



**Meeting Minutes  
Mayor and City Council**

*Mayor Jere Wood*  
*Council Member Nancy Diamond*  
*Council Member Rich Dippolito*  
*Council Member Kent Igleheart*  
*Council Member Jerry Orleans*  
*Council Member Betty Price*  
*Council Member Becky Wynn*

---

Monday, May 9, 2011

7:00 PM

City Hall

---

**WELCOME**

**Present:** 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orleans, Council Member Betty Price, and Council Member Becky Wynn

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Assistant City Attorney Bob Hulsey; Police Chief Dwayne Orrick; Fire Chief Ricky Spencer; Environmental/Public Works Director Stuart Moring; Transportation Director Steve Acenbrak; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Planning and Zoning Director Brad Townsend; Finance Director Julia Luke; Human Resource Director Dan Roach; Environmental Deputy Director Yvonne Douglas; Land Development Manager Clyde Stricklin; Planner Jackie Deibel; Community Relations Coordinator Kimberly Johnson; Building Operations Technician Doug Heieren; Deputy City Clerk Betsy Branch.*

**Pledge of Allegiance - Wayne Robinson**

*Mayor Wood invited Mr. Robinson to the podium. Mr. Robinson, a Roswell businessperson for 23 years, said this was his first time attending a council meeting. He pointed out fellow Rotary members in attendance, and said the Roswell Rotary Club is the best Rotary Club in the state, and one of those at the top in the U.S. Mr. Robinson explained that he was involved with Shelter Box, a disaster relief organization formed ten years ago by Tom Henderson, a Rotarian in the U.K. Mr. Henderson realized there was a void in the marketplace when natural disasters such as tsunamis, hurricanes, or natural flooding occur around the world. Shelter Box is a large green box designed for displaced families, the main content is a large 10-person family disaster tent. Last January, 28,000 shelter boxes were sent to Haiti on day two after the hurricane hit; approximately 150,000 people are still living in these Shelter Boxes. Typically, when a disaster strikes, Shelter Box will receive a call to assess the situation and make a determination if there is a requirement for Shelter Box aid. If the aid is needed, Shelter Box will work with the Red Cross, Rotary Clubs, and other organizations to determine how best to get aid into the country and to the people. Shelter Box has provided aid to over 1.5 million people in the last ten years. Rotary Clubs around the world provide approximately 60% of the support Shelter Box receives. Mayor Wood expressed his gratitude for Mr. Robinson's accomplishments with Shelter Box and the support of the Rotary Club.*

*Called out of Agenda order during the meeting.*

### CONSENT AGENDA

1. **Approval of April 11, 2011 Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on April 25, 2011); Approval of April 25, 2011 Council Brief**  
*Administration*  
Approved
2. **Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election. (Second Reading)**  
*Administration*  
Approved
3. **Approval for the Mayor and/or City Administrator to sign a Georgia Department of Transportation (GDOT) Indemnity Agreement for MARTA Offset Project - Bus Stop Amenities.**  
*Transportation*  
Approved
4. **Approval for the Mayor and/or City Administrator to sign the Georgia Power Pedestrian Lighting Agreement for the Finish the Connection MARTA Offset project.**  
*Transportation*  
Approved
5. **Approval for the Mayor and/or City Administrator to sign the necessary documents to accept a donation of right-of-way from Stone Mountain Real Estate Holdings, LLC and a permanent easement from The Sayad Partnership, LLP for the MARTA Offset Sidewalk Improvements project - Mansell Road Sidewalk Location.**  
*Transportation*  
Approved
6. **Approval to authorize the expenditure of Tree Planting Program funds in an amount not to exceed \$20,000 to install 36 trees as part of the Finish the Connection MARTA Offset project.**  
*Transportation*  
Approved

## Approval of the Consent Agenda

### *Council Comments:*

*Councilmember Price stated she did not wish to pull items 3 and 4 from the Consent Agenda but in a previous Council discussion, she had asked for an answer as to whether MARTA was going to require the City to remove things no longer needed. Transportation Director Steve Acenbrak confirmed that the City would still be required to do so.*

*Councilmember Price noted that in regards to the tree planting, the priority is to replace any dead trees on Willeo Road. Transportation Director Steve Acenbrak confirmed that was a different issue and not part of this.*

**A motion was made by Council Member Igleheart, seconded by Council Member Orlans, to Approve the Consent Agenda. The motion carried by the following vote:**

**In Favor: 6**

## REGULAR AGENDA

### Mayor's Report

1. **Announcement of National Bike Month and Bike to Work Day on Friday May 20, 2011.**

*Mayor Wood stated the City of Roswell is the first city in the State of Georgia to receive the Bicycle Friendly Community Bronze Level designation from the League of American Bicyclists. The Mayor proclaimed the month of May 2011 as National Bike Month, the week of May 16 to 20th as Bike to Work Week, and May 20 as National Bike to Work Day in Roswell.*

*Eric Broadwell, President of Bike Roswell, and Doug Fallen, Secretary of Bike Roswell, spoke about Bike Roswell events including a challenge for everyone in Roswell to log their miles cycled for this event. Prizes will be awarded after May 31 when Bike Roswell has completely tallied the results. They encouraged everyone to participate in the Bike to Work Week and the National Bike to Work Day, May 20, and Ride To Lunch day on Wednesdays throughout the month of May. Mr. Broadwell announced that the Governor signed a new law in the State of Georgia requiring a safe passing distance of three-feet between a cyclist and a car. This law passed through the Georgia Senate and House with the help of Senator John Albers. Mr. Broadwell thanked everyone for their participation and support and stated The City of Roswell has a great plan to achieve the Gold Level for cycling. He recognized Steve Acenbrak and Kim Weber from Transportation for their help.*

2. **Reading of a Proclamation for National Public Works Week.**

*Mayor Wood read the proclamation and recognized the dedicated personnel who staff the City of Roswell's Public Works/Environmental, Transportation, Community Development and Building Operations Departments. He proclaimed the week of May 15 through May 21, 2011 as National Public Works Week in the City of Roswell and announced the events Touch-a-Truck on Saturday, May 14 featuring trucks from Sanitation, Water, and Transportation, and a Truck Rodeo to be held on Wednesday, May 18. He called upon the citizens to acquaint themselves with the issues involved*

in providing public works and recognized the contributions made by Roswell Public Works officials.

Environmental/Public Works Director Stuart Moring recognized the contributions of people in the Public Works realm, including the Transportation Department, the Community Development Department, and the Building Operations Division. The Touch a Truck event helps Roswell citizens learn about the equipment and work that goes into these operations. This year, for the first time, Public Works Week will include a Track hoe competition between the Water Distribution Division and the Transportation Department.

Director of Transportation Steve Acenbrak announced that the City of Roswell's new Grimes Bridge Road bridge is featured on the cover of the latest issue of The Georgia Engineer, a professional engineer magazine.

Director of Community Development Alice Wakefield stated the departments of Public Works/Environmental, Transportation, and Community Development work in good partnership together.

3.

### **Presentation of the Mayor's FY 2012 Proposed Budget.**

Keith Lee, Director of Strategic Planning and Budgeting presented the FY 2012 Proposed Budget, it is a culmination of approximately six months work between the department heads, departments, and the Council. Mr. Lee reviewed the principles used to develop the proposed budget. He expressed appreciation for the time and effort everyone put into it. Mr. Lee stated that to develop this budget, a series of principles were worked through where a balanced budget where revenues exceed operating expenditures, plus maintenance capital; General Fund use of reserves for One Time Capital and Road Resurfacing/Reconstruction; no tax increase; maintain General Fund fund balance greater than 3 months operating expenditures; and maintain the current level of service. This budget is presented with the revenues over expenditures. City revenues are \$56.67 million; expenditures of \$56.1 million; and available to program is \$571,000. In terms of no tax increase, Mr. Lee displayed the 2011 tax year numbers and stated "we had an M & O of \$4.059 mills. FY 2012 is proposed to be \$3.949. Our total millage would go from 5.455 mills to 5.345 mills. A decrease in the millage rate of .11 mills." With the millage rate decrease for an average home on the FY 2011 tax bill would move from \$642 to \$629, a reduction of \$12.95 or 2.15%. If properties receive a decrease in their assessed value, the decrease in property tax will be greater. To provide a history of the City's millage rate, in FY2006 the millage rate was 6.087; this year's proposed millage rate is 5.345, which is a 12% decrease in the millage rate from FY 2006 to FY 2012. Maintaining the fund balance with a proposed budget of \$56.1 million, 3-months -worth of operating in reserves would be \$14 million. We currently are projected to have a fund balance of \$26.2 million; Reserve by Policy of \$14 million. The City's Reserve above Policy will be \$12.2 million. In terms of revenue from FY 2011, the budget was \$55.9 million; the proposed FY 2012 budget is \$56.6 million. This is an increase in revenue of \$759,000. Mr. Lee displayed the table "FY2012 General Fund Revenue" indicating changes in major categories of revenue. He stated the changes that are the greatest are property tax, which is an \$850,000 decline, \$350,000 expectation from a declining digest, and \$500,000 from the .11 mills. There is also an increase in sales tax of \$800,000 and business taxes increase of \$290,000. Mr. Lee discussed chart "FY 2012 General Fund Revenue." Property and sales tax represents approximately 67% of total revenue.

