

January 20, 2009

The regular scheduled meeting of Mayor and Council was held at Smyrna City Hall. The meeting was called to order by presiding officer Mayor A. Max Bacon at 7:30 o'clock p.m. All council members were present except Council Member McNabb. Also present were City Administrator Wayne Wright, Assistant City Administrator Eric Taylor, City Clerk Susan Hiott, City Attorney Scott Cochran, Public Works Director Scott Stokes, Library Director Michael Seigler, Keep Smyrna Beautiful Director Ann Kirk, Community Development Director Ken Suddreth, Planners Rusty Martin and Scott Smith, Intern Monica Jones, Police Chief Stan Hook, Community Relations Director Jennifer Bennett, Parks and Recreation Director Steve Ciaccio, Deputy Fire Chief Sam Wehunt, Finance Director David Boyd, Human Resources Director Chris Corey, Economic Development Coordinator Andrea Hall and representatives of the press.

Invocation was given by Reverend Terry Phillips from Bethany United Methodist Church, followed by the pledge to the flag.

AGENDA CHANGES:

There were none. Mayor Bacon stated Council Member McNabb is absent due to illness.

MAYOR'S REPORT:

(A) Recognition of Fisherman's Net

Council Member Smith recognized Ms. Terry Floyd, and read a *Proclamation in Recognition of Fisherman's Net* to those present. Ms. Floyd thanked everyone for their support of the students and staff of the Fisherman's Net program.

(B) Recognition of Mike Terry

Mayor Bacon recognized Mr. Terry, and commented favorably about his service as chairman of the Smyrna Planning and Zoning Board (PZB) and stated Mr. Terry will now chair the Cobb County PZB. Mayor Bacon stated Mr. Terry has played a prominent role in the restoration of the Taylor-Brawner property. Mr. Terry stated he has enjoyed his service to the City on the PZB, and thanked the City's staff for their assistance.

(C) Presentation of FY 2008 Independent Auditor's Report

Mayor Bacon recognized Mr. Boyd, and Mr. Boyd provided background information regarding the audit process. Mr. Boyd introduced Ms. Tammy Galvis from Moore and Cubbedge, LLP to the present officials, and Ms. Galvis provided details to those present regarding the fiscal year 2008 certified audit.

LAND ISSUES/ZONINGS/ANNEXATIONS:

(A) Public Hearing- Rezoning Request Z08-006 - GC and R-15 to MU - Southwest Corner of Windy Hill Road and Atlanta Road - Land Lots 447, 489, 490, 519 and 520 - 47.49877 acre tract - City of Smyrna

Mayor Bacon stated this rezoning case was tabled from the December 15, 2008 meeting.

Mr. Wright stated staff recommends approval of this rezoning request.

Mayor Bacon stated this is a public hearing and asked for public comment, and the oath was administered to several persons by Mr. Cochran.

Mayor Bacon recognized Mr. Suddreth, who provided details to those present concerning plans for the subject property. Mr. Suddreth stated the plans call for 902 residential units and some 127,000 s.f. of retail and office space. Mr. Suddreth stated staff recommends approval of the rezoning request subject to stipulations detailed in a letter from the owner's attorney dated January 20, 2009. (Clerk's note: A copy of this letter is appended hereto as Exhibit "A")

Mayor Bacon recognized Mr. Halpern, Mr. Steve West, Mr. Benjamin Halpern, Mr. Kevin Moore, an attorney representing representing Halpern Enterprises, and representatives from residential development firm Wood Partners. Mr. Halpern provided details to those present concerning the lengthy process which has resulted in the plan under present consideration. Mr. Halpern stated this plan is a synthesis of the best ideas which have been suggested and reviewed. Mr. Halpern stated the plan will entail demolition of the existing shopping center structures. Mr. Halpern provided details to those present concerning the six main components of the redevelopment plan. Mr. Halpern stated the development will conform with the City's urban design guidelines.

Council Member Anulewicz thanked the citizens for their patience while the City's leadership and staff made efforts to make sure this development proposal is the best possible plan for the subject area. At Council Member Anulewicz's request, Mr. Halpern provided details regarding the timetable for demolition of existing improvements, commencement of new construction and measures to be taken to stabilize the construction site as the new development is built in phases.

Mayor Bacon recognized Mr. Charles Woodham, residing at 2616 Hughes Street, and Mr. Woodham expressed the view that the number of residential structures planned for the subject area seems high. Mr. Woodham expressed the view that the project as proposed does not seem to fit with the small town atmosphere he has become accustomed to, and compared the plan to Atlantic Station. Mr. Woodham expressed the view that current economic conditions may not support a plan of this scale. Mr. Woodham asked the City's leadership to try to preserve wooded areas on the property as much as possible. Mr. Woodham stated that if he allowed his property to deteriorate to the extent which Belmont Hills has, he would face fines or other adverse action from the City.

