



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes 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, May 13, 2013

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 Orlans, Council Member Betty Price, and Council Member Becky Wynn

Pledge of Allegiance - Daniel Ward - Boy Scout Troup #463

Daniel introduced himself and said he is attending the meeting to earn his Citizenship in the Community Merit Badge.

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Master Police Officer Lisa Holland; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Recreation and Parks Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Budget Manager Ryan Luckett; Strategic Planning and Budgeting Coordinator Denise Brown; Strategic Planning and Budgeting Financial Analyst Lynn Williams; Community Development City Planner Jackie Deibel; Community Development Planner II Courtney Lankford; Community Relations Manager Julie Brechbill; Community Relations Coordinator Karen Zitomer; Environmental Programs Manager Janet Liberman; Transportation Land Development Manager Clyde Stricklin; Transportation Accounting Specialist II Karen Bernard; Recreation and Parks Special Events Coordinator Bobbie Daniels; Building Operations Technician Timothy Thompson; RCTV Producer/Director Amy Kargus; City Clerk Marlee Press.

CONSENT AGENDA

- Approval of April 8, 2013 Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on April 22, 2013); Approval of April 22, 2013 Mayor and Council Brief; Approval of April 29, 2013 Special Called Mayor and Council Meeting Brief; Approval of April 29, 2013 Mayor and Council Open Forum.**
Administration

Approval of the Consent Agenda

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

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Reading of a Proclamation for Police Appreciation Week May 12 through May 18 and Peace Officers Memorial Day May 15.**

Mayor Wood read a Proclamation for Police Appreciation Week stating that the Congress and President of the United States have designated May 15th as Peace Officers Memorial Day and the week in which it falls as Police Week. The members of the law enforcement agencies of Roswell play an essential role in safeguarding the rights and freedoms of the citizens of Roswell. It is important that all citizens know and understand the duties and responsibilities of their Police Department and that members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation. The Roswell Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service to our citizens and our community.

On behalf of the City of Roswell, Mayor Wood called upon all the citizens of Roswell and the patriotic, civil, and educational organizations to observe the week of May 12th through 18th, 2013 as Police Week in which we all join in commemorating Police Officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. He further called upon all the citizens of Roswell to observe May 15, 2013, as Peace Officers Memorial Day in honor of those Peace Officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Councilmember Wynn thanked Police Chief Grant and Lisa Holland for attending the meeting. She noted that she has been liaison for the Public Safety Department for almost 18 months and said they are one of the finest groups of people that anyone would ever meet and that she feels very safe in her home knowing they are on patrol. She said she is proud to have served as their liaison.

Police Chief Rusty Grant said the City of Roswell Police Department is one of the best in the state. He said they are a tremendous group of officers and individuals who do an outstanding job every day. He is excited to be associated with this department and expressed his appreciation for them. He said the citizens of Roswell and Mayor and Council should be proud to have the quality of people that the City has working in their Police Department.

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

Mayor Wood read a Proclamation for National Public Works Week stating that the Public Works services provided in our community are an integral part of our citizens' everyday lives and the support and understanding of informed citizens is vital to the efficient operation of public works systems and programs such as water, streets, public buildings and solid waste collection. The health, safety and comfort of this community greatly depends upon these facilities and services; and the quality and effectiveness of these facilities, as well as their planning, design and construction is vitally dependent upon the efforts and skills of Public Works Officials. The efficiency of the qualified and dedicated personnel who staff our Public Works/Environmental, Transportation, Community Development and Building Operations Departments is materially influenced by the people's attitude and understanding of the importance of the work they perform. The City of Roswell will observe National Public Works Week with the following events: Touch-a-Truck on May 18th featuring trucks and equipment from Sanitation, Water, and Transportation; a Truck Rodeo on May 21st; Forklift Rodeo on May 23rd; and a Trackhoe Rodeo on May 24th as well as a celebration breakfast and lunch and fellowship for the dedicated Staff.

On behalf of the City of Roswell, Mayor Jere Wood proclaimed the week of May 19th through May 25th, 2013 as "National Public Works Week" in the City of Roswell, and called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our Public Works services and to recognize the contributions our Public Works Officials make every day to our health, safety, comfort and quality of life.

Environmental/Public Works Director Stu Moring said that the public works activities in Roswell are widespread encompassing not only the Public Works Department, but also Transportation, Community Development, and Building Operations and expressed his appreciation for all of the individuals within those departments. He said there are many activities available because of Public Works that are often taken for granted. He announced the theme of this year's National Public Works Week, "Because of Public Works...." and said this is a time for the City to recognize the employees and said they would be demonstrating some of their tasks in various events through the week and invited everyone to attend.

3. Presentation by the 2013 Roswell Memorial Day Committee.

Mayor Wood invited the public to join in celebrating Memorial Day on the City Hall grounds noting that it is the largest Memorial Day celebration in the State of Georgia.

David Young, Chairman of the 16th Annual Roswell Remembers Memorial Day Celebration came forward and recognized other Committee members who were attending with him - Walt Woliver, Jack Wyche, Bobbie Daniels, Dave Schmit and Elwyn Gaissert. He said the Memorial Day celebration commemorates all of those who have gone before us whose service allows us to enjoy the freedoms we have today. He expressed appreciation for the City's ongoing partnership with the Committee for their cooperation with this event and said they utilize Public Works, Police, Fire, and Recreation and Parks Departments and said without them, an event of this magnitude could not happen. He said this year's guest speaker is First Lt. Charles G. Shepherd, Jr. who served with the 121st Infantry Regiment, "The Old Grey Bonnet", 8th Division in the European Theater from 1944 until the end of the war in Europe; participating in five major campaigns including Normandy, Northern France, Ardennes-Alsace, Rhineland, and Central Europe. First Lt. Shepherd was a Platoon leader of K-Company and received two Purple Heart medals, two Bronze

Star medals for meritorious achievement in ground combat against the armed enemy in the European African Middle Eastern Theater of Operations and also received the Silver Star for Gallantry in action in 1945 in the vicinity of Siegen, Germany.

Mayor Wood said there is not a more memorable way to celebrate this day and expressed his gratitude for all of those who have served this Country. Mayor Wood thanked the Memorial Day Committee, the Roswell Rotary Club and all others who assisted with putting this event together.

4. Approval of a Recreation Commission appointment - Rick Dreger.

There was no Council discussion.

A motion was made by Council Member Wynn, seconded by Council Member Orland, that this appointment to the Recreation Commission be approved. The motion carried by the following vote:

In Favor: 6

5. Approval of the FY 2014 Budget for the City of Roswell, Georgia in the amount of \$100,916,318. (First Reading)

Mayor Wood called for the reading of the ordinance prior to staff's presentation.

City Attorney David Davidson conducted the first reading of AN ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR 2014 FOR EACH FUND OF THE CITY OF ROSWELL, GEORGIA, PURSUANT TO ARTICLE VI, CHAPTER 6 OF THE CHARTER OF THE CITY, BEGINNING JULY 1, 2013, AND ENDING JUNE 30, 2014, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEM OF ANTICIPATED FUNDING SOURCES, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES FROM EXCEEDING ACTUAL FUNDING SOURCES AND AMENDING THE CODE OF ORDINANCES TO EFFECTUATE SUCH ADOPTION, stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance: Whereas, a proposed budget for each of the various funds of the city has been presented to the Mayor and City Council; and Whereas, appropriate advertised public hearings have been held on the proposed budget, as required by law and regulations; and Whereas, the Mayor and City Council have reviewed the proposed budget and have made certain amendments to funding sources or appropriations; and Whereas, each of the funds has a balanced budget, such that anticipated funding sources equal or exceed proposed expenditures; and Whereas, the Mayor and City Council intend to adopt an annual budget for the Fiscal Year 2014 and a Capital Improvement Plan for the Fiscal Years 2014 through 2018:

1.
The City of Roswell, Georgia hereby adopts an expenditure budget for Fiscal Year 2014, said budget being described below and shown on Schedule "A" for each fund of the City of Roswell, Georgia:

FY 2014 Current Proposed Budget
100 - General Fund \$61,014,602
210 - Confiscated Assets Fund \$383,878
215 - E911 Fund \$2,007,693
235 - Cemetery Fund \$23,500
275 - Hotel/Motel Fund \$952,931

290 - Leita Thompson Rental Fund \$88,192
350 - Capital Projects Fund \$5,579,977
410 - Debt Service Fund \$1,205,948
505 - Water/Sewer Fund \$3,580,973
507 - Stormwater Fund \$2,549,667
540 - Solid Waste Fund \$9,508,701
555 - Recreation Participation Fund \$5,310,349
601 - Worker's Compensation Fund \$464,505
602 - Group Benefit Fund \$6,548,372
603 - Risk and Liability fund \$1,050,076
604 - Fleet Services Fund \$626,684
Grant - \$20,270
Grand Total: \$100,916,318.