Mr. Lee discussed how the budget was developed. The operating budget for FY 2011 was \$54.3 million without any maintenance capital. One-time costs were

removed, such as the Strategic Economic Development Plan. The Stormwater Fund was created this year, reduces general fund expenditures by \$272,000. An "early-out" in the retirement program this year which resulted in a reduction of \$950,000 for FY 2012. It was necessary to absorb additional expenses related to the municipal election, electricity, fuel, retirement, an amount of \$965,000. The departments scrubbed their budgets for a total of \$343,000. New initiatives included in this budget: a reduction of the Recreation Participation Subsidy; opt out of the federal review of city elections, videotaping of council meetings, resulting in an overall reduction of \$266,000 to the budget; the maintenance capital included in this budget is \$2.9 million. The General Fund operating budget is \$56.1 million. Mr. Lee displayed and explained a table "FY 2012 General Fund Recap." In terms of the budget, General Fund Revenue is \$56.6 million and the Expenditures are \$56.1 million, leaving an amount to be programmed of \$571,000; of that amount, there were items that have not been funded in this budget: One Time Employee Compensation of \$325,000 that would be the General Fund portion; the Deputy Chief Position; Sidewalk Repair – Municipal Complex; Playground Renovations; Bill Johnson Community Activities Building Floor Renovations, for a total of \$530,000. Mr. Lee displayed table "FY 2012 Recreation Participation Fund" and explained that one of the major changes is the Recreation Participation Subsidy. FY 2011 Participant Fees were \$3,966,000; the Subsidy for FY 2012 will be \$479,000. He explained that there is a need to balance the budget; the \$179,000 increase for participant fees is the current balancing mechanism; that represents an approximate 4.41% increase for fees; therefore, a program that costs \$100 would need to move to \$104.41. In the Recreation Participation Fund from an expenditure standpoint, last year's budget was \$4.9 million. There is a proposal to eliminate two positions and eliminate the indirect charges to this Enterprise Fund, such that the expenditure budget is \$4.6 million, so the revenues exceed expenditures by a little over \$700.

Mr. Lee stated that total City funds revenue is \$100 million, primarily coming from charges for services, which would be the solid waste fund, water fund, storm water fund, sales tax, and property tax; that makes up the majority of revenue. Classifying the expenditures paid for through those revenues, Mr. Lee stated \$48 million of \$99 million is related to salaries and benefits, which equates to approximately 48% of the overall budget, covering 602 employees, and is a reduction from 624 employees in FY 2009. He noted this proposed budget includes the elimination of a total of three positions (from Recreation and Parks Department and the Detention Center). Based on the most recent census, the City is staffed at 6.81 employees per one-thousand citizens in the city, a decrease from 7.15 in 2006.

Mr. Lee clarified that from this point to adopt the budget, FY 2012 Budget Reading and Mileage Rate hearings are scheduled for May 23 and June 1, 2011.

Mayor Wood stated the council would not be voting on the budget tonight. Council would have budget work session for discussion of the proposed budget just presented immediately following this Council meeting; as shown on this calendar, several more meetings are scheduled that include opportunities for the public to be heard.

**Council Comment:**

Councilmember Dippolito noted there had been a number of changes in the budget since the last time Council had seen it; he asked for a review of those changes. Mr. Lee confirmed there had indeed been a number of changes in the proposed budget, which he planned to address further at the Council work session following this meeting. Mayor Wood asked Mr. Lee to pull up the slides for discussion to be reviewed after Public Comment.

*Public Comments:*

*Lee Fleck, Martins Landing, spoke on the following:*

- *Requested further explanation of the adjustment in Operating Expense of nearly \$1 million.*
- *The storm water utility was supposed to reduce General Fund Expenditures by about \$1.2 million; why has it gone up by \$1 million.*
- *Participatory recreation program and elimination of two positions; Last year 19 positions were moved from the General Fund into Recreation Department; asked if these two positions are different or are they being moved back.*

*City Administrator Kay Love stated those are two different positions.*

*Mayor Wood clarified that it is the elimination of three full-time employee positions citywide; two in the Recreation department; the chief cook in the Police Department; these are not positions being moved around.*

- *Inquired if the Participatory Recreation program is still supported by \$1 million. Ms. Love responded, no sir. She stated the subsidy previously had been \$1 million from the General Fund; this year it will be \$479,445.*
- *Storm water utility projections to reduce General Fund by \$1.2 million.*

*Ms. Love replied "The \$1.2 million, there is a reduction of some \$200,000 net to the General Fund. One of the things we've talked about when you've asked us some of these questions previously, we've mentioned that while we are moving expenditures out and the utility fee will be supporting those operational expenditures, we the city, because we have impervious surface, have to pay that fee. That's budgeted over in the General Fund. That's an increase because we are not currently paying it." Mr. Lee confirmed that he understood the City Administrator's explanation.*

*Mayor Wood asked Keith Lee, Director of Strategic Planning and Budgeting to respond to Councilman Dippolito's request to review changes in the proposed budget. Mr. Lee displayed a slide identifying the changes. He noted the slide showed where Council started from, from the \$54 million. He explained that everything primarily stays the same until the new initiatives, which was the \$266,445; the Recreation Participatory Subsidy, a \$479,445 reduction; Opt-out of the Federal Review of City Elections of \$25,000, an additional expense; Videotaping of Council Meetings, operating portion is \$12,000. Mayor Wood said it would be \$30,000 because there is \$18,000 in the capital budget of one-time expense. Mr. Lee noted that the capital includes the \$18,000 for the cameras.*

*Mayor Wood clarified that he proposed two new initiatives: the Opt-out of the Federal requirement that all our elections be reviewed, an amount of \$25,000; Televising Council meetings, for an amount of \$18,000 for two new low light cameras, and an operating budget of \$12,000, for a total of \$30,000.*

*Mr. Lee displayed the capital list that makes up the \$2.9 million. Councilman Dippolito asked about the operating changes. Mr. Lee displayed the full list of the operating changes and stated it includes the Nixle contract; the Training of Boards and Commission, an amount of \$4,000; the UASI (Urban Area Security Initiative) user fees radio system upgrade; the in-car digital cameras, and the new items just talked about.*

*City Administrator Kay Love stated "The difference in the proposed budget, nothing has changed since the last work session except on the maintenance capital side of the house, we had the discussion about several of the categories of city wide programs, computer replacement, vehicle replacement, facilities condition, assessment program. The Mayor in his proposed budget is proposing funding everything that staff requested with the exception of those three Recreation and Parks maintenance capital items that Councilmember Igleheart mentioned that Department Director Joe Glover said that we could wait another year to do, with the*

initiatives the Mayor just mentioned. On the revenue side of the house, the millage rate reduction we made the change of \$500,000. We reduced the overall revenue by \$500,000 thus leaving \$579,000 yet to be appropriated. There is that, so all of the differences of the plus and the minuses leave \$579,000 with the Mayor's proposed budget that is not appropriated at this point."

Councilmember Dippolito noted Council had previously discussed replacement vehicles; he asked where that would fall into the budget. Ms. Love replied "That maintenance capital number, the \$2.9 million and the \$1.5 million that staff had requested, that number is included in the Mayor's proposed budget."

*Public Comments:*

Janet Russell, 260 Willow Springs Drive, spoke on the following:

- Proposed budget looks fine except when it makes it look like our property taxes have gone down; monthly fees have been added for storm water management, based on the impervious surface. .

Mayor asked City Administrator Kay Love for an overall view of what is happening on the fee side of the revenue outside of the 4% increase in the Recreation Participation Fund. Ms. Love replied "In the solid waste management fund, as a result of implementation of the storm water utility fund and us billing property owners for impervious surface back when we made the rate structure approval, the Council approved a solid waste fee reduction to equate to one equivalent unit. We will have a number of properties that will have a decrease in their solid waste fee and their storm water utility fee. There will be a net decrease. Some people will pay more because of large amounts of impervious surface, some will remain neutral. That has been put in place so not everyone will see the same impact. There will be some people who will have that reduction overall net."

Mayor Wood said the overall appraised value of real property has also gone down. In addition to the \$12 millage rate reduction, the average assessment has gone down. Mayor Wood asked Keith Lee, Director of Strategic Planning and Budgeting what would be the result of the property tax reduction there in the City of Roswell. Mr. Lee replied, "Based on the current averages we're seeing, the average home will see about a \$30 reduction on top of the \$12 that we are proposing." Mayor Wood clarified that the average homeowner would see almost a \$43 tax reduction. Mr. Lee replied that was correct.

No further Council or public comment.

### **Recreation and Parks Department - Councilmember Kent Igleheart**

#### **4. Presentation by the Roswell Memorial Day Committee for 2011.**

*Presented by Joe Glover, Director of Recreation, Parks, Historic and Cultural Affairs*

Councilmember Igleheart introduced this item and asked David Young and other members of the Roswell Memorial Day Committee to come forward. Councilmember Igleheart noted that this is one of the most important and meaningful events we have in the year and as well as the largest and best in the State.

Mr. Young stated he was honored to co-chair this year's Roswell Remembers Memorial Day Ceremony with Bobby Daniels. The event will take place on Monday, May 30, 2011 at 11:00 am. Mr. Young thanked Council for a long-standing partnership in the production of this annual ceremony; this is the 14th annual Roswell

*Memorial Day Ceremony. The Roswell Memorial Day Ceremony is the largest Memorial Day Ceremony in the southeast. The departments of Public Safety, Public Works, Recreation and Parks, and Conventions and Visitors Bureau were recognized. Without them, it would not be possible continue this largest Memorial Day ceremony in the southeast. The ceremony this year will feature Ms. Donna Roe, a Captain in the Army Nurse Corps, Vietnam 1968-1969, who saved a Vietnamese baby flown in by helicopter to the triage base in Saigon. Baby Kathleen as the child was named, was glorified in the documentary in the "Shadow of the Knife," which helped open the Reagan Library. The laying of the wreath will be by Susan Price, mother of Marine Corps Staff Sergeant, Aaron Kenefick, a Roswell High School 1998 graduate who in his twelve-year Marine career was twice named Marine of the Year. Aaron and three other service members died during an ambush in Afghanistan in 2009. A video presentation of the 2010 Roswell Memorial Day Ceremony was shown.*

*Mayor Wood thanked the Rotary and all the volunteers who make this day possible and all of the veterans that we honor. He encouraged everyone to attend the Memorial Day event.*

### **Transportation Department - Councilmember Rich Dippolito**

5. **Approval for the Mayor and/or City Administrator to award a contract to CP Richards Construction for the Oak Street Streetscape project in the amount of \$187,651.50.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced the item. Director of Transportation Steve Acenbrak presented the item. Mr. Acenbrak displayed a visual slide of the construction of the Oak Street Streetscape. The City solicited bids for the procurement procedure and received 20 bids. CP Richards Construction with the lowest bid of \$187,651.50. An overhead graphic was displayed to explain the project. The first phase of a three-phase project will go from State Route 9 to Bush Street, 570 feet. Oak Street will be reconstructed by narrowing the lanes; there will be a two-foot wide curb and gutter section, four-foot landscaping strip, new decorative pedestrian lighting, five-foot brick sidewalk on the north side, a ten-foot multi-use trail on the south side vegetated with trees. There will be intersection improvement at Bush Street and a 5-foot sidewalk on the north side. Utility relocations have been taking place, reducing the number of wooden power line poles, replaced with higher poles. The City is now in the process of burying all the non-electrified utility wires. Mr. Acenbrak stated there is \$54,000 in CDBG Grant funds and \$477,925.77 in the General Fund, which gives a budget of \$532,000. Staff has reviewed this bid and recommends approval to CP Richards Construction.*

