seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

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

D. [2014-207](#)

Public Hearing - Zoning Request Z14-020 - Modification of currently approved site plan - 0.46 Acres - Land Lot 561 - 1386 Marston Street - Joshua Bonner

Sponsors: Anulewicz

Mr. Taylor shared the background for this zoning request. The applicant is requesting to amend the currently approved site plan to incorporate 6,996 sq. ft. of the open space into lot #8 for personal use and deed 2,000 sq. ft. (the unfenced area) to the HOA to meet minimum open space requirement for the subdivision. Zoning condition #3 of Zoning Case Z06-010 requires 200 sq. ft. of open space per lot within the subdivision. The 2,000 sq. ft. of open space is proposed to be deeded to the HOA is enough area to satisfy this zoning requirement. The applicant has provided a letter signed by all the homeowners within the subdivision stating that they are supportive of the zoning request. The HOA is still actively working to acquire ownership of the detention area from the original developer. The subject property was originally rezoned from R-15 to RAD-Conditional by the Mayor and Council on June 19, 2006 by a vote of 5-1. Staff recommends approval of the zoning amendment to modify the currently approved site plan with the following condition: 1. Approval of the zoning amendment shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/23/2014.

Mayor Max Bacon announced the public hearing and asked if anyone wanted to speak in opposition or that would like to make a public comment concerning this modification to the site plan. Three individuals, including the applicant Josh Bonner

came forward to be sworn in by City Attorney Scott Cochran. Councilmember Teri Anulewicz requested that Ken Suddreth share the details regarding this modification. This property is a product of the downturn of the economy, the open space that was required and where it was located in the subdivision ended up being sold and not deeded to the Homeowners Association. That created an issue when the development came back and was completed for Riley's Walk section III. Mr. Suddreth stated that he and the City Attorney, Scott Cochran, discussed this issue and the conclusion was that there is a way to handle this issue but was beyond an administrative review. The vicinity map was shown indicating the lot in question the "L" shaped lot was intended to be the open space. This space was never designated to the HOA. Staff is recommending approval of the modification with one condition.

Councilmember Teri Anulewicz informed that this modification has gone back and forth with the other residents and neighbors in the subdivision. Mayor Bacon requested that the applicant come forward to identify himself. Josh Bonner came forward and proceeded to explain the details of his request. He purchased his home in 2010 under foreclosure. All the surrounding lots were deeded back to the bank except for the green space. He explained that he and another neighbor took care of the property during a time when no one was handling maintenance to the property. The builder agreed to allow the purchase of the green space lot from the bank by Mr. Bonner. They came up with a plan that allowed him to fence in the lot and use it for personal use.

Greg Welch identified himself residing at 2592 Highland Avenue, also bought his home while in foreclosure in 2012. The recent purchases were made under the assumption that the property in question was green space to be used as community property for the 10 homes in the subdivision. He stated that the issue is not with who owns the property but that no structures are built on the space. There is a common driveway in which part of the driveway is fenced off by the new fence.

David Chambers of 2616 Highland Avenue introduced himself and stated that he purchased a home in Riley's Walk 5 weeks ago. He claimed the green space was a part of the buying criteria. Mr. Chambers commented on a plat from 2007 where it described 9000 square feet of green space. His objection is not with the deeding of the 2000 sq ft to the homeowners association but with the 7000 sq ft becoming part of the Marston Avenue property. He also read from an application where it said that the space behind 1386 Marston Street will remain green space at this time. The "at this time" is a concern to him. He would object to the total loss of control of the space. Councilmember Andrea Blustein asked who promised him that the property would remain green space? He stated it was not promised but something the agent said. He took it on good authority and after seeing the 2007 plat he was convinced the property would be green space.