2.

Any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those exceptions provided for herein, shall require approval of Mayor and City Council.

3.

A millage rate of 5.455 mills is hereby established as part of the approved budget based on the estimated digest of Fulton County. The millage rate has a component of 4.464 for the General Fund and a .991 component for the General Obligation Bond Debt Fund. This millage rate may be adjusted at a future date based on receipt of a certified digest.

4.

This budget fixes the number of budgeted full-time positions of the City at 597. This number may only be increased or decreased through approval of the Mayor and City Council. The City Administrator or his/her designee is authorized to create policies and procedures for the number, pay grade, classification, and/or cost center location, which may be changed throughout the year.

5.

Mayor and Council further also adopt a Capital Improvement Plan for Fiscal Years 2014 through 2018 as attached hereto and incorporated herein as Schedule "B." This plan does not indicate any promise of appropriations for future years. This plan may only be modified through action of Mayor and City Council.

6.

Mayor and Council further approve the re-appropriation of all available funds for FY 2013 approved capital projects that have not been completed as of June 30, 2013.

7.

The City Administrator and his/her designee may promulgate all necessary internal rules, regulations, and policies to ensure that this Budget Ordinance is followed.

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

City Administrator Kay Love asked Budget Manager Ryan Luckett to come forward to present the FY 2014 Budget.

Budget Presentation by Budget Manager Ryan Luckett

Mr. Lockett said this is the first reading for the FY 2014 Proposed Budget. He said he would first give a brief presentation to provide an overview of some information that was discussed a couple of weeks ago. He said the proposed budget is balanced and that revenues exceed expenditures and there is no increase in the combined millage rates. The budget continues investing in economic development as well as job creation; incorporates road resurfacing as part of the operating budget; and continues to sustain high quality City services, facilities and equipment. He said to highlight the principles that helped develop the FY 2014 Budget; the budget was balanced using current revenues to fund current operating expenditures and maintenance capital, reserves were used only for one time capital, the budget maintains a financial reserve of at least three months of operating expenditures, there is no increase in the combined property tax rate, and the budget maintains the current level of services.

Mr. Lockett first discussed All Funds:

- A bar chart was displayed on the overhead that illustrated the Total Source of Funds for All Funds across the City. He indicated Revenues and the Use of Reserves on the chart and Mr. Lockett said that Total Source of Funds was \$109.7 million in FY 2013 and \$104.8 million in the Proposed FY 2014 budget which represents a decrease of about \$4.9 million and the decrease is associated with the Capital Lease program.
- A pie chart was displayed titled, "FY 2014 Source of Funds - \$104.8 million" and said it shows that Property Tax, Sales Tax, and Charges for Service - External make up about 64% of the Total Revenues. The Charges for Service - External are user fees associated with the Enterprise Funds such as Water, Stormwater, Solid Waste and Recreation Participation Funds.
- The next slide provided an overview of Total Use of Funds showing that the total was \$109.3 million in FY 2013 and the total proposed for FY 2014 is \$100.9 million. This is a decrease of \$8.5 million primarily as a result of less Debt Service in FY 2014.
- A pie chart of the FY 2014 Use of Funds was displayed showing how \$100.9 million in expenditures is spread across all the City departments. Police, Administration, Environmental/Public Works, and Recreation and Parks Departments comprise about 68% of the total budget.
- The next slide provided a summary of the total Authorized Full-Employees over the last several years indicating that there were 624 full-time employees in FY 2009 but down to 597 for FY 2014.

Mr. Lockett displayed a series of slides explaining the General Fund:

- The first bar graph represented the total Source of Funds for the General Fund that totaled \$60 million in FY 2013 that is up to \$61.2 million in FY 2014 for an increase of \$1.2 million; mainly attributed to increases in sales tax as well as shifting a portion of the Debt Service Millage Rate to the M&O rates.
- A pie chart was displayed showing Total Source of Funds - \$61.2 million that provided the breakout of the total use of funds across the major categories. Three of these categories: Sales Tax; Property Tax; and Franchise, Alcohol, Business/Insurance Tax make up about 87% of the total General Fund revenues.
- A bar chart showing the General Fund Expenditures from FY 2009 through FY 2014 was displayed. The chart compared Operating Expenditures and Capital Expenditures and Mr. Lockett said that overall the budget increase from \$60.0 million in FY 2013 to \$61.0 million in the proposed FY 2014 is about a 1.6% increase. The Operating Expenditures increased about \$1.5 million and most of that is related to the new initiatives that are included in the FY 2014 budget totaling \$1.3 million. Capital dollars decreased by about \$500,000 from last year.
- The final pie chart showed FY 2014 Expenditures for the General Fund totaling

\$61.0 million spread out across the City departments. Mr. Luckett pointed out that Police, Recreation and Parks, Transportation and Administration departments make up about 73% of the Total Expenditure budget for FY 2014.

Mr. Luckett said in summary for the General Fund, Total Resources are \$61.1 million and Total Expenditures are \$61.0 million that leaves approximately \$165,000 available for programming. The Fund Balance Reserve by Policy is \$13.8 million and is maintained at 3 months of operating expenditures.

Mr. Luckett displayed a series of slides of Other Funds that provided an overview of Revenues and Expenditures for each of those funds.

- **Solid Waste Fund** - Revenues for this fund are projected to be slightly down in FY 2014 mainly due to some of the Residential Premium Service as well as some Commercial Service Revenues trending downward over the last few years. Expenditures are also down by about \$300,000 mainly a result of less capital dollars being programmed within the Solid Waste Fund.
- **Stormwater Utility Fund** - Revenues are stable at \$2.9 million and Expenditures are slightly down in FY 2014 mainly a result of building up the financial reserve within the Stormwater Fund to the full level of a two-month operating expenditures. That is accomplished in the FY 2014 Proposed budget.
- **Water and Sewer Fund** - Revenues are increasing from \$3.4 million to \$3.6 million and the increase is some consumption but also reflects a \$1.00 increase in the base rate for the Water Fund. He said this was discussed at the first presentation two weeks ago as well as a Work Session on March 18th. The increase is needed to fund a debt service associated with the new water plant.
- **Hotel/Motel Fund** - The total source of funds is down by about \$90,000 which is primarily a reflection of fewer trail dollars being programmed in FY 2014. However, Hotel/Motel Revenues are up in FY 2014 by about \$60,000 over last year's budget. Expenditures have a slight decrease of \$90,000 which is mostly fewer trail dollars being programmed and is offset by some of the new initiatives for the Roswell Business Alliance as well as the Convention and Visitors Bureau.
- **Recreation Participation Fund** – This shows the Total Source of Funds indicating General Fund Support, Use of Reserves and Revenues. Program Revenues are up by about \$200,000 in FY 2014 and the budget includes using about \$200,000 in reserves for one-time capital purchases. The General Fund Support for the funds is maintained at \$571,000. In terms of expenditures within this fund, there is an increase to using some of those increased revenues to pay for some increased operating expenditures such as recreation supplies as well as some one time maintenance for Roswell River Landing and other field maintenance.

Mr. Luckett presented a summary for Capital Projects Fund – One- Time Capital.

- The total available funding for One-Time Capital is comprised of two sources: General Fund, Fund Balance (funds that are available above the financial reserve) totaling approximately \$1.7 million; and savings from the current Capital Program of about \$0.7 million. These provide a total of \$2.4 million for One- Time Capital projects in FY 2014.
- A summary of some projects include:
 - ☐ Administration Department: \$120,000 includes the Data Center Relocation and Upgrades to Phone Server & Software.
 - ☐ Community Development Department: \$270,000 that includes Document Scanning, Update Design Guidelines with completion of Unified Development Code, and Update Impact Fee Ordinance with completion of UDC.
 - ☐ Fire Department: \$63,000 for Fire Station #1 Renovation.
 - ☐ Police Department: \$146,000 includes the Remaining two Patrol Vehicles for Officers added in FY 2013 and two Vehicles for Narcotics Unit.
 - ☐ Recreation and Parks Department: \$842,000 includes Relocation of Maintenance Facility, Old Mill Phase II, Park Facility Roof Repairs, Smith House Roof

Replacement (Main & two outbuildings), Outdoor Park Security Cameras, and Miscellaneous Projects.

