



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes - Final Mayor and City Council

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

Monday, June 14, 2010

7:00 PM

City Hall

WELCOME

Present: 6 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Betty Price, and Council Member Becky Wynn

Absent: 1 - Council Member Jerry Orlans

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Ed Williams; Fire Chief Ricky Spencer; Environmental/Public Works Director Stuart Moring; Transportation Director Steve Acenbrak; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Director of Community Development Alice Wakefield; Planning and Zoning Director Brad Townsend; Finance Director Julia Luke; Strategic Planning and Budgeting Director Keith Lee; Human Resources Director Diane Whitfield; Transportation Deputy Director David Low; Deputy Director of Community Development Clyde Stricklin; City Engineer Jean Rearick; Economic Development Manager William Keir; Strategic Planner/Budget Analyst Denise Brown; Financial Analyst Lynn Williams; Planner Jackie Deibel; Community Development Program Coordinator Stefanie Dye; Community Relations Coordinator Kimberly Johnson; Building Operations Technician Doug Heieren; and City Clerk Sue Creel

Pledge of Allegiance - Marshal Lichtenstein

CONSENT AGENDA

1. **Approval of June 2, 2010 Open Forum Meeting Minutes and approval of June 7, 2010 Council Brief Minutes.**

There was no public comment.

A motion was made by Council Member Becky Wynn, seconded by Council Member Nancy Diamond, to approve the Consent Agenda. The motion carried by the following vote:

In Favor: 5

REGULAR AGENDA

Mayor's Report

1. **Public Hearing on the FY 2011 Proposed Budget and Millage Rate.**

Mayor Wood stated the Millage Rate would remain the same, and there is no proposal to raise it. City Administrator Kay Love confirmed the millage rate would remain at 5.455 mills.

There was no public comment or Council discussion.

Community Development - Councilmember Betty Price

2. **RZ10-04 Text Amendment regarding companion animals.**
(Deferral of this item to the July 12, 2010 Mayor and City Council hearing.)

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Price stated this item is requested to be deferred to the July 12, 2010 Mayor and Council Meeting. There was no public comment.

A motion was made by Council Member Betty Price, seconded by Council Member Nancy Diamond, that this Item be Deferred and placed on the Mayor and City Council agenda for 7/12/2010. The motion carried by the following vote:

In Favor: 5

3. **RZ10-06 Text Amendment to the zoning ordinance allowing indoor recreation facilities as a permitted use in the Parkway Village District. (First Reading)**

Presented by Bradford D. Townsend, Planning and Zoning Director

City Attorney David Davidson conducted the first reading of An Ordinance to Amend the Parkway Village Permitted Uses in Article 12 of the Zoning Ordinance of the City of Roswell. The Ordinance amends Article 12, Overlay Districts, Chapter 12.2, Parkway Village Overlay District, Section 12.2.8, Permitted Uses, by adding Commercial Recreation facility, indoor, with limitations as follows: 18. Commercial Recreational facility, indoor; excluding billiard rooms, pool halls, amusement halls and video arcades.

Mayor Wood asked for details of the ordinance. Planning and Zoning Director Brad Townsend stated this is a proposed text amendment to add the use of a commercial recreational facility indoor, excluding billiard rooms, pool halls, amusement halls, and video arcades as a permitted use in the Parkway Village Overlay. The Planning Commission reviewed the proposal and recommended denial because they felt the definition as a permitted use was too broad and would allow it to go in any area of the

Parkway Village Overlay. Mayor Wood asked if the Planning Commission had a recommendation on how to narrow the definition, or had they felt there should not be a recreation facility anywhere in the district. Mr. Townsend replied when this began, it was for a specific building located next to the CVS and the Planning Commission felt it might be appropriate for that one location, but not appropriate for any other vacant spaces within the Parkway Village Overlay.

Councilmember Price, noting there was not an applicant for this project, asked Mr. Townsend to display any pictures of the current site. He pointed out the current site on approximately 2 acres noting that the building use to be a nursery.

Councilmember Dippolito asked about parking requirements for commercial recreational facilities. Mr. Townsend stated that parking requirements are use specific. Councilmember Dippolito asked if there are any studies for traffic generation for any of the uses. Mr. Townsend replied not to his knowledge.

Councilmember Diamond asked under this usage if an indoor skate park would be allowed at the Leita Thompson Park. Mr. Townsend replied that although the park is part of Parkway Village, it is City owned. Mr. Davidson responded that the City is exempt from the zoning ordinances.