No one else came forward of the individuals that were sworn in. The Mayor inquired that he understood the property had been sold by Mr. Bonner. Josh Bonner affirmed that the property had been sold to a third party about 3 weeks ago. Scott Cochran asked Mr. Suddreth if the lot is annexed into the existing lot and what is proposed will not be a separate lot but will be included in the existing lot. He questioned if another home could be built on the lot of 2000 sq ft., Mr Suddreth replied that the 2000 sq ft was not large enough to build a home on. He also confirmed the ownership of the lot is not the concern of the neighbors it is the green space and that it does not turn into anything else. They want it to remain green space and not have another structure built on it. Council can put a condition on the space requiring that it remains green space.

Mayor Bacon asked if everyone would be happy if the property remained green space. Mr. Scott Cochran suggested they bring the new property owners into the

discussion. They came forward and were sworn in. Francesca and Brett Collier the new owners of the home stated they want to leverage the same rights as any other homeowner in a America and to be able to do what they want with their property within the confines of the HOA rules in their community.

Councilmember Andrea Blustein informed that the 2000 sq ft does not belong to the HOA and is not controlled by an HOA. Mr. Suddreth stated that the ownership of the property does not change the designation of what the land was. Mr. Cochran replied to make it more complicated the former developer never designated it as green space. Mr. Cochran informed that as of right now there is no green space in Riley's Walk. Mr. Suddreth continued that there is no HOA controlled green space.

Councilmember Teri Anulewicz stated that if this modification passed there would be 2000 sq ft of green space and Scott Cochran clarified that it will be both green space and the Collier's back yard and it will be relieved as only green space. It can be used as any other back yard is used. Josh Bonner is agreeing to convey the 2000 sq ft of green space in the agreement in exchange for the other space as the back yard.

Scott Cochran commented that he and Mr. Suddreth would continue to meet with the neighbors to work with them with the issue that they currently have 2 HOA's. Mr. Cochran also offered to continue helping the neighborhood work out the HOA going forward.

Mr. Cochran suggested that Mr. Bonner convey the 2000 sq ft to the HOA through quick claim deed. Mr. Suddreth confirmed they can add the stipulation. Councilmember Lnenicka stated that the council didn't have the agreement or the legal description that could be conveyed. Mr. Suddreth stated they have the plat.

A motion was made by Councilmember Teri Anulewicz to approve 2014-207 zoning Request Z14-020 - Modification of currently approved site plan - 0.46 Acres - Land Lot 561 - 1386 Marston Street - Joshua Bonner the owners are also mentioned as the title holders in the application, conditions as set forth by staff, seconded by Councilmember Ron Fennel. A motion to table by Councilmember Wade Lnenicka stopped this motion and there was no vote.

Mayor Bacon stated the motion to table takes precedence over a motion and calls for a vote to table this modification.

Councilmember Lnenicka believes the original motion needs to have some language added to it which would clarify the agreement. He would also like to see if the neighbors could reach some agreement with staff trying to help them form a proper HOA to take over the green space since there is no HOA to give the green space to whether it is 2000 or 9000 sq ft. There has been no discussion with the new owners to understand what was included in the purchase of the property and if the other neighbors wanted to purchase the green space property to make an HOA. He feels the Council could preclude all those things by acting too quickly. This is why he made the motion to table.

A motion was made by Councilmember Wade Lnenicka to table 2014-207 zoning request Z14-020 - Modification of currently approved site plan - 0.46 Acres - Land Lot 561 - 1386 Marston Street - Joshua Bonner to the next council meeting, seconded by Councilmember Andrea Blustein. The motion to table failed by the following tied vote. Mayor Max Bacon rejects the motion to table and will vote to break the tie.

Aye: 3 - Councilmember Blustein, Councilmember Wilkinson and Councilmember Lnenicka

Nay: 3 - Mayor pro tem/Councilmember Pritchett, Councilmember Anulewicz and Councilmember Fennel

Councilmember Ron Fennel states that he is confused with the assertion Mr. Lnenicka made because he understood that an HOA does exist.

Mayor Max Bacon declared he would vote to break the tie to reject the motion to table. The motion made by Councilmember Teri Anulewicz to approve 2014-207 zoning Request Z14-020 - Modification of currently approved site plan - 0.46 Acres - Land Lot 561 - 1386 Marston Street - Joshua Bonner; the current owners are also mentioned as the title holders in the application, conditions as set forth by staff, seconded by Councilmember Ron Fennel continued for approval with the following vote with Mayor Max Bacon voting yea and breaking the tie in favor of conditions set forth by staff.