□ *Transportation Department: \$975,000 includes River to Historic Town Square Multi-use Trail, Old Alabama/Old Alabama Connector Turn Lane, Bucket Truck Replacement, Street Light Efficiency/Cost Reduction Study, and other minor miscellaneous projects identified in the budget book.*

Mr. Luckett presented a summary of the Add/Delete proposal as follows:

- *The total available for Programming is \$335,919, made up of three parts:*
 - *\$165,000 of Revenue exceeding Expenditures.*
 - *Suggested Deleted items totaling \$100,000 - contingent upon Council approval of specific deletions.*
 - *Additional Revenue associated with some suggested Add/Delete items that total \$70,000 - contingent upon Council approval of those related items.*
- *The total Add Proposals received thus far total \$426,647, slightly over the available amount by \$90,728.*
- *The Add proposals include:*
 - *Cultural Arts Center: \$140,000 for acoustical improvements and new assisted listening system. City contribution of \$70,000 matched 1:1 by Georgia Ensemble Theater.*
 - *Uniformed Medical Kits for all Police Officers: \$11,500*
 - *Bike Racks: \$20,000*
 - *Labyrinth: \$25,000*
 - *Sidewalk Connectivity: \$25,000 that includes Woodstock Road, pending cost estimate by the Transportation Department.*
 - *Lighting for Historic Town Square: \$10,832 to increase total to \$20,000. \$9,168 is currently in Proposed Budget, pending a review of the plan developed by the Recreations and Parks Department.*
 - *Big Creek Park Entrance & Greenway Signage: \$5,900*
 - *Shade System: \$68,000 pending information on placement from the Recreation and Parks Department.*
 - *Add 1 Full-time Recreation & Parks Crew Worker position: \$45,415 to enhance citywide park beautification efforts.*
 - *Add Riverwalk Master Plan funding: \$75,000*
- *The Delete proposals include:*
 - *Terramont Community Gardens: \$25,000*
 - *Reduce funding for Old Mill Phase II - Machine Shop renovation: \$75,000. \$150,000 included in proposed budget; proposal would result in \$75,000 remaining.*
- *Additional Revenue Associated with Add/Delete Proposals:*
 - *Contribution from Georgia Ensemble Theater for Cultural Arts Center acoustical and assisted listening system improvements if the City goes forward with the acoustical improvements: \$70,000*

Mr. Luckett concluded his budget presentation and noted that the Second Budget Reading is scheduled for May 29, 2013 at 7:00 p.m.

Mayor Wood asked Council if there were any other additions or deletions they would like propose at this time.

Council Comment on FY 2014 Budget Add/Delete List:

Councilmember Igleheart noted that as he had said during their meetings, the \$400,000 under Capital Projects for Recreation and Parks for Relocation of Maintenance Facility is specific to the water plant and the water tank moving and believes that should come out of the funding available through the GEFA loan for the building of the plant. He proposed removing that and adding it to the other funding source which is not really part of this project.

Mayor Wood asked if that would be in the Capital Budget and not on the Operating Budget side. Councilmember Igleheart replied that is correct [the remainder of his comment was inaudible]. Mayor Wood said the deletions they just discussed were in the Operating Budget. He asked if that is correct. Mr. Luckett responded they are all One-Time Capital with the exception of the Medical Kits and the Full-time Recreation & Parks Crew Worker. Mayor Wood said then those were all changes to the One-Time Capital list. Mr. Luckett replied correct with the exception of those two.

Mayor Wood asked Councilmember Igleheart if he is proposing moving one of those expenses to the water plant. Councilmember Igleheart said yes, to the funding for the construction of the plant. Mayor Wood said that would free up another \$400,000 in the Capital Fund. Councilmember Igleheart said that is correct.

Mayor Wood asked for other additions or deletions from Council.

Councilmember Orlans said he would like to reiterate what Councilmember Igleheart had said because it is showing under Recreation and Parks and he was also under the impression it was going to be part of the building of the water plant.

Councilmember Igleheart said it is not directly specific but ultimately it is in terms of the budget. He noted that he objects to the millage rate change of moving it from the Debt Service to the M&O which he understands would require \$1.7 million in reductions in the budget and although he didn't have specific cuts for that, said it is approximately 2.75% across the board if looking at the \$61.0 million General Fund. He suggested Council consider this.

Mayor Wood said it would be helpful to hear a motion on the Deletions before hearing the motion on Additions so they would know how much the Council supported spending. He said you need to know how much you have to spend first and encouraged Council to resolve the Deletions before moving on to adding the amendments.

There was no further Council comment. The meeting was opened for public comment on the FY 2014 Budget. He said he would like to have the Millage Rate public hearing and the general public hearing at the same time. He asked City Administrator Kay Love if it would be necessary to have the reading on the Millage Rate prior to the hearing if the public hearing is combined. Ms. Love replied yes, the ordinance would need to be read at this time.

Mayor Wood asked for the First Reading of Approval of the Millage Rate of 5.455 mills for the FY 2014 Budget out of order. [City Attorney David Davidson read the ordinance and it is shown under Agenda Item #6 below.]

Lee Fleck made a comment from the floor stating that he objects because these are two separate line items. Mayor Wood said his objection is noted but that the ruling would remain.

Mayor Wood asked for Council comment on the millage rate and noted that Councilmember Igleheart had already commented that he would like to see the millage rate rollback.

Council Comment on Millage Rate:

Councilmember Price asked if the final line in the "Now, Therefore" paragraph of the millage rate might require adjustment upon approval of a certified tax digest. She asked if this is standard wording and has that been seen before. Mr. Davidson

replied yes, because Fulton County does not yet have the certified Tax Digest. He said this is an estimated Digest until the certified Tax Digest is received so this is a preliminary estimate. Councilmember Price asked if it has ever been the practice or occurrence that the millage rate has been altered from what Council voted upon. Mayor Wood replied not in his memory.

Millage Rate Presentation by Budget Manager Ryan Lockett

Mr. Lockett said the property tax revenue is based on an estimated digest value. They anticipate receiving estimated digest information from Fulton County within the next few days. The total property tax estimated digest assumes a 15% decline in motor vehicle digest as a result of House Bill 386 and the new title tax. The property tax revenue shifts a portion of the Debt Service rate of .405 mills to the M&O rate to help fully fund some of the maintenance costs and some of the other operating expenses.

Mr. Lockett displayed a slide of an example of a property tax bill. He said there is no change from the current setup on the bill in comparing that to the proposed setup. He said they propose shifting \$40.50 which is an average Roswell home from the Debt Service portion to the M&O portion which has a net zero impact to residents.

Mr. Lockett then displayed a slide that showed a ten-year history of the millage rate and said since FY 2005, the millage rate has been decreased twice and has been maintained since FY 2009. In terms of property tax, even with shifting the .405 mills from the Debt Service to the M&O rate would still maintain the lowest M&O rate among the North Fulton cities. He said the millage rates on the graph for Alpharetta and Roswell represent the FY 2014 proposed millage rate and it is FY 2013 millage rates for the other cities of Sandy Springs, Milton and Johns Creek because they have not yet proposed their budget.

Mr. Lockett concluded his presentation on the millage rate and noted that there will be two additional hearings on the millage rate; a public hearing on Monday, May 20, 2013 at 6:30 p.m. and the final hearing at the Mayor and City Council meeting on Wednesday, May 29, 2013 at 7:00 p.m.

The meeting was opened for public comment.

Public Comment on FY 2014 Budget and Millage Rate:

Janet Russell, stated her home address as 260 Willow Springs Drive in Roswell:

- \$25,000 was allocated for a labyrinth; the City does not need a labyrinth and the money could be used better for something else.
- Referenced Councilmember Igleheart's notation to shift \$400,000 from the General Fund back to the water revenue bond and said that may be a good idea for the general taxpayer but not for residents who receive water from the City of Roswell. She thought the \$400,000 was coming out of the water revenue bond of \$16 million and now it means 5,000 customers will absorb the \$400,000 instead of the general public.
- Noted there were no raises in the budget for Police, EMT and Fire employees. She said some police officers told her they have only received a 2% raise in the last five years but their healthcare premiums increased by 8%; therefore, they are in a negative 6%. She said the City of Roswell police are the second poorest paid in all of Fulton County. She asked that the \$25,000 for the labyrinth be used for raises for the Police, EMT and Fire.