Councilmember Price asked if the definition for this text amendment could be narrowed down further for this specific location. Mayor Wood stated Council could limit the definition of recreational use to limit the type of use in Parkway Village within an indoor recreational facility.

Public Comment:

Shane O'Fallon, 205 Sussex Court, asked what Council would gain from re-writing the ordinance for this one building. He noted that several recreation facilities on Alpharetta Highway are currently struggling. Mayor Wood replied there is no monetary gain for Mayor or Council. Mr. O'Fallon expressed concern that it would de-value the neighborhood and did not feel there was a need for such a facility. Mayor Wood explained that in making zoning changes, the question is not if there is a need; the question is if it is a suitable use along a six-lane highway within Parkway Village. Mr. Townsend, at the request of Mayor Wood, listed the permitted uses in Parkway Village. Mayor Wood stated that Council must decide if there is an appropriate use within the Parkway Village corridor from the permitted uses.

Councilmember Price asked the current zoning of the area. Mr. Townsend replied E-1, which is residential.

Bill Powell, a resident of Waverly Hall Subdivision, spoke against the proposal. He pointed out that the Planning Commission rejected this as currently written. He felt that the Parkway Village Overlay is currently working, and that there are better locations for recreation facilities. He was also concerned about traffic and parking. Mayor Wood asked what Mr. Powell believed would be an appropriate use on the site. Mr. Powell replied uses such as a chiropractor or dentist office. He reiterated that a large recreational facility would not be appropriate.

Councilmember Dippolito asked if any change to the building or site required a Parkway Village use. Mr. Townsend replied yes. Councilmember Dippolito asked the size of the building. Mr. Townsend replied over 20,000 square feet. Councilmember Dippolito asked if this site qualifies for small tract status. Mr. Davidson responded that would be a determination for Council. Councilmember Dippolito asked what was on the other side of the building. Mr. Townsend replied that a CVS Drug Store was on one side and a roofing company on the other side.

Jan Waring, 245 Sussex Court, spoke against the amendment. She expressed concern that it focuses on a specific group, and she was concerned about safety.

Lisa Peverill 545 Meadowglen Trail, Meadow Oaks Subdivision, spoke about the need to preserve the integrity of the residential neighborhoods directly behind and adjacent to Parkway Village.

Todd McEntegart, 215 Sussex Court, spoke about how Parkway Village District is neat, clean, and modern, and how the limited usages of zoning brought him to the area.

Mike Whittle, 200 Sussex Court, spoke against the amendment and his concerns about parking and safety.

Larry Hand, 1075 Grace Hill Drive, spoke about his concern of increased noise. He felt the area was best suited for retail and office buildings, which are currently allowed.

Becky O'Fallon, 205 Sussex Court, spoke against the amendment. She felt the area should be kept as a small residential, quality neighborhood.

Jean Rearick, 620 Jones Road, spoke against the amendment. She was concerned about nighttime lighting and noise.

Marshall Lichtenstein, 530 Meadowglen Trail, spoke against the amendment. He stated six (6) districts were established several years ago to form their own identity and help with the residential integrity of the neighborhoods that surround them. The Parkway Village District is one of two districts that have survived, and urged Council not to change something that is working.

Paula Kimick, 230 Sussex Court, spoke against the amendment and her concern about noise. She also did not support a restaurant at the location.

Mayor Wood asked for suggestions of use for the property and if some recreational uses would be acceptable or if this was a blanket objection to any recreational use. He explained that what had initiated this text amendment was some people had approached the City on the use of the building as an indoor youth soccer facility, but he noted there was no contract.

Mr. O'Fallon responded that he felt the location was not a good place for a restaurant or a sporting facility and instead the use should be a professional office. An unidentified person speaking from the audience agreed with Mr. O'Fallon stating that there were currently unoccupied spaces within shopping centers that could handle this type of use.

There was no further public comment.

Councilmember Wynn stated that when she looks at text amendments, she considers how it will affect everyone in Roswell. She was concerned that adding this use would open up doors in Parkway Village of putting in uses with consequences not good for Parkway Village. She did not support the text amendment as written.

Councilmember Igleheart clarified that the reason this had moved forward when the Planning Commission had denied it was that is the way the system works; the Planning Commission is a recommending body but Mayor and Council make the final

decision. They were trying to be business friendly, but he agreed with Councilmember Wynn and did not support the text amendment.