Aye: 4 - Mayor Bacon, Mayor pro tem/Councilmember Pritchett, Councilmember Anulewicz and Councilmember Fennel

Nay: 3 - Councilmember Blustein, Councilmember Wilkinson and Councilmember Lnenicka

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal business:

A. [2014-189](#) Public Hearing - Adoption of 2014 millage rate - 8.99 mills

Sponsors: Anulewicz

Mr. Taylor provided the background on the millage rate. He stated that every year during this time the City Council is required to establish the millage rate for the current fiscal year. This year the proposed millage rate of 8.99 is higher than the proposed roll back and therefore it sets the requirement for hearings and advertisements. He wants to be sure to clarify that there is no an increase in the millage rate. Certain properties have increased as their values have increased which will raise their taxes over what they paid last year. This is purely the results of increase assessments in property values. Only certain properties will experience an increase. The City has held two (2) of the three required hearings, the first (2) hearings were held last Monday, July 14, 2014, this hearing is the third of the required hearings.

Mayor Bacon announced the public hearing he asked if there was anyone present that would like to speak in opposition or would like to make a public comment regarding the millage rate of 8.99 mills; no one came forward. Councilmember Teri Anulewicz discussed the millage rate and the impact to the average homeowner would be approximately \$23.00 for a \$230,000.00 home. This is not impacting every Smyrna homeowner. Ms. Anulewicz provides some history of the millage rate which has been 8.99 which this council has adopted since 2007. She felt it is notable that the millage rate was not raised during the recession. The millage rate remained flat during the recession and is not changing now.

Toni Jo Howard the Finance Director stated that the millage rate had been on the decrease prior to 2007 it started decreasing in 1991. Ms. Howard stated that the increase would be \$23.20 for a home eligible for the homestead exemption and has a fair market value of \$225,000.00 what the impact to average homeowner this would entail.

A motion was made by Councilmember Teri Anulewicz to approve 2014-189, the adoption of 2014 millage rate at 8.99 mills; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

Aye: 4 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz and Councilmember Fennel

Nay: 2 - Councilmember Wilkinson and Councilmember Lnenicka

B. [AGR2014-07](#)

Approval of HB 489 Service Delivery Strategy Agreement Extension with Cobb County and authorize the Mayor to execute any documents.

Sponsors: Anulewicz

Eric Taylor provided the background concerning House Bill 489. Every 10 years under HB 489, the Cities and Counties are required to enter into a Service Delivery Strategy Agreement to ensure double taxation is minimized within each county. Cobb County just concluded its first 10 year agreement with House Bill 489, this particular agreement had been renewed every 10 years. The previous agreement had \$25,000,000.00 split among the six cities of Cobb County depending upon each cities percentage of the yearly tax digest. The new Service Delivery Strategy Extension is for \$50,000,000.00 over 10 years. There has been discussion between the Mayors and City and County Managers and they recommend approval.

A motion was made by Councilmember Teri Anulewicz to approve AGR2014-07, HB 489 Service Delivery Strategy Agreement Extension with Cobb County and authorize the Mayor to execute any documents; seconded by Councilmember Andrea Blustein. The motion was carried by the following vote:

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

C. [AGR2014-05](#)

Approval of 2016 Special Local Option Sales Tax (SPLOST) Intergovernmental Agreement with Cobb County and authorize the Mayor to sign any documents.

Sponsors: Anulewicz

Mr. Taylor requested to provide the background jointly on item (C) and the next item (D) regarding SPLOST since they are related items. State code authorizes the levy of a one percent County Special Purpose Local Option Sales Tax (SPLOST) for the purpose of financing capital outlay projects for the use and benefit of the County and qualified municipalities within the County. The city is currently under the 2011 SPLOST agreement which expires calendar year 2015. Item C is to approve the intergovernmental agreement with the Cobb County which is the an agreement between the County and all participating governments. The County and the City have met to discuss possible projects for inclusion in the SPLOST referendum. The referendum is scheduled for a vote in the General Election held in November 2014. Cobb County will vote tomorrow on the SPLOST to be effective January 2016. Item (D) is the approval of 2016 SPLOST projects.