*Mayor Wood asked how much of that \$532,000 was originally estimated for the cost of this portion of the project. Mr. Acenbrak replied that was for the overall project, which consists of three phases; this was the first phase, the remainder will be applied to the second two phases. Mayor Wood asked what those are going to cost. Mr. Acenbrak replied, "We have not completed the design of the right-of-way acquisition. We are in discussions about the scope for moving forward. We had also talked about the concept of getting developers to help with some of that. My recommendation would be to approve this phase and let it go forward and then bring strategies back to committee." Mayor Wood asked if this project is under budget. Mr. Acenbrak replied yes and noted there are several different options that perhaps could be discussed at the next committee meeting.*



*No further Council questions or comments.*

*Public Comments:*

*Janet Russell, 260 Willow Springs Drive, asked what this would connect to and whether it would connect to Highway 9 running north.*

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

- 6. Approval for the Mayor and/or City Administrator to sign contracts for MARTA Offset Project - Sidewalk Gap Closure Batches #3, #4, and #5 with Clark Patterson Lee in the amount of \$55,955, Gresham Smith & Partners in the amount of \$59,715, and Mulkey Engineers & Consultants in the amount of \$50,180.35.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item. Director of Transportation Steve Acenbrak said the City is still working through the MARTA Offset Funds program and sufficiently along with the other projects and in a good position to release this next batch. He noted that areas that meet the MARTA eligibility throughout the city have been targeted; a graphic was showing indicating the three batch areas. Batch #3 is on Hembree Road. Batch #4 is divided into three sub components; a section at Old Roswell Road, two by Canton Street and SR9, and Norcross Street. Batch #5 is off Pine Grove Road. Hembree Road is the long awaited project to connect Hembree Grove with the two schools and the parks. There will be a multi-use trail. Batch #3 is where Old Roswell and Commerce Parkway join. A stretch of sidewalk where there is no sidewalk connection will be fixed. Mr. Acenbrak stated the sidewalk and crosswalks from City Hall to the south portion of Canton Street will be cleaned up to make it easier for pedestrians to cross from the parking area at City Hall to the shops and restaurants on Canton Street. Sidewalks will be placed where the Diesel Pizza restaurant is located at the corner of SR9 and Norcross Street. He noted there is a sidewalk gap along Pine Grove Road from Magnolia down Pine Grove to the area of the curve. Mr. Acenbrak stated Transportation staff believes these are good fees based on the Davis-Bacon Act and the other rules and regulations followed for procurement.*

*Mayor Wood noted that it is his understanding that this is MARTA Offset money, which requires that it be spent on something that helps people walk or ride buses. Mr. Acenbrak replied that was correct; it has to support the connectivity to the MARTA program. MARTA has reviewed and approved all of these projects as falling within their guidelines.*

*Council Comments:*

*Councilmember Price noted there have been concerns expressed about putting a sidewalk on the outer side of a curve where people are driving rapidly. She said "I did go and look at that and I kind of agreed. I think Nancy Diamond mentioned that at Committee meeting." Councilmember Price asked if there would still be a guardrail. Mr. Acenbrak replied that the entire geometry of the intersection would be considered; the design team will recommend changes to make that safer for pedestrians. Councilmember Price replied "I know we discussed the road down by the river saying that we couldn't move that guardrail, that was a straightaway, this is a*

nasty curve." Mr. Acenbrak agreed that it is a nasty curve that the design team plans to survey, look at the area, and make recommendations to make that pedestrian connection and fix the problem. Councilmember Price asked if there are any other locations as alternatives, if this one is not done. Mr. Acenbrak replied yes, but he was confident this could be solved.

No further Council comments or questions.

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this Item for the Mayor and/or City Administrator to sign contracts for MARTA Offset Project - Sidewalk Gap Closure Batches #3, #4, and #5 with Clark Patterson Lee in the amount of \$55,955, Gresham Smith & Partners in the amount of \$59,715, and Mulkey Engineers & Consultants in the amount of \$50,180.35 be approved. The motion carried by the following vote:

In Favor: 6

### Community Development - Councilmember Betty Price

7. **CU11-02, Fellowship Christian Schools, Inc., 10965 Woodstock Road.**

***(Applicant is requesting deferral to June 13, 2011)***

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Price introduced the item. Planning and Zoning Director Brad Townsend explained that this is a conditional approval requesting changes to the 2007 approved conditional use. An aerial photograph of the subject property showed the recent development of the property, the main building in the center that houses the high school and elementary school and the adjoining football, baseball, softball, tennis athletic fields. A bare area in the center is for a future high school building and future parking lot. Residential homes surround the property. The parking lot to the north is jointly used by the school and the Fellowship Bible Church.*

*Mr. Townsend reviewed the conditions from the 2007 approval for Fellowship Christian School that the applicant has asked be removed. (These conditions are shown below with the approved numbers from the 2007 Mayor and City Council approval.)*

- 1. The owner/developer shall develop the property in accordance with the site plan prepared by Paulson Mitchell, Incorporated containing five (5) sheets received on May 25, 2007 City of Roswell Community Development Department, or as approved by the Roswell Design Review Board and consistent with these conditions. (The applicant would like to lift the restriction on this condition regarding the lights and public address system on the football field. The applicant would like approval for a 1500 seat stadium and press box on the home side and portable bleachers on the visitor's side of the football field. The site plan from 2007 did not show these items.)*
- 15. There shall be no lighting on the baseball field, softball field, basketball courts, and tennis courts located near the Barrington Manor Subdivision.*
- 16. There shall be no public address system used at the baseball and softball fields and tennis courts.*
- 29. There shall be no marching bands, either from Fellowship Christian School or the visiting school, during outdoor athletic events.*
- 30. There shall be no outdoor concerts on the property.*

Mr. Townsend stated he received a letter from Mr. Rolader stating the applicant requested deferral to the June 13, 2011 Mayor and Council meeting, the next standard Mayor and Council meeting to deal with most zoning issues. It is within Council's discretion as to whether they feel deferral is appropriate or not. Mr. Townsend noted that staff had no other condition or discussion at this time.

*Applicant:*

Donald Rolader, 11660 Alpharetta Highway, Suite 630, Roswell, stated he represented the applicant. Mr. Rolader said approximately ten days ago they were for the first time, made aware that there were collateral issues not involving the key issues to this request that were of concern to members of the Council and members of the community. Subsequent to that we have been provided with some good information by Mr. Townsend. The applicant received some supplemental information by the engineering staff and supplemental information by the arborist. Mr. Rolader stated he asked to receive a consolidated list to deal with and address these problems and so that the City Council, in making its decision on this issue, has everything on the table and understands fully all the moving parts that are involved; as of this evening, he did not have a consolidated list. He stated regardless of whether such a list is received, or not, the applicant is prepared to address these issues with the professional staff, with the engineering staff and the arborist. He was concerned that both Council and the applicant having fair consideration of this matter. Mr. Rolader noted the applicant requested deferral until the June 13, 2011 Mayor and Council meeting. He has learned, subsequent to that request, of possible tight time constraint for other people involved and perhaps a deferral to the July 11, 2011 meeting would be more beneficial; it still would be within the 65-day parameter the City has in which to consider a zoning application. Mr. Rolader noted that the applicant has no objection to that later date if the Council finds it better, but did not feel they could reasonably address this and reasonably respond to this and give you the information you need if we charge ahead tonight with this on the table. Mr. Rolader offered to answer any questions Council may have but his request was for deferral.

Mayor Wood asked staff how close they are to having this consolidated list of these issues that are unresolved that should be resolved perhaps by construction or interpretation. Mr. Townsend replied "Days, weeks."

Mayor Wood clarified that Fellowship is asking for a list of everything, that needs to be cleaned up, which is days or weeks away, but then there may be some additional work that needs to be done to tie up these loose strings whether it is construction work or submitting plans. Mr. Townsend agreed. The Mayor asked Mr. Townsend if that could be accomplished by June 13 or July 11. Mr. Townsend replied "Because the nature of the issues deals with landscaping, the majority of the landscaping that hasn't been placed on the property according to the approved plans, staff would prefer that it be planted during the planting season, which is usually in the winter timeframe. There is no way for them to place all the landscaping needed within the 60 days of this request. Staff wouldn't want it placed there because it will probably die through the heat of the summer. Some of the outstanding things that need to take place reasonably cannot or shouldn't even take place in that timeframe."

Mayor Wood clarified that it sounds like staff wants to defer it even further; he asked Mr. Rolader for his response. Mr. Rolader replied that he concurred with Mr. Townsend in that it would be futile or wasteful to make certain landscape plantings prior to the planting season. Secondly, if they could get what is defined and agreed upon as to what is right and what is wrong and what has to be fixed, the applicant would want to do that right away for the benefit of everyone concerned. If that could be done between now and July 11, they could make a reasonable decision as to

whether we can achieve some result that everybody can or cannot tolerate. If it cannot be done by that date the applicant would deal with it in another manner, but they need to make progress. Mayor Wood asked if the applicant was requesting deferral for June 13 or July 11. Mr. Rolader replied they would request deferral until the July 11, 2011 Mayor and Council meeting, for the benefit of all concerned.

*Council Comments:*

Councilmember Dippolito asked Mr. Townsend to go over the current list of the issues that are unresolved. Mr. Townsend displayed the approved landscaping plan noting the locations where trees either were not planted or died, and a listing that had been previously provided to Mr. Rolader and his representatives, that included 22 dead trees, 55 missing, over 1100 shrubs and groundcover. Mr. Townsend also displayed a listing of 10 drainage and grading problems for the site, which had also been provided to the applicant; these drainage and grading problems relate to stabilizing a bare area and removing the driveway no longer used for the house; the erosion issues include an area located behind the baseball field where was to be stabilized and seeded, but at this time is mostly bare dirt. Mr. Townsend displayed and reviewed the original 30 conditions placed on the applicant June 11, 2007, noting conditions the applicant has requested be removed, conditions which the applicant is in compliance with, conditions the applicant is in non-compliance with, and conditions still in progress.