Lee Fleck made the following comments:

- Objected to the Mayor's format and said it is a violation of the agenda and that he intended to speak about the budget but since the speaking time was cut in half; he

would instead explain the reason the City needs to increase property tax.

- Stated in the last four years, the City consumed \$35 million in excess reserves [the remainder of his comment was inaudible]; therefore they need to get every bit of tax they can and that is what this rollover is.
- The Wood administration announced last week the forthcoming .4 mill property tax increase which according to the City's legal instrument equates to \$1.7 million annually. This administration and most of the Council are counting on the citizens' lack of understanding of this budgetary matter to accomplish the rollover of debt service millage into the day to day general operations funds that they will approve in this meeting. This property tax increase comes after the citizens just approved a \$14 million bond referendum last November. This is a very poor decision because it will have a negative psychological effect on property owners who will not want to support future bond referendums. He said don't be deceived by the Mayor's saying that taxes are not going up because based on tax law, general fund millage rate increases constitutes a property tax increase. By state law, this rollover will constitute a property tax increase and this is only a portion of Roswell's debt that is scheduled to be retired over the next two years. Previous general obligation bonds were primarily used to purchase park lands. These debts have been refinanced over the years. The 2002 and 2008 refinance bonds will be paid off in two phases; one in FY 2014 and the balance in FY 2016. Retiring .4 mills in debt service is the first portion of a rollover into the City operations and approximately another \$2.5 million more is scheduled to be retired in FY 2016. Rollovers impact property owners exclusively. Council is betting that the economy will improve. They have no more reserves; the only reserve is a little over \$4 million in solid waste to buy garbage trucks. All other excess reserves have been consumed. The reserves they have by policy, they must maintain in the event of a calamity and they cannot use that. They have lived off of \$35 million in the last four years; therefore, the only way they can have additional funds to keep this spending fiasco going is to tax and continue to tax and they will do so.

Mayor Wood asked how much money the City currently has in all reserves.

City Administrator Kay Love replied available is \$35.9 million related to the total; that's available Fund Balance for programming. She asked Mr. Luckett if that was correct. Mr. Luckett replied yes. She asked Mr. Luckett for the total. Mr. Luckett replied it should be about \$18.4 million above reserve policy.

Public Comment Continued:

Deborah Enea, stated her home address as 1695 Ridgfield Drive, Roswell and said she is a member of the Cultural Arts Board and is commenting on their behalf about the sound system enhancement. She said one of the premiere theaters in town is willing to make a capital improvement in the infrastructure of this City; not a small amount but 50%. She said this is an unprecedented opportunity that otherwise they would not be able to do; they would not be able to request \$140,000 to replace a decrepit sound system. She said this is like turning down free money. Mayor Wood stated that he thinks she has the vote of the Council on the \$70,000.

Tarak Robbana stated his home address as 317 Charles Place in Roswell and commented about a problem with a new school building that the Fulton County School Board is building on Thomas Drive. He quoted Mayor Wood's remarks from a news article, "Through a partnership with the Fulton County School Board, I expect to see the redevelopment of an old and mostly vacant strip center for use as a new school." Mr. Robbana said the strip center is on Highway 9 and he has no problem with that; the problem is that his home and his neighbors' homes have been on eminent domain watch for about five months. He said it is a miserable existence constantly living with the thought that you might have to move and said he loves

Roswell and does not want to move. He asked if someone with the City would stand up for them and get information about everything having to do with this school in the same way that the Mayor of Sandy Springs had done when they wanted to hear the plans from the Fulton County School Board.

There were no further public comments. The public hearing was closed.

Mayor Wood asked for Council discussion on the proposed items on the Delete list. He said they cannot begin budgeting expenditures until it is determined how much they have to spend. He asked that they begin with the operating budget, not the capital budget.

Council Comment:

Councilmember Dippolito said he believed that all of the deletions are from capital. Mr. Luckett confirmed.

Mayor Wood said then they would begin with the operating budget and asked for suggested changes to that budget.

Councilmember Igleheart said he does not have specific cuts because he did not think it would go through so he did not spend the time to come up with \$1.7 million exactly and he added that it is best for staff to come up with the things that they would do. Unlike the sequester, that would cut everything across the board with no thought about it; then 2.75% equals almost \$1.7 million.

Motion: Councilmember Igleheart made a motion to direct staff to come up with the cuts they feel are best that would eliminate the change of the millage rate from [he did not complete his comment.] Mayor Wood asked if he was making a motion to reduce the operating budget. Councilmember Igleheart replied yes by 2.75%. Councilmember Price seconded.

Mayor Wood asked Councilmember Price for her suggestion of items to be cut from the operating budget. He said it is easy to cut the operating budget if you cut the level of services. He said he would like to hear from Councilmember Igleheart or Councilmember Price what items they would like to cut. He asked if they had any thoughts or would they like it simply to be across the board which would mean cutting salaries of the Police, Fire and Public Works employees. He asked if they are looking at it being across the board or at specific cuts.

Councilmember Igleheart said the 2.5% would not be everyone across the board. If it was done by department it would fall most heavily on the Police because that is where the largest budget is. He suggested that it should not be on Police or Fire salaries but that does put pressure elsewhere. The actual new programs that are being added for the first time this year are also about \$1.7 million and that would be one option. He said it can be done; it is not that hard to find 2.75% from different departments with folks working on that.

Mayor Wood asked that they begin with the Add budget new programs to see if Councilmember Igleheart or Councilmember Price would like to cut those items.

Councilmember Igleheart said again it is not the specific things at this point. If they have two weeks to come up with things, then it makes sense for staff to come through if the whole Council does that. He said frankly he doesn't think it is going to. He said the point is they are taking money that people voted in favor of for bonds and are now taking that to use for expenses and they should not do that.

Mayor Wood said he would like to look at the Add budget because there was a suggestion for perhaps deleting the Add budget. He asked again to look at those items.

Councilmember Igleheart said it is not the Add; it is the new Additions. Councilmember Igleheart said again he wants to make it clear that he is not necessarily saying that they should cut these; it just happens to be a similar amount. Mayor Wood said he thinks it is appropriate to look at that as one possibility if the Council is looking for things to cut.

Mr. Luckett displayed the list on the overhead.

Mayor Wood noted some possible cuts as follows:

- Downtown Development Authority Annual Funding - \$217,000
- EMS Captain - \$100,000 (could cut this fire official)
- Creation of Drug Unit - \$36,500
- Police Career Development - \$45,000
- One-Time Employee Compensation - \$65,000
- City Branding and Outreach Program - \$80,000
- Operating Contingency - \$250,000 (that is conservatively budgeted)

Mayor Wood asked Councilmember Igleheart and Councilmember Price for their thoughts on these items.

Councilmember Price said she would like to speak in generalities. Last year because we were in a position to do so, some of us wanted to reduce the millage rate which did not pass. I did not think there was any possibility of that happening again. I think I was the only person that voted for it. When I heard that Councilmember Igleheart was inclined to do the same thing I seconded it because I think that the discussion is necessary. I think we don't do zero based budgeting. We don't look at things with a great deal of scrutiny. There was more scrutiny put into our off the cuff adds this evening than have been put to the various departmental budgets. I think there is room to tighten our belt and I would love for us to do that. But again, I didn't think based on last year's result of not reducing the millage rate that there was even a possibility of it coming up. I think it is a good discussion to have.

Mayor Wood agreed it is a good discussion and the discussion in cutting the budget needs to begin with what Council wishes to cut. Because of this being a balanced budget, if the revenues are cut without cutting the services then that runs a deficit which is something he doesn't think anyone on this Council would support. He encouraged the Councilmembers who support looking at cutting the budget to suggest which programs to cut.

Mayor Wood said there is a motion and a second. He asked for further Council discussion.

Councilmember Igleheart said it makes sense that if you go through and scrub the budget; it isn't that hard to find 2.75% to remove. It is not entire things that are listed here; that would be the stupid way to do it. There are ways to minimize certain things.

Mayor Wood encouraged Councilmember Igleheart to take that easy step as he described it and Councilmember Price to give their thoughts.

Councilmember Diamond said she has a different impression of the scrutiny that these items have been given going into this. She said she would like a better

understanding of how these numbers were arrived at in the first place.

Mayor Wood said he simply gave direction from time to time and that City Administrator Kay Love had done most of the work. He asked her to address this question.