A motion was made by Councilmember Teri Anulewicz to approve AGR2014-05, the approval of 2016 Special Local Option Sales Tax (SPLOST) Intergovernmental Agreement with Cobb County and authorize the Mayor to sign any documents; seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

D. [2014-220](#)

Approval of the 2016 SPLOST Project List

Sponsors: Anulewicz

Councilmember Ron Fennel moved to amend to add an item to the SPLOST List, Exhibit A, a quiet zone in Ward 7 at Nickajack Road to the project list, engineering it within the confines of the existing request by adding a line item for congestion relief. The commitment level for the city will be approximately \$182,000.00 contingent upon Cobb County approving their portion of the investment for the SPLOST; the City of Smyrna would partner with Cobb County making the crossing possible that impacts about 6 neighborhoods on the south side of Smyrna and on the west side of the Silver Comet Trail, seconded by Councilmember Teri Anulewicz. Motion to amend carried by the following vote:

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

Nay: 1 - Councilmember Wilkinson

A motion was made by Councilmember Teri Anulewicz to approve the 2016 SPLOST Project List including the amendment set forth by Councilmember Ron Fennel, seconded by Mayor Pro Tem/Councilmember Melleny Pritchett. The motion carried by the following vote:

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

E. [ORD2014-11](#)

Approval of an Amendment to the City of Smyrna's Code of Ordinances Chapter 79 entitled Planning and Development Article IV, Section 79-34 to provide a structure for Enterprise Zones.

Sponsors: Blustein

Mr. Eric Taylor gave the background on the proposed ordinance. Cobb County approached the City of Smyrna with a proposal to jointly establish an Enterprise Zone for the purpose of encouraging job growth and investment in a targeted area that includes both incorporated and unincorporated parcels. In order to establish the Enterprise Zone, the City would need to modify its Code of Ordinances to provide a structure for the Zone. If approved, qualifying business or service enterprises within the proposed zone must create at least 5 new full-time jobs to be eligible for incentives that can include property tax savings and waiver or abatement of the occupational tax and other fees. State, county, and city ad valorem taxes may be exempted or reduced through this program. School taxes are not affected. This is a good tool for economic development. Staff recommends approval.

Mr. Jared Sigmon, Economic Development Coordinator, gave a Power Point presentation about the proposed Enterprise Zone. The purpose of the zone is to support small businesses and encourage new investment in this area of the City.

A motion was made by Councilmember Blustein to approve ORD2014-11, an

amendment to the City of Smyrna's Code of Ordinances Chapter 79 entitled Planning and Development Article IV, Section 79-34 to provide a structure for Enterprise Zones; seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

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

- F. [RES2014-11](#) Adoption of Resolution 2014-11 to establish the Smyrna-Osborne Enterprise Zone for the purpose of encouraging small business growth and new investment.

Sponsors: Blustein

Mr. Taylor gave the background on the resolution. The Smyrna portion of the proposed Smyrna-Osborne Enterprise Zone includes 2,409 parcels totaling 1.99 square miles in Wards 3 and 5. It focuses on areas along Windy Hill Road and South Cobb Drive. Mr. Sigmon stated the designation would be effective for ten years.

A motion was made by Councilmember Blustein to approve an adoption of resolution 2014-11 to establish the Smyrna-Osborne Enterprise Zone for the purpose of encouraging small business growth and new investment; seconded by Councilmember Wilkinson. The motion carried by the following vote:

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

- G. [RES2014-12](#) Adoption of a resolution authorizing an Intergovernmental Economic Development Contract between the City of Smyrna and the Downtown Smyrna Development Authority and Bond Placement Agreement with Raymond James & Associates, Inc.