Councilmember Dippolito asked what it will take for the applicant to bring those conditions into compliance, that they have not complied with. Mr. Townsend replied the applicant would need to complete the two lists shown earlier; most of the issues necessary to come into compliance are related to landscaping or drainage and the Transportation department requires an internal routing plan that needed to be placed. Councilmember Dippolito stated it was his understanding that the Transportation items are still outstanding and being discussed as to whether they are needed. Mr. Townsend replied "One of the items we are still discussing dealing with Transportation and it is specifically related to the right turn lane on Crossville dealing with the deceleration lane. Item #8 was waved at the time by Transportation and is being looked at in more detail, related to the requirement. That is one of the outstanding things we are looking at to finalize for the applicant." Councilmember Dippolito asked how soon staff would have that answer for the applicant. Director of Transportation Steve Acenbrak stated staff would have the answer certainly before July 11. Mr. Townsend stated that in discussions this afternoon it was determined that the deferral to July 11 would be enough time to contact GDOT and as well as our department, to get recommendations to make a determination. Councilmember Dippolito asked if the delay was caused in part by having to coordinate with GDOT. Mr. Acenbrak and Mr. Townsend both replied that was correct. Councilmember Dippolito asked if those were all the conditions. Mr. Townsend replied those were all of the conditions.

Councilmember Dippolito replied that it is quite an expansive list that seems insurmountable, maybe even by July. He noted that Mr. Rolader had mentioned that he had just heard ten days ago, or that the applicant was just told ten days ago that these things were outstanding, and asked if that was true. Mr. Townsend replied "To my knowledge, Mr. Rolader's representation has known this for the last five years when they were approved in 2006." Mr. Townsend confirmed that these conditions have been outstanding for five years.

Mayor Wood asked the applicant for a response.

*Applicant:*

Mr. Rolader stated he received the original list of conditions and other comments, once Mr. Townsend and he discussed this within the last 10-day to 2-week period. Mr. Rolader stated that to his knowledge, Fellowship Christian School has not within the five-year period, received a citation for zoning violation unless there has been one within the last few days. He said there have been multiple discussions onsite with numerous people, job classifications have changed, new people came into the City, old people left, agreements being made; and in all fairness to both sides, not all those agreements were documented. He said there was an agreement among the parties that an area of a clump of trees would be the batting cage location, so that clump of trees was moved, but that is not reflected anywhere. Mr. Rolader stated the City assisted the applicant in redesigning the detention pond in left centerfield of the baseball field; the result of that was a deeper pond and a steeper slope that makes it impossible to sustain tree plantings on that slope. He said his goal would be for both sides to meet, perhaps with City Council people who would like to sit in on it and listen, and decide precisely the true issues and conditions. He suggested that Transportation staff and Engineering staff meet with the applicant's construction leader and the Fellowship School Headmaster. Mr. Rolader stated "The frustrating part to me is all of those issues are collateral to the issue at hand which is are they entitled to relief from these conditions that give them a different set of rules than the other high schools in the area. That is the key issue and we are not even addressing it in dealing with this. My impression has been that I cannot address the key issues and neither can my client until the City has a satisfaction level with the collateral issues. My goal has been to address the collateral issues and see if we can get them in a box and then let you make a decision on the primary issue, which is whether they are entitled to the relief or not."

Mayor Wood asked Mr. Davidson what the rule about is deferral and how long it could be. City Attorney David Davidson stated the Council would have had 65 days; the July timeframe would be the last possible date. The Mayor clarified that Council could either make a decision to hear the issue tonight or defer the issue, but the deferral could not be past the July date. Mr. Davidson stated that was correct.

*Council Comments:*

Councilmember Price asked, from a perspective of the timeframe being dealt with, would this discussion of this item today be considered a public hearing and whether the clock starts here or in July, should it be deferred. Mr. Davidson replied the clock starts today. She asked if determination of some sort would be made in July. Mr. Davidson replied that was correct.

Councilmember Diamond said she expected that Council would be asking many questions that would not necessarily have answers tonight.

Mayor Wood commented that he was trying to get a sense of where this Council was going with item because Council needed to decide whether to hear it tonight or defer it.

Councilmember Dipolito stated condition #1 includes a request for a 1500-seat stadium and press box but he was not aware of a site plan showing that. He asked if the applicant was in compliance with the submittal requirements for the Conditional Use based on that request. The other request is for the lifting of conditions.

*Motion:* Councilmember Price moved to defer CU11-02, Fellowship Christian Schools, Inc., 10965 Woodstock Road until July 11, 2011. Councilmember Igleheart seconded the motion.

*Council Comments:*

Councilmember Orlans said "I think everyone in the room knows I have some involvement in Fellowship because I've been hearing it from everybody. Originally, I was expecting a deferral hearing tonight which I guess we are getting into now, which normally we've always approved. With a deferral to June 13, for which I was going to be on vacation and out of town, I didn't put in a formal request to Mr. Davidson about recusing." He asked Mr. Davidson if he would render an opinion based on his situation and involvement with Fellowship. Mr. Davidson replied "Legally, under our ethics ordinance you would not be required to recuse yourself. It is a decision for you to make and if you have any interest unbeknownst to me that you would like to disclose, that would be appropriate." Mr. Davidson said he was aware that Councilmember Orlans has children that attend that school and confirmed that would not create a legal conflict of interest for Councilmember Orlans.

*Public Comments:*

Janet Russell, 260 Willow Springs Drive, spoke on the following:

- Only Councilmember Orlans, Councilmember Igleheart, and the Mayor were serving on Council when the original petition was brought forward five years ago.
- Does not live in the area of this school, does not own property near there, does not attend this church, but realized the strong neighborhood opposition to the construction of this school, the football stadium with the lights because there are two schools just down the road that have those things. They pursued this anyway; it is just a series of sports complexes.
- Agreed with Mr. Townsend that five years ago, they were told what they had to do; time and money to build all of those sports complexes but they didn't do what they were supposed to do with the plans.
- Churches and schools pay no taxes; contribute nothing to the tax base in this City; school should be cited every time they do not follow the law.
- Asked Council not to defer until July.

Allison Brolick, 210 Darrow Downs, Roswell, Georgia, spoke on the following.

- Many people are okay with deferral but there is concern whether Fellowship might bring new information not already in the City's records perhaps a couple of days before the July 11 Council meeting which would not give the neighborhood a chance to respond or potentially hire a professional to understand some of this information that is being given to us. Then we are up against the 65-day time-frame for Council's decision on the application.
- Inquired if Fellowship intends to fix the conditions they have not satisfied for the past five years and if the record is closed.

Mayor Wood asked Mr. Rolader if he anticipated introducing any new or different plans. Mr. Rolader said he did not anticipate making any substantial changes other than to responses to the condition questions. He stated, "There will be two things that I will discuss. I anticipate filing a constitutional challenge so that I am not guilty of malpractice. I have to put that in the thing and I will be glad to provide a copy for anyone who would like it. Secondly, we have discussed with staff whether conditions #2, #13, and #26 actually apply now and I may address those. Both of those we will be addressing within the next week to ten days. Those are the only changes." Mayor Wood asked if there are any anticipated changes to the substance. Mr. Rolader replied, no, he would file the letter and would address those three things.

Joe Baxter, 420 Ellenbrook Court, Roswell, Ga. spoke on the following.

- Spoke as an individual but had discussed this with some of his neighbors.
- Preferred that Council would vote on this tonight.
- The lack of compliance that has been clearly laid out by Mr. Townsend.

Public hearing was closed.

Mayor Wood asked Mr. Townsend if there had been any communication with Fellowship. Mr. Townsend confirmed there had been ongoing communication about everything. Mayor Wood asked if they had been warned or cited for anything. Mr. Townsend stated "They had been warned numerous times to come into compliance. I believe the only citation they recently have received deals with drainage." Mayor Wood said they have been cited. Mr. Townsend replied "Yes, dealing with the drainage issue." Mayor Wood said the City cites churches from time to time; "We would rather not cite any of our corporate or individual systems; we always try to warn them first and if they don't come into compliance, we cite them." Mayor Wood said that rule is true whether it is a church, school, business or an individual. Mr. Townsend replied yes.

*Council Comments:*

Councilmember Price commented she too was concerned Council would be thrust upon with a lot of information on the final night and it would be worth moving forward with a mindset toward solving some of the outstanding issues. She suggested there should be some internal updates and noted two committee meetings are scheduled between now and July 11. Mayor Wood asked Mr. Townsend if there would be updates at the next two committee meetings involving Community Development. Mr. Townsend responded yes, staff would update Council. Mayor Wood noted that committee meetings are open to the public for attendance and observation but not open for public comment.

Councilmember Dippolito asked if the internal updates would be presentations by staff or would there be time for questions by Council. Mayor Wood said there would always be opportunity for Council to question staff at committee meetings. Mr. Dippolito said this was a little out of the ordinary from standard procedure and he was concerned about the public on both sides of this issue not being present at those meetings. Mayor Wood clarified that all the committee meetings are open meetings. Mr. Dippolito asked, "So we are now requiring the public to attend additional meetings?" Mayor Wood replied they are not required to attend; he was simply informing them that the City's committee meetings are also public meetings and that they are always invited to attend just as the public is invited to attend the Council meetings.

City Administrator Kay Love stated this item would be placed on the Committee agenda as an information item, provided in normal committee packets, and Council and the Mayor could ask questions related to the information provided. It would not be a committee item that Council would act upon as you normally do, being a zoning issue; it would not be appropriate to seek guidance or an agenda vote like the typical things in committee. She said she would defer to the City Attorney, but did not think that would be appropriate.

Councilmember Dippolito agreed with Ms. Love and said he hoped that would be the course these meetings would take, but additional meetings where there may be some discussion, complicates this issue.

Mayor Wood replied "We are not adding additional meetings. We are simply adding a committee meeting in which Councilmember Price has asked staff to report at committee meetings and update where they are in the process. It's not an additional meeting and it is not a requirement, it's simply an invitation. I think it's appropriate for Council to be kept abreast of events and I think that is what the committee meetings are for."