Ms. Love said the budget process starts in the January timeframe and the budgets are due from the departments to the Budget staff in February. Between that time, the goals and objectives for the year are discussed. There is scrutiny starting at the department level of what we consider to be the base budget or the line items. Our first stab at the budget is related at keeping services the same. We set some objectives of obviously no millage rate increase, no new programs unless they are justified by a reduction somewhere else or they are revenue generating or they are a required delivery of service. That is the general objectives that we move forward with. Each department has meetings with their division managers and their staff and creates and drafts their budget. It then goes to the Budget staff and they scrub that. She said she meets with them along the way before it goes to the Mayor for consideration of what he is going to include in the proposed budget. The Budget staff is a resource for departments and they provide stacks and stacks of paper and electronic version of analysis for trends of what the department has done in previous years. Department Directors also come together with her bi-weekly in the Management Team meetings to review that and there is consensus at the Management Team level of give and take of what one department may need and there not be funding for and another department may give something up particularly in the areas of capital. There is a longer list of needs than funds to cover so we do our very best to continue to deliver a high level of service. That program comes with a price tag and we scrub within that and over the years as our budget numbers have indicated as they have gone down; we have improved deficiencies, we have reduced where appropriate, outsourced more appropriate. We try to be innovative and keep up with technology so we can work smarter. All of those things have gone into the culmination of this budget. There may be higher priorities that the Council has at this point. If they give staff that direction of what service levels they would like staff to look at then staff can certainly go back and take a look at any and all of those things that staff is directed to do.

Councilmember Dippolito said while reviewing the budget he asked Mr. Luckett to give an idea of how costs have increased in metro Atlanta in general in looking at the City of Roswell's operating expenses and thinking about how we are benchmarking about how the economy is doing. As we all know, the economy has been in a decline for many years. Even so, the Consumer Price Index (CPI) has increased 5.3% in the last five years which astounded him because he thought it would have been a decrease. Therefore, costs in metro Atlanta have increased 5.3% but the general fund operating budget which is really where the rubber hits the road with the City; that is the fund where all of our operating takes place and where our general expenses are. Our operating budget has actually decreased over that time period by 1.1% even with this increase that is being proposed this year. Therefore, looking at how the City is performing, you can't go dollar for dollar, but generally the City is performing a lot better than the economy and expenses in metro Atlanta.

Mayor Wood asked for further Council discussion before taking a vote on the millage rate.

Councilmember Igleheart said it is not a vote on the millage rate at this point; it would be a reduction in the operating budget of \$1.7 million through a 2.75%.

Mayor Wood said there is a motion to reduce the operating budget. He asked for

further discussion. There was none.

Vote: Councilmembers Igleheart and Price voted in favor. Councilmembers Diamond, Dippolito, Orlans, and Wynn opposed.

Mayor Wood asked if all of the Additions and Deletions have been resolved on the operating budget. He asked if there was a motion to add some on the operating budget. He asked that Council cover the operating budget before going to the capital budget.

Councilmember Dippolito said there was one suggestion and asked if the Mayor would prefer to hear them line by line. Mayor Wood said he is looking for Adds to the operating budget and then will ask Councilmember Dippolito for a motion on the operating budget and if he does not include an item that another Councilmember wishes to add to it then he will ask for amendments to the motion. Councilmember Dippolito asked if that includes the proposals. Mayor Wood said all the proposals for the operating budget, not the capital budget; Adds to the operating budget or amendments to increase the operating budget. He said he thinks they had \$165,000 programmed.

Motion on Operating Budget: Councilmember Dippolito made a motion for Approval of the FY 2014 Operating Budget as Presented with the Addition of 1 full-time Recreation & Parks Crew Worker position to enhance citywide park beautification efforts in the amount of \$45,415. Councilmember Orlans seconded.

Mayor Wood asked if any other Councilmembers have anything else to add to the operating budget.

Councilmember Igleheart said to clarify; that does not include the Cultural Arts Center. Mayor Wood said that was part of the Capital Budget which might be inconsistent with his earlier motion but it would be considered. Mayor Wood said he is trying to focus on the Operating Budget and asked again for any other additions. Mayor Wood said there is a motion to approve the Operating Budget with that amendment. He asked for discussion on this motion.

Councilmember Wynn said she had been undecided on this because it would be an ongoing cost, but she has had a long discussion about this with Morgan Rodgers and he convinced her that because more fields have been added even though they will be getting synthetic turfs; they have really added a lot more for the Recreation and Parks Department to maintain. She said therefore she can now support this add-on because she was convinced this is the right thing to do.

Councilmember Orlans said if Council has questions about this, Morgan Rodgers can give an overview from the Recreation and Parks Department about that position and why they believe it is a critical position. They have not added anyone since 2005 or 2006 and they have added 40 facilities in one way or another since 2006.

Mayor Wood said he does not have any questions for Mr. Rodgers and he is sure that he can justify this position. He said he added an additional position in his budget for the Parks Department. He said he does not support rolling back or reducing the tax rate; he supports keeping the tax rate at the current level. He said each time another employee is added, it is added for multiple years, not just for one year. He said he could not vote in favor of it. He supports adding one but not two.

Councilmember Price said it is her understanding that Recreation and Parks asked for two additional crew workers and asked if that is correct. Mr. Luckett replied that is

correct. Councilmember Price said and in the Mayor's budget there is one. Mr. Luckett replied that is correct. Councilmember Price said then this would be an additional person. She said she is not in favor of this because at the time that it was determined to change to artificial turf fields; the understanding was that there would be a savings in maintenance but she didn't recall the exact figure. She said they would save that much in maintenance because they wouldn't have to maintain grass fields and she added that she was not happy with the awarding of that contract, but that is water under the bridge because they are moving forward. She said the City will be having artificial turf fields and that she doesn't see how that reconciles with additional crewmembers since they should be saving on that.

Councilmember Diamond said having spent some time in the vision sessions talking about Recreation and Parks; the one consistent thing that is heard about from citizens is the maintenance of the parks. She said the City has almost 1,000 acres of parks and that takes a lot of time to maintain. She said she has noticed that there are weeds along the walk that she takes every day and wondered if that is because they need help or if it is a coincidence. She said she has had more than a few citizens talk to her about the maintenance and thinks things are starting to look old and she said she thinks it is important on Canton Street and along the corridors. She said the parks are the City's primary responsibility because there is no one else working on that and no private property owners that share a piece of that. She said it is the City's responsibility and the City owes it to the citizens to keep the parks as clean as possible.

Mayor Wood said for clarification to Councilmember Dippolito that City Attorney David Davidson reminded him that the ordinance must be voted on as a whole. He said he thought by breaking it down in pieces they could get a better discussion. He said therefore, this will have to be included in another motion after it is determined where they stand on the Capital Budget because it has to be voted on as one package. He said he thinks it helps Council if they can vote on the Additions and Deletions to the Operating Budget independently.

Councilmember Dippolito said he thought they typically voted on the Operating Budget and separately on the Capital Budget.

Mayor Wood said he is asking him to do that but Mr. Davidson is saying that because there was one reading of the entire ordinance, then they will have to ultimately vote on one thing. He said they will be building this as they go along. He said this will not be the final vote and we will put this together with the vote on the Capital Budget and hopes he will combine the two to get one vote on the whole thing. He said they are voting on approval of the Operating Budget with the addition of a full-time crew worker for \$45,415.

Vote on Operating Budget: Councilmembers Diamond, Dippolito, Orlans, and Wynn voted in favor. Councilmembers Igleheart and Price opposed. The motion passed 4:2.

Mayor Wood asked Councilmember Dippolito for a motion on the Capital Budget.

Mr. Luckett said there is \$120,504 available plus some delete items that would raise that to \$290,504.

Mayor Wood suggested that Council say first what they would like to delete and then determine the additions.

Motion on One-Time Capital Budget: Councilmember Dippolito made a motion for

Approval of the FY 2014 Capital Budget as proposed with the following changes:

1. Move the Relocation of the Maintenance Facility in the amount of \$400,000 from the One-time Capital Recreation and Parks budget to GEFA funding as described by Councilmember Orlans and Councilmember Igleheart.
2. Add funding for the Cultural Arts Center – Acoustical improvements and new assisted listening system in the amount of \$140,000.
3. Add Revenue from the Georgia Ensemble Theater for the Cultural Arts Center Acoustical improvements in the amount of \$70,000.
4. Add Uniformed Medical Kits for all Police Officers in the amount of \$11,500.
5. Add Sidewalk connectivity on a priority basis in the amount of \$25,000. This shows specifically Woodstock Road but a sidewalk connectivity matrix should be put together by priority.
6. Add lighting for the Historic Town Square in the amount of \$10,832.
7. Add Big Creek park Entrance and Greenway Signage in the amount of \$5,900.
8. Add Shade System (undefined) in the amount of \$22,272 which is a function of working on the remaining balance.
9. Add funding for the Riverwalk Master Plan in the amount of \$75,000.
10. Delete Terramont Community Gardens improvements in the amount of \$25,000.
11. Reduction in funding for Old Mill Phase II of \$75,000.