Sponsors: Wilkinson

Mr Taylor gave the background on the resolution which is connected to the redevelopment of the old Hickory Lakes Apartment complex into a single family detached residential subdivision that is planned for 194 homes with an average value in excess of \$300,000 per unit, producing a value of the total site of approximately \$58,000,000. The Downtown Development Authority "DDA" is under contract to sell the property to Smyrna Residential LLC for \$14,150,000. Pursuant to the agreement between the DDA and the developer, the DDA will provide certain infrastructure for the development. This agreement supports the DDA in this regard. Staff recommends approval.

Mr. Gordon Morton from Raymond James & Associates came forward to give details of the resolution. The homes will be at about 4 units per acre and will be built by 2018. The bonds will be paid by 2027 and the debt service will be less than what it is today. Community Bank of the South has agreed to buy the bonds which can be paid off at any time.

A motion was made by Councilmember Susan Wilkinson to approve RES2014-12 to adopt a resolution authorizing an Intergovernmental Economic Development Contract between the City of Smyrna and the Downtown Smyrna Development Authority; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

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

7. Commercial Building Permits:

- A. [2014-228](#) Issuance of a commercial building permit for a Zaxby's restaurant at 1420 Spring Road - 1.1 Acre Tract - Land Lot 558 - 1420 Spring Road - Chicken Coup III RE, LLC

Sponsors: Lnenicka

Mr. Taylor gave the background on the issuance of a commercial building permit at 1420 Spring Road for the construction of a Zaxby's restaurant. The building will have a floor area of 3,654 square feet with an estimated construction cost of \$1,169,000.00. Dimension Construction will be the general contractor for the project. Staff recommends approval.

Councilmember Lnenicka stated he will be meeting with the Montclair Townhomes HOA to discuss the Zaxby's. The site is being prepared now and the restaurant should be completed later this fall.

A motion was made by Councilmember Wade Lnenicka to approve 2014-228, the issuance of a commercial building permit for a Zaxby's restaurant at 1420 Spring Road, a 1.1 Acre Tract in Land Lot 558 at 1420 Spring Road by Chicken Coup III RE, LLC; seconded by Councilmember Teri Anulewicz. The motion carried by the following vote.

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

- B. [2014-229](#) Issuance of the commercial building permit for Building A at Old Ivy Village - Land Lot 677 - 4340 South Cobb Drive, Suite #100 - Columbia Properties, Inc.

Sponsors: Lnenicka

Mr. Taylor gave the background on the issuance of a commercial building permit at 4340 South Cobb Drive for the construction of Building A at Old Ivy Village. The building will have a floor area of 10,000 square feet with an estimated construction cost of \$1,909,000.00. Joe N. Guy Construction will be the general contractor for the project.

Councilmember Lnenicka stated that the Council is excited to get this property developed.

A motion was made by Councilmember Wade Lnenicka to approve 2014-229, the issuance of the commercial building permit for Building A at Old Ivy Village in Land Lot 677 at 4340 South Cobb Drive, Suite #100 by Columbia Properties, Inc; seconded by Councilmember Ron Fennel. The motion carried by the following vote:

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

8. Consent Agenda:

City Administrator Eric Taylor read aloud the Consent Agenda.

A motion was made by Mayor Pro Tem/Councilmember Melleny Pritchett to approve the Consent Agenda; seconded by Councilmember Teri Anulewicz. The motion carried by the following vote:

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

- A. [2014-214](#) Approval of the July 7, 2014 Mayor and Council Meeting Minutes
- B. [2014-210](#) Approval of The Sizemore Group as the consultant for the Concord Road Land Use Corridor Project
Sponsors: Welch
- C. [2014-223](#) Approve the Policy of the City of Smyrna to Promote Businesses Equally
Sponsors: City Administrators Department
- D. [2014-227](#) Authorize permit for Atkins Park Tavern Beer Trailer for the Smyrna Birthday Celebration on August 2, 2014
Sponsors: Anulewicz