Councilmember Dippolito said "I respectfully disagree with you. I think by having

discussion of a re-zoning item at committee meetings, you are essentially opening it up for the public and for the Council to discuss and you are essentially adding additional committee meetings. Mr. Davidson had a comment that he's been holding back. Maybe we can hear from him."

City Attorney David Davidson said he agreed with Ms. Love's explanation. Mr. Davidson said he envisions this as staff providing Council any information that they receive and that would be all. The information they receive is always open to the public so that is a public record and the public is free to get that same information.

Councilmember Dippolito asked if Council could agree to limit those committee meetings to informational, so there is not additional discussion and questions and potential comments from Council that the community would not need to be concerned about missing.

Mayor Wood stated Ms. Love presides at the committee meeting. The Mayor said he believes that a committee meeting it is an opportunity for Council to ask questions and does not believe in limiting questions.

Councilmember Diamond stated the emails she had seen from staff have also included neighbors and Fellowship to keep everybody aware of the process. She said she would hope that process would continue. Planning and Zoning Director Brad Townsend confirmed staff would continue that process.

Councilmember Igleheart said he was going to suggest that as well, because he agreed with Councilmember Dippolito that yes, people are not required to be here; he hated to add meetings over the next several weeks as we go through the process. He said he would prefer not to defer but Council's practice is to grant a request from the applicant and to try to make it what is best for everyone in the situation. Councilmember Igleheart said given all the factors, he would support the deferral to July.

Councilmember Dippolito noting that Mr. Rolader had earlier made the comment that he hoped all parties together would discuss this, volunteered to meet with the neighborhoods, Fellowship staff, and the appropriate people to see if there is some way for these folks to get together for discussion, if Mr. Davidson thought it would be legally appropriate.

**A motion was made by Council Member Price, seconded by Council Member Igleheart, that CU11-02, Fellowship Christian Schools, Inc., 10965 Woodstock Road be Deferred and placed on the Mayor and City Council agenda for 7/11/2011. The motion carried by the following vote:**

**In Favor: 6**

8. **RZ11-01 Text Amendment for sign code changes to allow additional ground signage and wall signage for properties with 1200 feet of road frontage in C-3 Zoning district. (First Reading)**  
**(Deferred during the April 11, 2011 Mayor and City Council meeting)**  
**Presented by Bradford D. Townsend, Planning and Zoning Director**

*Councilmember Price introduced this item. Planning and Zoning Director Brad*



Townsend stated this is a proposed text amendment to allow an additional ground sign and wall sign for multi-tenant centers in the C-3 Zoning district with 1200 feet of road frontage within the city limits. The deferral from the first reading of April 11, 2011 allowed staff to determine what types of properties or how many within the City would apply this text amendment. There were approximately six or seven pieces of property that would have the excess of 1200 feet in which this would apply. There was also discussion at the legal meeting dealing with other pieces of property that might be within 800 feet; there were not that many additional ones that this would apply, therefore it is within Council's discretion. The one change added at the request of the Planning Commission dealt with changing the thirty percent and seventy percent base sign area criteria. Mr. Townsend stated it is within Council's discretion what they choose to do with this ordinance.

City Attorney David Davidson conducted the first reading of an ORDINANCE TO AMEND THE CITY OF ROSWELL SIGN ORDINANCE TO ALLOW ADDITIONAL GROUND SIGNAGE AND WALL SIGNAGE FOR MULTI-TENANT CENTERS IN C-3 ZONING DISTRICTS WITH 1200 FEET OF ROAD FRONTAGE WITHIN THE CITY LIMITS OF ROSWELL, GEORIGIA, stating: pursuant to their authority, the Mayor and Council adopt the following ordinance:

1. Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.18 Maximum Height, Maximum Sizes, Setbacks Requirements, and Number Allowances, is amending 22.18 (c) as follows:

(c) Ground signs allowed under table 22.18(2) shall have a sign structure, which consists of the base and sign face, restricted to a sign (\*\*the word "sign" added\*\*) base of no less than three (3') feet and no more than five (5') feet in height (\*\*less than three (3') feet and no more than five (5') feet in height\*\* - Added) thirty (30) percent and sign face of no more than seventy (70) percent (\*\* thirty (30) percent and sign face of no more than seventy (70) percent\*\* - Struck out) within the twelve (12) feet or fifteen (15) feet (\*\* or 15 feet\*\* added) height limit. This regulation shall not apply to templates 25, 26, 27 and 28 as allowed under table 22.18(2) and detailed under table 22.18(8).

*Changeable Copyboard Signs:* Entities holding regularly scheduled performances or meetings attended by 50 or more persons, exclusive of employees, shall be allowed to use an otherwise permitted ground sign to contain 65% changeable copy of the allowable ground sign area.

Ground signs permitted with the use of a convenience store with fuel pumps shall be allowed to have changeable copyboard for the sign portion used to display the price of fuel per gallon only.

Any ground sign permitted under this Section shall be allowed a portion of the sign area to include a changing sign defined as follows: A sign that electronically or electrically controls the display of time, temperature and date.

Table 22.18(2) Ground signs in Nonresidential Zoning Districts, and Table 22.18(3) Wall Signs in All Districts are amended as follows:

Table 22.18(2)  
Ground Signs in nonresidential Zoning Districts

Zoning District(s) and /or Use:

Multi-Tenant Centers on one parcel of record in OP, C-1,C-2, C-3, I-1, M-R, PV and OCMS (OP, C-1, C-2, I-1, M-R, PV and OCMS were added) with 1200' or more of road frontage per road. (see footnotes) (See footnotes was added)

Maximum Height of Sign: 15'

Maximum Size of Sign: 128 Square feet

Total Square footage Allowance: 128 Square feet

Minimum Setback from R.O.W.: 10'

Number of Signs Allowed: 2 (1 was struck out) per road frontage

Approved sign Material:

Material compatible with that used in area (i.e. brick, stacked stone, wood)

Allowed Sign Styles for Ground Signs in Office, Commercial and Parkway Village Districts Refer to Table 22.18(8) (Sign Templates):

1,2,3,4,5,6,7,8,9,10, 11,12,13,14,15,16,17,18,19,20,21,22,23,24, 25a, 26b, 27b, 28b

\*\*\*\* Parcels with an excess of 1200 feet of linear road frontage shall be allowed two (2) ground signs per road frontage. The signs shall be separated by a distance of at least 600 feet.

Table 22.18(3)  
Wall Signs in All Districts

Zoning District(s) and/or Use:

Business signs for individual establishments within a planned center on one parcel of record zoned OP, C-1,C-2, C-3, I-1, M-R, PV and OCMS (OP, C-1, C-2, M-R, PV and OCMS all added) with over 1200' of road frontage

Maximum Size Of Sign:  
128 per wall per sign (per wall per sign added)

Total Square Footage Allowance:  
1 sf of sign allowance per linear foot of store frontage or an option of 32 sf if the store frontage is less than 32 feet in length. (or an option....in length added)

Number of Signs Allowed:  
1 per individual establishment wall (Individual establishment struck out) (wall added)

Approved Sign Color:

*Compatible with building architecture*

*Mr. Davidson noted that if approved, this would be the first reading.*

*Council Comments:*

*Councilmember Dippolito pointed out a typographic error on Table 22.18, Maximum Size Of Sign, which should read 128 square feet per wall per sign, not 128 signs per wall per sign. Councilmember Dippolito said with respect to the base, he would like to understand if we are trying to do a 70%, 30%; he asked if this was to do architecture and if staff had looked into other ordinances to see how that is treated. Planning and Zoning Director Brad Townsend said "Most other ordinances leave it silent. They control the sign area, they do not try to determine how much base a sign would have. They control it by the height and control square footage. Most of them leave the base truly silent." Councilmember Dippolito asked if we wanted to go to a percentage that would be more consistent with other ordinances that had been seen. Mr. Townsend said "I don't think other ordinances even control it. They just control the sign area and the size of the sign area as well as the height. The base is whatever it ends up being." Councilmember Dippolito asked if there was any discussion about the architectural treatment around the sign. Planning and Zoning Director Brad Townsend replied there was not really any discussion of that.*

*Councilmember Dippolito referring to the number of signs allowed, Table 22.18 states "1 per wall," noted that Council had discussion at the last meeting where an irregularly shaped building could potentially have signs on many different walls. He asked how this would be worded, so that if a building that is on the corner and it is on two sides, or if someone wants to have a front and a back sign, that "we don't end up with a building that has ten faces and they have ten 128 square foot signs." Mr. Townsend replied "The only way that I have understood other codes dealing with this is if it is visible from the street, which is what we are trying to control. Usually when the wall, as well as the sign that is on the wall is visible from the street, it counts as the criteria and they cannot exceed it. Usually on corners, depending on the actual line of sight, sometimes you can see both signs when you are driving down the corner. A perfect example of that is on Alpharetta Highway and Mansell, that Heirloom has three signs. I drove in the first day and thought how did that get three signs, but its three different walls and that is what would happen. We didn't have anything to control it. They had three walls, the signage is there. I will defer to the legal department as to how we change the language."*

*Mayor Wood replied there are two choices. Council could pass this for a first reading if Council thinks there is something here to work with, and work it out at a work session or committee meeting. The Mayor suggested that if Councilmember Dippolito had specific questions, he could meet with staff; that would be an option to having this in-depth discussion of the details tonight. Councilmember Dippolito replied he would be fine with that but he had brought these issues up before and it seems like we are not making a whole lot of progress. Councilmember Dippolito suggested that Planning and Zoning Director Brad Townsend set up discussion with him and to include Councilmember Price, as the Community Development liaison, or Committee discussion.*

*Councilmember Wynn said "I think one of the things we discussed is the 1200 linear feet to 800 linear feet. I think we showed a site that is maybe three more parcels that might be part of this." Mr. Townsend replied, yes. Councilmember Wynn suggested, if Councilmember Price would not mind doing an amendment to 800 linear feet instead of 1200, if only adding three more parcels. Councilmember Wynn said she*

*knew that was something Council had discussed.*

*Councilmember Orlans following up on Councilmember Dippolito's suggestion language stating "facing a street or parallel to a street" to avoid the "in and out" curvatures of walls being counted.*