The motion was seconded by Councilmember Diamond.

Mayor Wood asked Council for discussion on each item separately.

Mayor Wood asked if this balances with what they have to spend. Mr. Luckett said if they move the Maintenance Facility in the amount of \$400,000 then that would more than cover the amount that they are currently short. Mayor Wood said then we have this much money to spend. Mr. Luckett replied that is correct.

Councilmember Dippolito said for clarification, that he used Mr. Luckett's number of \$90,728 from the original overage and backed out that amount of costs from the Add/Deletes not including the \$400,000 that was moved. He said essentially there is \$400,000 remaining.

Mayor Wood said then rather than covering these items by item then he would hear discussion from Council. He said first of all this may not have included everything that the Council wishes to add. He asked for other additions from Council. Mayor Wood asked how much can be added to this and still stay within the numbers. Mr. Luckett replied \$400,000.

Councilmember Dippolito said that is because if this motion is approved then \$400,000 is moved to the GEFA funding.

Mayor Wood said he is trying to find out from Council if they want to program more capital projects, then how much more could they spend.

Mayor Wood said that Councilmember Orlans would like to hear the list again. Councilmember Dippolito repeated the list.

Councilmember Wynn said that regarding the funding for the Old Mill Phase II - they could add perhaps another \$25,000 to make that an even \$100,000 that would get to perhaps not the quality of having it as a facility to rent out but would get it to better standards that are needed. She said then next year they could consider adding restrooms and lighting. She said they need to continue with that and add another \$25,000. She said she believes that \$100,000 to \$105,000 would get them to where they need to be to get the building in shape but not go all the way to making it a special events building.

1st Amendment to motion on Capital Budget: Councilmember Wynn made a motion to add \$25,000 to the renovation of Old Mill Phase II for a total of \$100,000. The amendment failed for lack of a second.

Councilmember Orlans said he did not disagree with Councilmember Wynn or what she is trying to do, but the funding should remain as it was. They should get it done and in place and use it and not by piecing it together.

2nd Amendment to motion on Capital Budget: Councilmember Orlans made a motion to leave the amount of funding of \$150,000 that was already in the budget for Old Mill Phase II. Councilmember Igleheart seconded.

Councilmember Igleheart said he had a question for Joe Glover and asked if \$75,000 is the amount that is actually needed. Councilmember Orlans replied it could be less but it is a good estimate of what they think needs to be done.

Councilmember Igleheart asked about the Shade System and whether that full amount is needed to give what is needed for this summer or is it really too late by the time the budget year starts anyway. He said that did not need to be answered right now but he would like to have that for next time.

Councilmember Orlans said that the Cultural Arts Board has requested a priority of about ten items and one item that is highest on the list is for a master review of the cultural arts and arts program in Roswell which is estimated at about \$80,000 and would probably be less.

3rd Amendment to motion on Capital Budget: Councilmember Orlans made a motion to Add Funding for the Cultural Arts Center Community Plan in the amount of \$80,000. Councilmember Diamond seconded.

Mayor Wood encouraged Council to reconsider Terramont which is a piece of property that has been vacant for 20 years. He said there has been a proposal to put a community garden on that site and make it a functioning piece of property. He said there are a lot of citizens within walking distance of this property and it would be a benefit to the community.

Councilmember Wynn asked if the \$75,000 was added back for what Councilmember Orlans wanted. Mayor Wood said that has not been voted on. Councilmember Wynn said that Councilmember Orlans added \$75,000 back to the Old Mill Phase II and then the \$80,000. Mr. Lockett said that does not include the \$75,000. Councilmember Wynn said then that is \$155,000 combined. Mr. Lockett replied that is correct. Councilmember Wynn said then we got about \$245,000.

Councilmember Price said she could go through with a lot of deletions from the regular budget that isn't just Add/Deletes from recent discussions. Mayor Wood said we are on the subject of Capital Budget. Councilmember Price said this is a Capital item. She said there was a car mentioned related to the dog in that you get a dog and then suddenly you have to have accessories including a car. This is how things snowball. She asked why a car is needed for the dog and asked for an explanation because she might consider a deletion.

Police Chief Rusty Grant said it is his understanding that they had asked for a canine and a vehicle for the canine handler. He said he believes that was not included in the budget.

Mayor Wood asked Ms. Love if there is a vehicle for the canine in the budget. Ms. Love replied not that she is aware. She said the second canine was approved in FY 2013. There was conversation about adding a third canine but not in this budget process. All the timing of when the Council approved the second canine came at the same time as budget submission. She said she thinks that crossed. She asked Mr. Luckett if that is correct. Police Chief Grant said they have two canines; one is working and the other is in the process of being selected. Ms. Love said and those are funded. Chief Grant said that is correct and they have vehicles for both of those handlers. Mayor Wood said then we are not asking for an additional vehicle. Chief Grant replied not this year. Mayor Wood said he believes that settles that issue. Mr. Luckett said there is \$58,000 for a vehicle for the canine and \$15,000 for an additional canine in FY 2014 in Confiscated Assets Funds. Ms. Love said then that would be a third canine if approved and said she believes that got crossed with the second canine funding.

Councilmember Wynn said she thinks what happened was that they had been talking about three canines. But, they had just decided to go with another canine and then hit mid-year on the third to see what happens because Bruno is getting close to 7 years old. She said the additional canine can be removed and it would just be the vehicle for the dog that has already been approved that is on its way. Ms. Love said this is Confiscated Assets which is another fund and would have no impact on the General Fund. Mayor Wood said we are not including a third dog or a third canine vehicle. Councilmember Wynn said no it is just a second vehicle for the dog that has already been approved.

4th Amendment to motion on Capital Budget: Councilmember Price made a motion to add \$20,000 for bike racks. Councilmember Wynn seconded.

5th Amendment to motion on Capital Budget: Councilmember Price made a motion to add \$25,000 for a labyrinth. She said this is part of public art and discussion needs to begin on this and a labyrinth could be a spearhead project. The motion failed for lack of a second.

Vote on addition of \$20,000 for bike racks: Councilmembers Igleheart, Price, and Wynn voted in favor. Councilmembers Diamond, Dippolito, and Orleans opposed. Mayor Wood voted in opposition. The motion failed 4:3.

Discussion on addition of \$20,000 for bike racks:

Councilmember Diamond asked if this is in addition to the \$10,000 that was approved two weeks ago for bike racks. Councilmember Price said that was a mid-year budget adjustment and those have all been ordered and placed. This would be an addition to the \$10,000 that was already approved.

Mayor Wood said as a bicyclist, bike racks would not be his top priority.

Councilmember Price said this will encourage the youth to get out of their cars and out on bicycles so when they go to destinations such as ballparks, schools, parks, etc.; they need to be able to get there and have places to secure their bicycle. A lot of children are not getting out on their bikes for that reason. This could be very helpful in selective locations.

Vote on the addition of \$80,000 for funding the Cultural Arts Center Community Plan: Councilmembers Diamond, Dippolito, Igleheart, Orleans, Price and Wynn voted in favor. The motion passed unanimously.

Discussion on \$80,000 for Cultural Arts Center Community Plan: Mayor Wood said he has looked at their budget. They are doing great work but he is not a believer in master plans. He said he would spend it on their second priority which is a website

to publicize all the events that are going on in town. This is not planning; it is taking action to support the arts groups and he encouraged Council to spend the money on the second priority that would cost half as much.

Councilmember Diamond said this is an important component and said she also is not big on master plans despite the fact that they have been doing that a lot recently. This is an area that they have paid very little attention to. There is a group now that is ready to step up. Cultural arts are a centerpiece of the City and this is a unique opportunity and this is a group that can pull that together. It is worthwhile. She said she would also like to see the website.

Councilmember Orlans said there are several new members on this board and they want to do a lot of different things in the City regarding the arts. He agreed this is an area where the City has been lacking on and this is a way to get that going in the right direction. They are looking at trying to do the website in a different way and said that is why he is going with their master plan.