9. Committee Reports:

Councilmember Ron Fennel called Captain Joe Bennett to give a report on the Police Department. On July 9th, Master Patrol Officer Nesbit answered a child not breathing call at Glendale Place Apartments. When he arrived, he found an 11 month old baby who was unresponsive. Officer Nesbit performed CPR and revived the child. Captain Bennett commended the officer on a job well done. July 10th, there was a bank robbery at the Wells Fargo Bank, but the suspect was not apprehended. Another bank robbery occurred at the same location one week later where the suspect was apprehended by Smyrna Police and Cobb County Sheriff's office at the Kroger across the street. On July 16, a bank robbery occurred at the Fifth Third Bank inside the Kroger, the suspect was taken into custody with no incident. The third Citizen's Police Academy will begin September 8 and run through November 10th. Applications are on the Police Department page on the City website. Applications are being taken for new Police Officers.

Acting Chief Roy Acree reported eight open positions. Next week six new fire department employees will be welcomed into the Fire Department. Mr. Fennel urged all citizens to vote in the election.

Councilmember Wade Lnenicka reminded everyone of the election tomorrow. He supports the SPLOST, but expressed his desire that any Cobb County project dealing with rapid transit be handled with a vote on that issue alone and not be included with the SPLOST vote.

Councilmember Susan Wilkinson called Library Director Mary Moore for a report on the Library. This is the last week of the summer reading program, participation has been great. The final event will be Friday, July 25 at 2:00, Lee Bryan, the Puppet Guy will present a program. The library has upgraded its Mango program to assist people in learning a foreign language. The August First Sunday lecture series will feature Jeff Clemmons, who will talk about the history of Rich's Department store. Participants are encouraged to bring in their Rich's memorabilia to share.

Keep Smyrna Beautiful Director Ann Kirk came forward for a report. The Mayor presented her with a certificate honoring 20 years of service to the City. Ms. Kirk thanked those who participated in the Adopt a Mile program. The event will be repeated next Saturday if the weather permits. She reminded citizens that the Fresh Market is open on Saturday mornings rain or shine. They have had very good vegetables. A celebration honoring Keep Smyrna Beautiful's 30 year anniversary will be held August 10th at Brawner Hall with a concert by Pat Terry.

Councilmember Teri Anulewicz called Jennifer Bennett to come forward for a report. The Annual Smyrna Birthday Celebration will be August 2nd from 6:00 - 10:00 with fireworks at the close.

Finance Director Toni Jo Howard reported that the City has received an award from the Government Finance Officers Association for the financial reporting of the Fiscal Year 2013 report. The audit will begin in September. The water bills will be changing due to a new system. There will be a flyer in the water bill that will describe the new bill.

Councilmember Andrea Blustein called Ken Suddreth forward for a report. He noted the fact that there were five staff members from Community Development present at the meeting shows that business is good. The Belmont apartment should start grading soon. The homes will begin in the very near future.

Ms. Blustein reminded citizens to vote. She thanked those that came out to meet with her about the play area for the Highlands and Spring Drive sidewalks.

Councilmember Melleny Pritchett encouraged all to vote.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Mr. Alex Backry, 3759 Shawnee Trail, came forward for Citizen's Input. He discussed the Belmont Hills property and the amount of time it has taken to begin development. He discussed the small number of people that attended the property tax meetings and implied that the City could have done a better job advertising the meetings. Lastly, he discussed that the Mayor stated he does not want a Walmart in the City because they would leave and the City would have another empty building. Mr. Backry said that he does not think that would happen and believes that the City needs more businesses.

Al Graves, 1070 Pinehurst Drive, came forward to speak about Concord Road. He voiced his concerns about the intersection of McCauley Road and Concord Road. He is concerned that there needs to be a larger turn lane on the northern side of the road. He wants to know the final configuration of the road at the intersection. The Mayor stated there were people present from Croy Engineering that can answer his

question after the meeting.

Joyce Reagan came forward to ask for prayers for the family of Chuck Allen, who was a pastor of Smyrna First Baptist Church. He passed away suddenly and will be missed by the church.

12. Adjournment:

The meeting was adjourned at 10:20PM.