*Councilmember Diamond stated she was going in the same direction with the 800 linear feet and would support adding that as the minimum.*

*Councilmember Price stated one of the reasons Council deferred last month was for an examination of other smaller parcels. She asked if staff had "any final numbers on any that were at 900 or 800." Mr. Townsend replied "Probably the 800, as I mentioned. The 1200 is probably a half dozen. If you lower it down to 800 you will probably pick up a dozen but probably between 10 and 12 linear frontage as a property in the zoning districts."*

*Councilmember Orlans asked Councilmember Wynn if she could explain why they are thinking of moving it from 1200 to 800. He said "The original reason we got into this was for the large parcels to have a little more signage because of how big they are."*

*Councilmember Wynn replied that was the reason for one of the deferrals because Council thought maybe the 1200 linear feet was too restrictive; she was interested in it for discussion purposes to see what the other Council members thought about it going down to 800 linear feet. Councilmember Wynn said she thought that when they looked at the map it was three or four, but if it is a dozen, then she suggested re-thinking that. Mr. Townsend acknowledged her comments.*

*Councilmember Igleheart stated he agreed that originally Council thought this would apply to one or two places in the City. If it would now apply to a "couple of dozen," he would oppose it entirely. He stated he had a real problem with creating a situation where everyone can have "tons" of new signs; Council wants to help folks but we have to be careful. He said he would like to know what those numbers are.*

*Mayor Wood clarified that the present motion, with the provisional second, was for 1200 feet of road frontage.*

*Councilmember Price asked on the second reading, how much Council could vary from the current reading and still have it be an acceptable second reading. Mayor Wood stated changes could be made. Mr. Townsend replied "My understanding is as long as you do not change something in the title; the 1200 foot dimension is in the title. You would probably have to nail that down because that is usually how we do the advertising for these text amendments; whatever is in the title is what the text will entail." Mayor Wood stated "I assume we will be discussing this at Committee."*

*Councilmember Price asked if she could amend her motion to "go back up but probably not lower." Mayor Wood replied yes she could amend the number up or down but she would need a second to the amendment for it to pass. Councilmember Price said "I'm thinking 1000 is a nice round number." Mayor Wood noted that if she would like to make that an amendment she could. Councilmember Price asked if anyone agreed with her. Councilmember Diamond stated "I think you've got the same number of parcels with 1000 and 1200." Councilmember Price replied she thought it was a good round number and asked if it could be changed the next time. Mayor Wood answered that it could be changed if she received the votes of support from Council. Councilmember Price noted that Mr. Townsend had stated that if the title is changed there would be a problem. Mayor Wood replied it would be possible*

to suggest an increase or decrease on the linear footage. Councilmember Price asked City Attorney David Davidson if there would be a problem if the number changed on the second reading since it is part of the title. Mr. Davidson replied "Provided that the subject matter doesn't change, you would be ok; you can change the number." Councilmember Price asked if that could be done later. Mr. Davidson replied, yes.

Councilmember Price asked for a precise report of the parcels. Mr. Townsend replied that he would provide Council a breakdown of parcels for 800, 900, 1,100, and 1,300 square footages at the next committee meeting.

No further Council discussion.

Mayor Wood invited public comment. No public comments were made.

**A motion was made by Council Member Price, seconded by Council Member Diamond, that RZ11-01 Text Amendment for sign code changes to allow additional ground signage and wall signage for properties with 1200 feet of road frontage in C-3 Zoning district be Approved on First Reading and placed on the Mayor and City Council agenda for 6/13/2011 (Deferred during the April 11, 2011 Mayor and City Council meeting). The motion carried by the following vote:**

In Favor: 6

9. **RZ11-03 Text Amendment to add a definition for a boutique hotel, determine the Zoning District where the boutique hotel will be a permitted use and determine the parking requirement. (Second Reading)**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Price introduced this item. City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE USE OF A BOUTIQUE HOTEL CREATING A DEFINITION OF BOUTIQUE HOTEL INCLUDING PARKING REQUIREMENTS AND ALLOWING THE USE OF A BOUTIQUE HOTEL TO BE LOCATED AS A PERMITTED USE IN THE CITY OF ROSWELL ZONING DISTRICTS H-R, OCMS, MPMUD, C-1, AND C-3 stating: Pursuant to their authority, the Mayor and Council adopt the following ordinance:*

1.

*The City of Roswell is hereby amending Article 3 of the City of Roswell Zoning Ordinance, Chapter 3.2 Definitions, by adding the following definition of boutique hotel:*

*Boutique Hotel: A commercial lodging service not exceeding thirty (30) rooms with one (1) or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby. A boutique hotel may include as accessory uses the following: full dining, public bar, retail uses, special events, and/or conference center facilities.*

2.

*The City of Roswell is hereby amending Article 6 of the City of Roswell Zoning Ordinance, Table 6.1 Permitted uses in Office and Commercial Zoning Districts, as follows::*

TABLE 6.1  
PERMITTED USES IN OFFICE AND COMMERCIAL ZONING DISTRICTS

USE

Boutique Hotel

O-P	-	X
C-1	-	P
C-2	-	X
C-3	-	P
I-1	-	X

(C-Conditional Approval Required, X-Not Permitted, P-Permitted)

3.  
The City of Roswell is hereby amending Article 7 of the City of Roswell Zoning Ordinance, Table 7.1 Permitted uses in Mixed-use Zoning Districts as follows:

TABLE 7.1  
PERMITTED USES IN MIXED-USE ZONING DISTRICTS

USE

Boutique Hotel

H-R	P
OCMS	P
MPMUD	P

(C-Conditional Approval Required, X-Not Permitted, P-Permitted)

4.  
The City of Roswell is hereby amending Article 17 of the City of Roswell Zoning Ordinance, Table 17.3.1 Minimum and Maximum number of Off-street parking spaces required as follows:

Access, Parking, and Loading:

MINIMUM AND MAXIMUM NUMBER OF OFF-STREET PARKING SPACES  
REQUIRED

USE

Boutique Hotel

COMMERCIAL USES

MINIMUM PARKING REQUIRED  
One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area

MAXIMUM PARKING PERMITTED  
1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area

Mr. Davidson noted that if approved, this would be the second reading.

Mayor Wood asked Mr. Townsend if the staff had anything to add. Mr. Townsend stated staff recommends approval.

Public comments were invited. No public comments were made.

**A motion was made by Council Member Price, seconded by Council Member Diamond, that RZ11-03 Text Amendment to add a definition for a boutique hotel, determine the Zoning District where the boutique hotel will be a permitted use and determine the parking requirement be Approved on Second Reading. The motion carried by the following vote:**

**In Favor: 6**

10.

**RZ11-04 Text Amendment to allow sidewalk, sandwich or curb-type signs in the C-2 zoning district. (First Reading)**  
*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Price introduced the item. City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE CHAPTER 22 SIGN CODE DEALING WITH SIDEWALK, SANDWICH, OR CURB-TYPE SIGN IN THE C-2 ZONING DISTRICT stating: Pursuant to their authority, the Mayor and City Council adopt the following amendment to the zoning ordinance:*

1.

*The City of Roswell is hereby amending Article 22 of the City of Roswell Zoning Ordinance, Chapter 22.17 Signs Allowed in Specific Zoning Districts, wording to allow for a sidewalk, sandwich, or curb-type sign in the C-2 zoning district by creating said Section 22.17(l)(5) to read as follows:*

*(l) C-2 districts. The following types of signs shall be allowed and regulated within the C-2 zoning district of the city:*

*(5) Sidewalk, sandwich or curb-type signs as allowed in the C-2 (neighborhood commercial) zoning district.*

2.

*The City of Roswell is hereby amending Article 22 of the City of Roswell Zoning Ordinance, Table 18(2) Ground Signs in Nonresidential Districts, as follows:*

*Table 22.18(2)*

*Ground Signs in Nonresidential Zoning Districts*

TABLE INSET:

*Zoning District(s) and/or Use:*

*Sandwich or Sidewalk Signs for establishments in the C-1 and C-2 (\*\*and C-2\*\* – Added) zoning district*

*Maximum Height of Sign:*

*3' 6"*

*Maximum Size of Sign:  
6 Square Feet*

*Total Square Footage Allowance:  
6 Square Feet*

*Minimum Setback from R.O.W. Line:  
Must be situated to allow for clear passage with a minimum accessible sidewalk width of 36"*

*Number of Signs Allowed:  
1 per establishment*

*Approved Sign Material:  
The sign should be constructed of wood or metal and may be dry erase or chalk board style*

*Allowed Sign Styles for Ground Signs in Office, Commercial and Parkway Village Districts Refer to Table 22.18 (8) (Sign Templates):  
"A" Frame or Easel*

*Mr. Davidson noted if approved, this would be the first reading.*

*Planning and Zoning Director Brad Townsend stated this would allow for a 3'6" sandwich sign in the C-2 zoning district next to the property line behind the sidewalks. C-2 is small area within the historic district and one section on Crabapple Road and Hwy. 92.*

*Public Comments:*

*Janet Russell, 260 Willow Springs Drive, spoke on the following:*

- Concerned pedestrians will have difficulty navigating strollers and wheelchairs around the sandwich signs on the sidewalk; amount of sidewalk traffic versus amount of sidewalk.*
- For safety reasons, suggested the signs be secured to the sidewalk; unsecured signs could be blown around by the wind and injure pedestrians.*

*Mr. Davidson clarified for Mayor Wood that Table 22.18 states "The sandwich or sidewalk signs must be situated to allow for clear passage with a minimum accessible sidewalk width of 36." Mayor Wood said agreed with Ms. Russell's concern regarding blocking sidewalks with sandwich signs; securing the signs by bolting them to the sidewalk would create another problem. The Mayor said he did not object to sandwich signs on private property but sidewalks are public right-of-way. Mayor Wood noted this was the first reading of the ordinance and suggested these concerns be further reviewed by Council at the next Committee meeting.*

*Council Comments:*

*Councilmember Dippolito stated he agreed to look at this issue as well. He pointed out this ordinance just adds the C-2 zoning district; the sandwich boards are already allowed in the historic district. Mayor Wood replied that he understood, but it should be further reviewed.*

*Mayor Wood invited further public comment or Council discussion. No public comments were made. No further Council discussion*

**A motion was made by Council Member Price, seconded by Council Member Dippolito, that RZ11-04 Text Amendment to allow sidewalk, sandwich or curb-type signs in the C-2 zoning district be Approved on First Reading and**



placed on the Mayor and City Council agenda for 6/13/2011. The motion carried by the following vote:

In Favor: 6

11.