Vote on Old Mill Phase II addition and deletion:

Discussion on Old Mill Phase II motions: City Administrator Kay Love said this item is a combination of Councilmember Orlans' motion to leave \$150,000 in the budget and the prior motion made by Councilmember Dippolito to delete \$75,000.

Mayor Wood said they would first vote on Councilmember Orlans's motion. Ms. Love said that would be difficult because \$150,000 is in the proposed budget. It would have to be taken away first. Mayor Wood said that is logical and he accepted that. He asked for a vote on changing the amount of \$150,000 to \$75,000 for Old Mill Phase II renovations.

Councilmember Dippolito said he would like to make a comment on his rationale for removing the \$150,000. He said he is in favor of renovating the machine shop and it could be a very interesting property for the City. It is interesting now but is just not functional. He said he would want to spend the minimal amount possible to make it functional. He said they had seen a very interesting pavilion in Greenville that was just open air and this project provides much more than that. He said the City does not need to get into the business of trying to use this as a special events facility. That kind of money does not need to be spent on this particular building because there is very difficult access to it and it is not a very large building. He said he has not seen anything to suggest that it would be successful. He said he is not necessarily opposed to that but he is at this time because he doesn't feel they have enough information at this time to show that the money would be well spent. He said he is in favor generally of cleaning up the machine shop but there needs to be a better plan before spending money on it.

Mayor Wood said he had looked at the machine shop budget of \$150,000 and approximately \$44,000 was for lighting and heating and plumbing and those type things that would help make it useful as an event center. The other \$106,000 was for the building itself and \$75,000 would not be enough to get the building where it needs to be just to open it up for the public. He said to open it with no amenities then that would be around \$100,000. Regarding getting into the special events business, he said he is also opposed to that and it should be outsourced entirely and that would generate money. There is already a restroom next door to this building for which \$100,000 was spent that made it possible to open this up. He said this would really be spending about \$40,000 so it would be suitable for a lot of events and without that the suitability goes down. He encouraged Council to support the full \$150,000. He said \$75,000 does not get it to a point of being able to open it to the public.

Councilmember Orlans said there is going to be a program of what is going to be done before voting on it as a final project that will provide a better idea of what the money is going to and what the cost will be. He said this is a building that is part of the City's history and part of the historic district that currently the City is doing nothing with and it must be saved. He said they all saw the pavilion in Greenville and it could be seen that it was very well used and this can be a well-used building but it has to be gotten into shape and the sooner the better. He said that the City is not going into the special events business but the Recreation and Parks Department is starting to take some directions for farming out items to private businesses that do this. This project can create revenue for the City and long term a lot more than the \$150,000. He said whether it is \$150,000 or \$75,000; it is being piecemealed. He said we are either going to get it done and get it in place or just tear it down and get rid of it because we aren't doing anything with it. Do it right or don't do it at all.

Councilmember Price said it is essential to get the machine shop fully renovated and ready to go. The difference in \$75,000 and \$150,000 compared to some of the other incredibly large numbers in this budget; this is a drop in the bucket. The rewards of moving forward on this far outweigh the savings.

Mayor Wood said the motion is to reduce the budget for the machine shop from \$150,000 to \$75,000.

Councilmember Dippolito withdrew his motion to reduce the funding for Old Mill Phase II to \$75,000.

Mayor Wood said then \$150,000 is still in the budget and no further discussion is needed on that.

Vote on deleting \$25,000 for Terramont Community Garden. Councilmembers Diamond, Dippolito, Igleheart, Orlans, and Price voted in favor. Mayor Wood said this is considered deleted.

Councilmember Igleheart pointed out that there are a lot of people present at the meeting who are not here for the budget and it is very important; however there is a motion to do all of this together. He said can't we just do that and get this over with for the sake of everyone that is here for other things. He said there are going to be two more times to go through this and there are a lot of questions that need to be answered.

Mayor Wood said it would be possible to do that and if Councilmember Igleheart was presiding, he expects he would do that. Mayor Wood asked Ms. Love to continue.

Councilmember Price said she would like clarification on what was just done about Terramont. Mayor Wood said that Councilmember Dippolito made a motion to delete \$25,000 for Terramont and that is staying in his motion. Councilmember Price said then it is still in there as a deletion. Mayor Wood said that is correct.

Councilmember Dippolito said he did make a motion as Councilmember Igleheart pointed out to address all of the remaining issues with the exception that he withdrew the \$75,000 reduction for the Old Mill project. Mayor Wood replied there have been several amendments to that motion which are being heard first. He asked Ms. Love to proceed. Ms. Love said they are now to the original motion.

Mayor Wood asked Councilmember Dippolito to incorporate Council's adjustments into a revised motion.

Revised Motion on One-Time Capital Budget: Councilmember Dippolito made a motion for Approval of the FY 2014 One-Time Capital Budget as proposed with the following:

1. Move the Relocation of the Maintenance Facility in the amount of \$400,000 from the One-time Capital Recreation and Parks budget to GEFA funding.
2. Add funding for the Cultural Arts Center – Acoustical improvements and new assisted listening system in the amount of \$140,000.
3. Add Uniformed Medical Kits for all Police Officers in the amount of \$11,500.
4. Add Sidewalk connectivity on a priority basis in the amount of \$25,000.
5. Add lighting for the Historic Town Square in the amount of \$10,832.
6. Add Big Creek park Entrance and Greenway Signage in the amount of \$5,900.
7. Add Shade System (undefined) in the amount of \$22,272 which is a function of working on the remaining balance.
8. Add funding for the Riverwalk Master Plan in the amount of \$75,000.
9. Delete Terramont Community Gardens improvements in the amount of \$25,000.
10. Add Cultural Arts Board visioning plan in the amount of \$80,000.
11. Add Revenue from the Georgia Ensemble Theater for the Cultural Arts Center Acoustical improvements in the amount of \$70,000.

The motion was seconded by Councilmember Wynn.

Mayor Wood said it is unstated but the original motion included reducing the funding for Old Mill Phase II to \$75,000 and now that is back in. Councilmember Dippolito said he did not mention that. Mayor Wood said he just wanted to state it for clarification.

Mayor Wood asked for further Council discussion before taking a vote.

Further Council Comment:

Councilmember Price said they have it all on one sheet and then they talk about what is capital and what isn't. She asked if #10 for the Riverwalk Master Plan came up in any motion. She said she knows it is not capital but it is on the sheet. Mayor Wood replied it is included in the motion. Councilmember Price asked if that was voted on as a line item. Mayor Wood said it is included as a line item in this motion. Councilmember Price asked if that was discussed individually. Mayor Wood said it was not raised as an issue. He asked if she would like to discuss it at this time. Councilmember Price said it was not discussed as a line item but it was in the motion and asked if that was correct. Mayor Wood said that Councilmember Dippolito's motion adds that to the Capital Budget. He said it was not discussed but it was included in his motion and the motion received a second.

Vote on Revised Motion of One-Time Capital Budget: Councilmembers Diamond, Dippolito, Igleheart, Orlans, Price, and Wynn voted in favor. The motion passed unanimously.

Mayor Wood asked for a motion of the First Reading of the ordinance with these changes.

Final Motion: Councilmember Dippolito made a motion for Approval of the FY 2014 Budget for the City of Roswell, Georgia in the amount of \$100,916,318 as presented and amended on First Reading and be placed on the 5/29/13 Mayor and City Council agenda for Second Reading with the following additions and deletions:

1. Move the Relocation of the Maintenance Facility in the amount of \$400,000 from the One-time Capital Recreation and Parks budget to GEFA funding
2. Add Uniformed Medical Kits for all Police Officers in the amount of \$11,500
3. Add Sidewalk connectivity on a priority basis in the amount of \$25,000
4. Add lighting for the Historic Town Square in the amount of \$10,832

5. *Add Big Creek park Entrance and Greenway Signage in the amount of \$5,900*
 6. *Add Shade System (undefined) in the amount of \$22,272*
 7. *Add funding for the Riverwalk Master Plan in the amount of \$75,000*
 8. *Add funding for the Cultural Arts Center Community Plan in the amount of \$80,000*
 9. *Add funding for the Cultural Arts Center – Acoustical improvements and new assisted listening system in the amount of \$140,000*
 10. *Add Revenue from the Georgia Ensemble Theater for the Cultural Arts Center Acoustical improvements in the amount of \$70,000*
 11. *Add 1 full-time Recreation & Parks Crew Worker position to enhance citywide park beautification efforts in the amount of \$45,415*
 12. *Delete Terramont Community Gardens in the amount of \$25,000*
- Councilmember Diamond seconded. Councilmembers Diamond, Dippolito, Orlans and Wynn voted in favor. Councilmembers Igleheart and Price abstained. The motion passed 4:2.*