Councilmember Diamond asked how this would affect someone who wanted to put a recreational facility in the old Linens 'N Things space. Mayor Wood replied that this text amendment would expand uses within the Parkway Village District. He stated that Councilmember Diamond's example would require another hearing for an adaptive re-use. Councilmember Diamond supported the idea of an indoor facility, but agreed that this location would not work.

Councilmember Dippolito agreed with Councilmember Diamond that an empty space in a shopping center such as the old Linens 'N Things was an appropriate location. He also agreed with Councilmember Igleheart that the intention was to try to be business friendly. He thought the text amendment should be re-thought.

A motion was made by Council Member Betty Price, seconded by Council Member Becky Wynn, that this Item be Denied. The motion carried by the following vote:

In Favor: 5

4. Approval of an Amendment to the Erosion and Sedimentation Control Ordinance. (First Reading)

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield stated this is an adoption of a new ordinance mandated by the State and must be adopted by July 1, 2010 to maintain the City's Local Issuing Authority. The new ordinance is based on the model ordinance provided by the Georgia Soil and Water Conservation Commission.

City Attorney David Davidson conducted the first reading of Ordinance to Amend Chapter 7, Land Development & Environmental Protection, Article 7.3 Erosion & Sedimentation, of the Code of Ordinances of the City of Roswell. The Ordinance amends Chapter 7 by deleting Article 7.3 Erosion & Sedimentation from the Code in its entirety and substituting a new Article 7.3 Soil Erosion, Sedimentation and Pollution Control attached to the Ordinance as Exhibit 'A.'

City Engineer Jean Rearick stated this model ordinance is to replace the entire current Sediment and Erosion Control Ordinance. The areas that pertain to citations and steep slopes, along with the section regarding the City's erosion and control committee and fund have been retained. She noted that there would be a resolution later to change the fees.

Councilmember Price asked about the omission of pollution control. Ms. Rearick replied that definition could be added. Councilmember Price asked about the deletion of references regarding previous amendments. Ms. Rearick replied those references are no longer needed since the entire amendment is being replaced. Councilmember Price was concerned about the definitions that are no longer included. Ms. Rearick replied the City is required to change the ordinance when state laws change, and there have been significant changes over the past 10 years in terms of definition and permit requirements that are enforced. Councilmember Price asked if the professional qualifications were being reduced. Ms. Rearick replied no, saying the terminology has been changed from qualified personnel to certified personnel. Councilmember Price asked if the administrative appeal and review is still at the county level. Ms. Rearick replied there is not an administrative appeal at a

county level; administrative appeal is at the city level with Mayor and Council. The state gets involved if the local issuing authority asks them to be involved such as to provide a consent order.

There was no public comment.

A motion was made by Council Member Betty Price, seconded by Council Member Rich Dippolito, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 6/21/2010. The motion carried by the following vote:

In Favor: 5

5. **Approval of a Resolution to accept the 2010 Historic Preservation Fund Grant and approval of Budget Amendment 7322G5-06-14-10 in the amount of \$6,000.**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated this grant is a 60/40 match for a total grant of \$6,000. It is for interpretive signs to the Methodist/Presbyterian Founders Cemetery brochure and signs to be located at the cemetery.

There was no public comment.

A motion was made by Council Member Betty Price, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 5

Enactment No: RES 2010-06-27

6. **Approval of a Resolution to accept a FY 2010 Community Development Block Grant (CDBG) for the Sway Branch Drive Infrastructure project and approval of Budget Amendment 4224G1-06-14-10 in the amount of \$117,627.69.**

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield stated this request is to approve the grant awarded and the funds to be used for the extension of Sway Branch Drive to connect with Market Place. The project is located in a CDBG target neighborhood. Fulton County approved the grant award on May 19, 2010.

There was no public comment.

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

In Favor: 5

Enactment No: RES 2010-06-28

7. **Approval of the acceptance and payment of \$11,000 for one**

easement for the extension of Sway Branch Drive.

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield stated this project involves the extension of Sway Branch Drive. The easement includes three (3) parcels of which one was donated, and one is no longer needed. The easements provide for temporary construction, permanent and driveway easement.

There was no public comment.

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

In Favor: 5

City Attorney's Report

8. **Recommendation for closure to discuss litigation, personnel, and acquisition of real estate.**

A motion was made by Council Member Becky Wynn, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 5

Adjournment

After no further business, the Regular Meeting adjourned at 8:15 p.m.