**SC11-01, Sidewalk Cafe License, 928 Canton St., Pastis Restaurant & Bar, Phase 2, including a request to fill in on-street parking spaces.**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Price introduced this item. Planning and Zoning Director Brad Townsend stated this is a Sidewalk Café application for Pastis at 928 Canton Street. Mr. Townsend displayed an overhead slide and noted the visualization of the current building showing the south side and the Canton Street location. The original approval for five tables was approved on March 14, 2011; there was then a Phase 2 application that included closing in two parking spaces. Mr. Townsend pointed out the current light and tree next to the building and sidewalk which had been discussed at committee; he indicated the location of the two spaces that would be filled in and the revised space. Mayor Wood asked how many spaces would remain. Mr. Townsend replied "The way it was designated at committee, there would be two full parking spaces left. That means they would fill in two full ones and a half of the third parking space. What is being conditioned is, they will fill in the three southern spaces in front, replace the tree at the northern end; apply a variance in the reduction of the parking spaces in size; it needs to be restriped in the parking lot; parking signs put up for retail. They then have 30 days to submit for permits and the post and chains need to be approved by HPC." Mayor Wood for clarification regarding Item #1, if it is correct that the three southern most spaces may be filled in, provided a minimum of two spaces are left. Mr. Townsend replied that correct and was the intent. Mayor Wood said that language should be added. Mr. Townsend agreed.*

*Staff recommended conditions:*

- 1. The three southernmost spaces in front of 928 Canton Street may be filled in*
- 2. The existing tree shall be replaced with a new tree placed at the northern end of the expanded sidewalk.*
- 3. A variance shall be approved for a reduction in parking space size and parking aisle width.*
- 4. The parking lot shall be restriped for the purpose of adding parking spaces, a minimum of five which must be noticed "Parking for Retail. 45 Minute Time Limit."*
- 5. The applicant shall obtain all applicable permits from the Transportation and Community Development Department prior to construction. Construction must be complete within 30 days of the issuance of the permits or this approval is null and void.*
- 6. The post and chain barrier and all café furniture shall meet the pre-approved specifications set forth by the Historic Preservation Commission.*

*Council Comments:*

*Councilmember Dippolito requested identification of the 45-minute time limit spaces and noted that site plan indicates six but the staff report stated a minimum of five. Councilmember Dippolito requested that the minimum of five along Canton Street be identified to prevent them from being tucked into the back of the parking lot at a later date. Mr. Townsend confirmed that Mr. Dippolito was asking that they be identified along Canton Street.*

*Councilmember Price noted a previous discussion regarding removal of a tree. She pointed out that the staff report included condition replacing the tree. Some of the*

trees along Canton Street are equidistant and uniform. She inquired if where we would be asking them to place another tree with the existing trees. Mr. Townsend replied no. Mayor Wood reviewing the displayed photograph of the sidewalk and tree, stated there would be two and a half spaces and then a tree at the very end before the two parking spaces. Councilmember Orlans asked if the tree would be moved out into the fill-in. Mayor Wood replied yes, at that end between the parking spaces and the sidewalk, there would be a tree. Mr. Townsend pointed out the location of the current light standard and the location of the proposed tree; difficulty is in making sure there is a five-foot clearance around that. There was discussion regarding another tree that would remain.

Councilmember Price stated her concern regarding the restriping of the parking lot; she asked if it required a variance. Mr. Townsend replied "Our current standards are nine feet wide by twenty feet long or ten feet wide by eighteen feet long. We currently have two standards. The eight and one-half foot would not meet our current standards." Councilmember Price asked what that would require from if we are allowing restriping. Mr. Townsend replied it would require Council approval to restripe that parking lot for more valet spaces. Councilmember Price asked if that was not a variance. City Attorney David Davidson said he believed it would be a variance. Mayor Wood asked if this could be passed tonight. Mr. Davidson replied no because the variance had not been advertised. Councilmember Igleheart stated this was discussed in a committee meeting and he thought it was said that it was ok to move forward. Mr. Davidson replied "I said it was not okay. I said it was a variance." Mayor Wood confirmed that a variance could be granted further down the road and still move this along.

Councilmember Price commented on the condition that construction must be complete within thirty days; she asked if there was any reason for that. Mr. Townsend replied the reason for that is to get it moving. Mayor Wood stated thirty days would be a short period of time to get through City permitting. Councilmember Price questioned the need for it to be done within a certain timeframe because the applicant has the desire to do it. Mr. Townsend stated that language could be struck from the conditions. Councilmember Price stated she thought that Item #6 was part of Phase 1, which had already been dealt with. Mr. Townsend replied that it was added as a standard condition to ensure HPC authority to approve the chains and barriers should there be any request to change it.

*Motion:* Councilmember Price moved to approve SC11-01, Sidewalk Cafe License, 928 Canton St., Pastis Restaurant & Bar, Phase 2, including a request to fill in on-street parking spaces, with the staff recommendations modified such that Item #1 has an addition to what is written on page 2 in our packet to "two spaces remain." Item #4 be stricken. The second sentence in Item #5 be stricken. Mayor Wood asked for clarification regarding what was being stricken. Councilmember Price replied it was striking in its entirety, the parking lot being restriped because apparently it is be dealt with that separately. Mayor Wood replied "I think it needs to stay in there; you need to say it needs to be restriped subject to the City granting a variance." Councilmember Price replied "I accept that wording. And, the second sentence of #5, not to limit them to a construction completion date." Councilmember Diamond seconded the motion.

*Amendment to Motion:*

Councilmember Dippolito asked if Councilmember Price would consider a couple of amendments, one of which he had mentioned earlier about the 45-minute time limit parking to be adjacent to Canton Street. Mayor Wood asked if that would be acceptable to Councilmember Price. Councilmember Price responded that was part of the plan, but it would be fine to clarify that. Mayor Wood noted that

*Councilmember Price accepted Councilmember Dippolito's first suggested change.*

*Councilmember Dippolito stated his second suggested change to the motion would be to have some sort of timeframe for construction; 30 days is too short, whether it would be six months or a year, just so it did not go on forever without being built. Councilmembers Price and Councilmember Diamond confirmed for Mayor Wood that the change to six months was acceptable to them both.*

*Councilmember Wynn stated she assumed that once Council approves this, Pastis would still have to go back to HPC for approval. Mr. Townsend responded yes, because it does not conform to what HPC had approved regarding where the awning would be located. Councilmember Wynn asked Mr. Townsend if it was not so much the fill in of the spaces as the placement of the awning. Mr. Townsend replied that was correct. Councilmember Wynn stated Council is not involved in the placement of the awning, only the fill-in of the parking spaces and that type of thing. Mr. Townsend replied yes. Councilmember Wynn asked if they still have to go to HPC. Mr. Townsend noted it would also be for approval to allow posts that would support the awning in the right of way. Councilmember Wynn asked if it would need to be a part of the conditions. Mr. Townsend replied it did not. No further Council discussion.*

*Applicant:*

*Carla Dent, owner of Pastis, stated she met with the project engineers and architects after the original change with the movement of the tree. She said one significant difference was the tree was being removed in order to attach the awning, but it had nothing to do with the filling in of the spaces. Ms. Dent stated that the cost of digging up and moving that tree is so costly that she decided against installing the awning and would not be moving the tree. She received a quote of \$10,000 or more to move the tree and keep it alive. Mayor Wood stated the City understands moving that tree would be very expensive and was not the request; it was for planting a new tree. Ms. Dent asked for more clarification of what she could do. Councilmember Dippolito referred to the overhead slide displayed and noted that Condition #2 indicated replacement of a new tree. Ms. Dent stated she now understood but thought she would still go back to HPC because the reason they were moving the tree was to place the awning; HPC did not approve the original awning because it was too short in the phase of the building; HPC wanted the three and a half spaces. Mayor Wood replied her request tonight is for approval of the parking spaces for her establishment; she would have permission to put posts in the street but where they are placed and the extent related to that would require HPC approval. Ms. Dent replied "My concern is if I get into a disagreement with where they don't want me to do it, can I then go back and not do the awning." Mayor Wood replied that would be between her and the HPC, Council was not requiring the awning. Ms. Dent then asked "If we don't have to do the awning then we wouldn't want to move the tree, does that make sense." Mayor Wood said "If this Council approves it as is, you will have to replace the tree." Councilmember Price asked if she should modify her motion for Condition #2 with the language "the existing tree shall be replaced with a new one placed at the northern end of the expanded sidewalk should an awning be utilized requiring that." Mayor Wood clarified that if the tree is removed, it would require a tree be planted to replace it, whether an awning goes up or not.*

*Public Comments:*

*Janet Russell, 260 Willow Springs Drive, spoke on the following:*

- Concern regarding restricted parking to 45 minutes on several spaces when there is no parking time restrictions anywhere on Canton Street; inquired about the logic of having the restricted spaces.*

*Mayor Wood asked Mr. Townsend to indicate where the restricted parking spaces*

would be. Mr. Townsend referring to a photograph of Canton Street, indicated the patio and entrance/exit of Pastis and the restricted parking spaces in the parking lot along Canton Street.

Councilmember Diamond stated the concern was that parking spaces are being taken away from people would potentially pick things up from stores and potentially hurting the stores along that track. It is not restricting parking it is ensuring that there is parking for those people who want to come in and pick something up quickly; this is a guaranteed option.

No further public comment.

Mayor Wood asked Mr. Townsend to clarify the motion and second with changes to the Conditions.

Mr. Townsend stated Condition #1 deals with filling in the three most southern spaces in front of 928 Canton Street. That will be amended to read, "two spaces remain."

Mr. Townsend read Condition #2, adding language regarding the awning. Mayor Wood suggested the language: "If the existing tree is removed, a new tree shall be placed at the northern end of the expanded sidewalk," so that this condition is not tied to the awning. If at any time a tree is removed for any reason, a new tree will need to be planted.

Mr. Townsend stated Condition #3 could not be handled tonight because it has not been advertised. Mayor Wood said #3 is removed.