Mayor Bacon recognized Ms. Donna Woodham, residing at 2616 Hughes Street, and Ms. Woodham requested clarification of the location of a water structure planned for the development. Ms. Woodham stated Halpern Enterprises (HE) has been given TAD money for redevelopment of Belmont Hills, and that this will require many residential structures to be built. Ms. Woodham expressed concern about the future of the wooded area behind the subject property. Ms. Woodham stated HE could use TAD funds to buy land at the corner of Fleming Street and Atlanta Road which is already prepared for construction. Ms. Woodham stated the City's leadership must learn to think more imaginatively and that change is needed soon. Ms. Woodham expressed the view that there is no reason the wooded area she alluded to must be cleared. Ms. Woodham stated that tax dollars should provide tranquility, quality of life, and clean air. Ms. Woodham asked the present officials to consider preservation of the wooded area behind the subject property. Ms. Woodham stated the housing market is flat and there is no need for quick action on the subject property. Ms. Woodham stated there is time for Mr. Halpern

and the City's leadership to join the progressive movement.

At Mayor Bacon's request, Mr. Wright explained how the project is to be financed. Mr. Wright stated HE is to be reimbursed from enhanced tax revenues the proposed development is expected to generate. Mr. Wright stated no bonds are to be issued in this case and that HE will be providing initial funding and assuming any risk involved.

Mayor Bacon recognized Ms. Mary Kirkendoll, residing at 1078 Oakview, and Ms. Kirkendoll expressed concerns about lack of progress at Jonquil Plaza. Ms. Kirkendoll stated there is a huge steel structure at King Springs and Concord Road sitting vacant. Ms. Kirkendoll stated many citizens who live here have ideas worth listening to. Ms. Kirkendoll stated change is needed in Smyrna and that the local leadership should work with Cobb County to try to bring in new businesses. Ms. Kirkendoll expressed the view that Belmont Hills has been problematic for some time and that nothing has been done. Ms. Kirkendoll expressed the view that the plan as presented will amount to another cement mud pile. Ms. Kirkendoll stated the entire outer edge of Belmont Hills should be buffered with landscaping before any work begins. Ms. Kirkendoll stated she owns a house in Smyrna and wants to see progress. Ms. Kirkendoll expressed doubt that anyone would want to live in Belmont Hills or locate a business there.

Mayor Bacon stated HE is investing its own money in this project, and he does not believe this would be the case if the venture did not have not real prospects for success. Mayor Bacon stated the project as proposed will be a tremendous improvement in the subject area and will mark the beginning of renewal in the northern part of the City. Council Member Anulewicz stated the city council has studied this matter to make certain that what is being built at Belmont Hills will be relevant for many years to come.

MOTION: Council Member Anulewicz made a motion to approve Rezoning Request Z08-006 from General Commercial and R-15 to Mixed Use at the southwest corner of Windy Hill Road and Atlanta Road, Belmont Hills Shopping Center, in Land Lots 447, 489, 490, 519 and 520 for a 47.49877 acre tract for the City of Smyrna. The motion was seconded by Council Member Newcomb. Council Member Lnenicka thanked Mr. Halpern and other associates for patiently working with the City on this project. Council Member Lnenicka pointed out that redevelopment of Belmont Hills is vital to renewal of the northern part of the City. Council Member Pritchett stated the Belmont Hills property was not fully rented in the last few years because Mr. Halpern, at considerable expense to Halpern Enterprises, was not renewing long leases in anticipation of this redevelopment project. Council Member Pritchett stated Mr. Halpern has a record of making judicious decisions regarding redevelopment of properties. Council Member Pritchett stated the City's leadership has utilized expert consultants to provide information to be used in the decision making process for Belmont Hills, and that this matter has been discussed in exhaustive detail at many meetings. Council Member Pritchett stated she believes Mr. Halpern will do what he says he will do. Council Member Newcomb recapitulated the various events associated with the tax allocation district and the resulting effect on financing local projects. Council Member Newcomb commended Mr. Halpern for his efforts to arrive at a redevelopment plan that is suitable for both his interests and those of the community. Council Member Newcomb stated the Belmont Hills property is not owned by the City, and that Halpern Enterprises has a lot of discretion as to how the property may be used. Council Member Smith commended Mr. Halpern for his efforts to compromise with the City's leadership to craft a redevelopment plan for the subject property. Council Member Wood stated the alternatives must be considered when making a decision on this project, and that this plan can be an impetus to renewal on the north side of the City. Council Member Wood thanked Mr. Halpern for his willingness to work with the City and to take risks with his own resources to bring about this redevelopment. Motion was approved 6 - 0.