Mr. Townsend asked if Condition #4 had been amended. Mayor Wood read the condition: "The parking lot shall be restriped for the purposes of adding parking spaces, a minimum of five of which must be noticed. Parking for Retail. 45 Minute Time Limit." Mayor Wood added "Parking Spaces Adjacent to Canton Street, five." Mayor Wood confirmed for Councilmember Price that would not be a variance; the reduction in parking size would be a variance.

Mr. Townsend stated Condition #5, second sentence language regarding construction was amended to read "completed within six months."

Mr. Townsend stated Condition #6 remains the same.

Councilmember Price asked if the Mayor was saying that #4 is not a variance; she noted that she believed it is because it is allowing additional parking spaces because those spaces are made smaller. Mayor Wood replied the condition does not say that. Mr. Townsend clarified Condition #4 requires the restriping of the parking lot, they will have to meet the standard size unless a variance is granted. It will be restriped to ensure the five spaces and the sign is along Canton Street to identify the retail parking. Mayor Wood stated if a variance is granted they can be smaller; as of right now Council has not granted it. Councilmember Price asked if the spaces would be restriped in the current size. Mayor Wood stated that right. Mayor Wood confirmed for Councilmember Price that the second sentence of Condition #5 was changed to "read completed within six months."

No further discussion or comment.

The motion passed unanimously.

Mayor Wood suggested that Council should review minimum parking sizes on this and other properties, due to traffic and parking requirements in that area.

A motion was made by Council Member Price, seconded by Council Member Diamond, that this Sidewalk Cafe License be Approved with Changes mentioned above. The motion carried by the following vote:

In Favor: 6

12.

**SC11-02, Sidewalk Cafe License, for Zest at 957 Canton Street, including a request to fill in three on-street parking spaces.**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Councilmember Price introduced the item. Planning and Zoning Director, Brad Townsend displayed a photograph indicating the location Zest currently has approval for outdoor tables and chairs. He explained that the first requested was to close in one parking space; the second request was to close in the space to the north, leaving one space open. He displayed what would be the layout of the sidewalk café location and stated the final request is to include all three parking spaces in front of the area. Mr. Townsend stated "The discussion was that they would be reimbursed if one of the adjacent properties wanted sidewalk café location at the owner's expense." Mayor Wood requested explanation about the reimbursement. Mr. Townsend read Condition #2 "The applicant shall submit a cost estimate for the work which must be accepted by the City. The City will require reimbursement for a portion of the sidewalk expansion costs for the applicant at which time the two adjacent property owners are approved for a sidewalk café license." Mayor Wood stated he preferred to change the language from "reimburse" because it is not really being reimbursed; we are actually requiring a contribution from the adjacent property owners to pay for that proportionate cost of the sidewalk. The City makes a decision on what that proportionate cost is.*

*Staff recommended conditions:*

- 1. The three adjacent parking spaces in front of 959, 957, and 951 Canton Street shall be filled in at the applicant's expense.*
- 2. The applicant shall submit a cost estimate for the work which must be accepted by the City. The City will require reimbursement for a portion of the sidewalk expansion costs for the applicant at which time the two adjacent property owners are approved for a sidewalk café license.*
- 3. The applicant shall obtain all applicable permits from the Transportation and Community Development Departments prior to construction.*
- 4. Plans must be submitted for permit within six months of approval by Mayor and City Council. Once permits are issued, construction must be complete within 30 days of the issuance of the permits or this approval is null and void.*
- 5. The post and chain barrier and all café furniture shall meet the pre-approve specifications set forth by the Historic Preservation Commission.*

*Council Comments:*

*Councilmember Dippolito stated the first line of Condition #2 reads the "cost estimate for the work which must be accepted by the City" should state "that is acceptable to the City." Mayor Wood agreed. The condition should read, "which must be subject to the City's Approval." The contribution would be based upon that cost estimate as approved by the City.*

*Councilmember Price referred to the second sentence in Item #2 and suggested changing it to state "to the applicant" in lieu of "for the applicant." Mayor Wood replied "By the adjacent property owner to the applicant."*

*Councilmember Price stated Condition #4 regarding limiting the timeframe for construction, suggested that for consistency, it should read six months, in lieu of 30 days. Mayor Wood replied "Plans submitted within six months and construction within six months of approval of the plans."*

*Mayor Wood stated this sidewalk café applicant is more involved due to drainage issues. Mr. Townsend stated there is a catch basin that needs to be dealt with.*

*Council Comment:*

*Councilmember Igleheart said he was not certain that the time limits made sense, the applicant most likely would like to get this done as soon as possible. Mayor Wood clarified the applicant can do it much quicker but cannot take longer than six months.*

*The applicant confirmed for Mayor Wood that he understood the conditions and the changes made by Council. No further council discussion or public comment.*

**A motion was made by Council Member Price, seconded by Council Member Igleheart, that this Sidewalk Cafe License including a request to fill in three on-street parking spaces with the incorporation of staff recommendations as follows: Condition #2, modify the words "must be accepted by the City, instead of accepted by"; change "for the applicant" to "to the applicant"; Condition #4, change from "30 days" to "six months." All other conditions would remain as earlier read by staff. The motion carried by the following vote:**

**In Favor: 6**

13.

**Approval of a Resolution to enter into a Consortium Agreement with the Georgia Urban County HOME Consortium (GUCC) for the years 2012-2014.**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Price introduced the item. Director of Community Development Alice Wakefield stated this is a request to approve a resolution to enter into a cooperative agreement with the Cobb County Consortium to provide services for the HOME program. It would be another step toward becoming self-sufficient regarding the Georgia Urban County HOME Consortium (GUCC) and the Community Development Block Grant (CDBG) program. The agreement would cover the 2012-2014 program period of three years. The Cobb County CDBG office has requested a resolution. Staff recommends approval.*

*Council Comment:*

*Councilmember Price said she thought the request originally was for a five-year period. Ms. Wakefield replied that is the consolidation plan related to CDBG. The standard HOME cooperative agreement is for a period of three years.*

*Mayor Wood invited public comments. No public comments were made. No further Council discussion.*

**A motion was made by Council Member Price, seconded by Council Member Wynn, that this Resolution to enter into a Consortium Agreement with the Georgia Urban County HOME Consortium (GUCC) for the years 2012-2014 be approved. The motion carried by the following vote:**

In Favor: 6

14. **Approval of the revised Tree Care Planting and Replacement Master Plan**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Price introduced the item. Director of Community Development Alice Wakefield stated this is a request to approve the Tree Planting and Replacement Master Plan; it is basically to approve the plantings for the years 2011-2013.*

*Council Comments:*

*Councilmember Wynn noted that during committee discussion regarding this item, one of her questions was regarding #28, the Old Alabama Road Tree Replacement for RDOT. Council had approved a planting of ten trees on Old Alabama south of Holcomb Bridge, and the original list showed \$20,000+. Councilmember Wynn explained that Mr. Pittner, the City's Arborist stated the 10 trees were RDOT, but there were 20 other trees that needed planting; two different parts, one that was RDOT for \$1,250+/- and an Arborist's part for \$20,000; one part was for 10 trees and another part for 30 +/- trees. Councilmember Wynn stated the \$20,000 was omitted; she asked if that could be added back into the 2011 plantings. Ms. Wakefield replied yes. City Administrator Kay Love stated that was brought as a second item and was approved "in addition to." Ms. Love stated we have approved tree plantings before that were not on the master plan; when that item came to committee that \$20,000 was separate and is not gone. Councilmember Wynn replied she wanted to determine why it was on the original list and not on this list for approval tonight. Ms. Love confirmed that it was previously approved separately by Council, but it could be amended separately to make it more clear. Ms. Wynn confirmed that as long as that amount was still there no amendment would be necessary for this item.*

*Councilmember Price asked for clarification that the Willeo Road trees would be taken care of although it is not part of this list. Ms. Wakefield confirmed those trees are not on this list, but they are "covered."*

*No further comments or questions.*

**A motion was made by Council Member Price, seconded by Council Member Orleans, that the revised Tree Care Planting and Replacement Master Plan be approved. The motion carried by the following vote:**

In Favor: 6

15. **Approval for the Mayor and/or City Administrator to sign a contact with ACE Signs, Inc. for Pedestrian Kiosk Signs in the amount of \$33,357.**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Price introduced the item. Director of Community Development Alice Wakefield stated this is the second request for approval of the contract with ACE Signs, Inc. to install three kiosk pedestrian signs. Ms. Wakefield displayed a rendering of the design done by Mr. Lew Oliver in 2009. Also displayed was the design rendering approved at committee in late 2009, for a smaller scale kiosk sign. Staff recommends approval of the contract.*

*Council Comments:*

*Councilmember Dippolito stated the rendering showed a gold letter that is now dark gray; he thought the logo would be at the top; he asked if there was a change of design. Ms. Wakefield replied no changes in the design had been made. She displayed the engineered drawings showing the City logo at the top. Councilmember Dippolito asked if it would be recessed with gold lettering. Ms. Wakefield replied it is not gold, it is more gray-green but she would double check. Ms. Wakefield confirmed for Councilmember Dippolito that it would not be a white background.*

*Councilmember Price asked if there was a plan to modify what is on the inside of the kiosk. Ms. Wakefield replied it would be modified as new events occur; one section will provide directions; the directional map will be standard. Councilmember Price asked if the events section would be facing the road and the directions section would be facing the back. Ms. Wakefield replied they are not really events; directions to City Hall or other locations will change periodically; the work will be done by the City's sign shop.*

*Mayor Wood invited public comment. No public comments were made. No further Council comments or questions.*

**A motion was made by Council Member Price, seconded by Council Member Dippolito, that a contact with ACE Signs, Inc. for Pedestrian Kiosk Signs in the amount of \$33,357 be approved. The motion carried by the following vote:**

**In Favor: 6**

**City Attorney's Report**

**16. Recommendation for closure to discuss personnel and real estate.**

**A motion was made by Council Member Wynn, seconded by Council Member Igleheart, that the recommendation for closure be approved. The motion carried by the following vote:**

**In Favor: 6**

**Adjournment**

*After no further business, the Regular Meeting adjourned at 9:51 p.m. for a Work Session to discuss the FY 2012 Proposed Budget.*