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that the First Reading of the Budget be approved and be placed on the 5/29/13 Mayor and City Council agenda for Second Reading. It was approved with the following additions and deletions:

- 1. Move the Relocation of the Maintenance Facility in the amount of \$400,000 from the One-time Capital Recreation and Parks budget to GEFA funding**
- 2. Add Uniformed Medical Kits for all Police Officers in the amount of \$11,500**
- 3. Add Sidewalk connectivity on a priority basis in the amount of \$25,000**
- 4. Add lighting for the Historic Town Square in the amount of \$10,832**
- 5. Add Big Creek park Entrance and Greenway Signage in the amount of \$5,900**
- 6. Add Shade System (undefined) in the amount of \$22,272**
- 7. Add funding for the Riverwalk Master Plan in the amount of \$75,000**
- 8. Add funding for the Cultural Arts Center Community Plan in the amount of \$80,000**
- 9. Add funding for the Cultural Arts Center – Acoustical improvements and new assisted listening system in the amount of \$140,000**
- 10. Add Revenue from the Georgia Ensemble Theater for the Cultural Arts Center Acoustical improvements in the amount of \$70,000**
- 11. Add 1 full-time Recreation & Parks Crew Worker position to enhance citywide park beautification efforts in the amount of \$45,415**
- 12. Delete Terramont Community Gardens in the amount of \$25,000**

Councilmembers Diamond, Dippolito, Orlans and Wynn voted in favor of the motion. Councilmember Igleheart and Price abstained. The motion carried by the following vote:

In Favor: 4

Abstain: 2

Enactment No: ORD2013-05-03 - Budget

Enactment No: ORD2013-05-04 - Millage

6. Approval of the Millage Rate of 5.455 mills for the FY 2014 Budget. (First Reading)

Mayor Wood requested the first reading of this ordinance under the previous item for public comment along with Approval of the FY 2014 Budget.

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO ADOPT MILLAGE RATE, stating: Whereas the Mayor and Council of the City of Roswell are the governing authority of the City of Roswell; and Whereas, the governing authority of the City of Roswell is authorized by State Law at O.C.G.A. § 48-5-32 to set the millage rate for the collection of ad valorem taxes; and all required notices have been published or are scheduled to be published in a newspaper of general circulation throughout the jurisdiction pursuant to such statute: NOW, THEREFORE, the Mayor and Council of the City of Roswell wish to establish a millage rate of 5.455. The millage rate has a component of 4.464 for the general fund, operating and capital improvements budget, and a .991 mills component for servicing bonded indebtedness. The millage rate may require adjustment upon approval of a certified Tax Digest for the year 2013.

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

Council Comment:

Councilmember Dippolito said it has been a while since we have talked about the millage rate. He reminded everyone that the overall millage rate is not going up. They are moving some money from what was Debt Service over to M&O. He said when looking at a lot of the new initiatives this year, the vast majority are in maintenance and non-recurring items so they are catch up items. That is only about \$668,000 which are new items which is really only a 1.2% increase in the Operating Budget. Yes, it is an increase for this year over last year. In regards to the CPI, looking at the overall expenses, that was up by 1.4% this year. Even though that is not a direct comparison, it gives a sense of where expenses are going. As was pointed out earlier, the M&O millage rate still with this increase is lower than all of the other North Fulton cities including Sandy Springs which touts itself as being very efficient. He said the City of Roswell can be very proud of that.

Councilmember Igleheart said he agrees with some of what Councilmember Dippolito just said. There are some things particularly the repaving of the roads that has now been covered under capital that is pulled out of money that is left over. It makes sense that it be part of a maintenance budget that it is known that it is coming every year. He said for this year it is about \$800,000 or .2 out of the millage rate. He said his problem is that funds are being taken that are public voted on bonds to go for specific projects and we are now going to take part of the millage rate and move it over to pay for the day to day maintenance and operating expenses. He said it isn't directly the same as taking savings to pay for expenses but it is close. He objects to the way this is being done. He said we should tell people they are having a tax increase on what they are paying for the operation of the City. If the millage rate is taken down and then put back up again; that would be more honest so people would understand that.

Councilmember Price said she somewhat echoes what Councilmember Igleheart has said. She said her concern about shifting the millage rate into M&O is essentially that we have raised the thermostat. We have elevated our M&O baseline. She said Councilmember Dippolito said that a lot of that is non-recurring. She said she would like a commitment from him that next year once those non-recurring items have been expended that he will support a millage rate decrease in the following budget.

Mayor Wood said he would not want anyone to commit on a millage rate increase or decrease until it is known what the revenues are next year. He said costs have gone up. As Councilmember Dippolito pointed out, in the last four to five years; we have been cutting the actual cost of this government. He said what he looks at in the budget is the number of employees that the City has because that is the biggest budget item. That is where all of the real ongoing expenses are. Looking over the past five years, the number of employees has substantially reduced. Although, four have been added this year, they are essential people. He said he is proud of what this City has done with the lowest operating budget millage rate in this region and the City has great services and the City Council is doing a great job of making the citizen's money go a long way.

Mayor Wood said he is in support of this motion of the First Reading of the millage rate ordinance which keeps the combined millage rate constant although it is raising the M&O millage rate.

Motion: Councilmember Diamond made a motion for Approval of the Millage Rate of 5.455 mills for the FY 2014 Budget on First Reading. There will be a public hearing on 5/20/2013. The Second Reading will be placed on the 5/29/2013 Mayor and City Council Agenda. Councilmember Dippolito seconded. Councilmembers Diamond, Dippolito, Orlans and Wynn voted in favor of the motion. Councilmembers Igleheart and Price opposed. The motion passed 4:2.

In Favor: 4

Opposed: 2

Enactment No: ORD2013-05-04

Community Development - Councilmember Nancy Diamond

****Councilmember Diamond noted that the Downtown Development Authority was set to make a presentation after this meeting. She said due to the hour at that point, suggested a special called meeting at lunch time on May 20, 2013. Mayor Wood said there will be a special called work session on May 20, 2013. Brad Townsend said there is a lunch meeting already scheduled for May 20 to discuss the UDC map changes so everyone will already be together.****

[Item #9 was called out of order and heard prior to Item #7.]

7. CU12-04, CV12-05, 275 Hardscrabble Rd., Land Lots 359, 360.
(This item was deferred from the April 8, 2013 Mayor and City Council meeting)

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stating that this application is requesting the use of property for an office structure as well as use for small group meetings and the site plan proposes nine parking spaces. This is for the World Harvest Church on Hardscrabble Road. Mr. Townsend displayed the Zoning map for the location and the Aerial map showing the existing house on the property. He pointed out the existing World Harvest campus and the parcel that is the subject of this application. He then displayed the revised site plan that was submitted by the

applicant. He said it shows a portion that shows the house and the additional landscaping. He said submitted with the documentation to Council is a letter from Millard Inc. discussing the information as well as some revised conditions related to that. He said he believes the applicant has an amendment to that tonight for this application. He said there are three variances that deal with all existing situations including the house, the driveway location, the access and the number of parking spaces that are being proposed. The third variance is for the number of parking spaces. This application was reviewed by the Planning Commission and they recommend denial of the application. Staff recommended denial of the application related to the intensification of the property related to the residential area. There has been numerous community meetings related to the applicant with the adjoining property owners. If Council approves this, the resolution in the backup materials should be amended from denial to approval and they should recommend that the variances be approved and that there be two conditions placed on the development; that the site plan submitted this evening be approved as part of the conditions as well as the letter stating this is suggested conditions that the neighbors have agreed to. In summary this is staff's information related to this application.

Council Comment:

Councilmember Dippolito asked about the fence on the upper left corner of the property noting that it appears to be significantly into the church property. Mr. Townsend said he would have the applicant address that question because he has questioned that also.

Applicant Presentation:

John Carruth stated he is with Millard Inc. Architects and Engineers located in Roswell on Colonial Park Drive. He said they are revisiting the conditional use application. He said the time spent over the last two months has been very beneficial. The church and immediate neighbors have met several times and have come to an agreement. He said they had provided a letter to Council that lists the conditions and there are a few changes to that due to last minute discussions with some of the neighbors. The changes were distributed to the Council.

Mr. Carruth provided a summary of changes to the proposal since the first submittal:

1. Butler property (Lot 3) in the northwest corner – the fence location has been revised on the site plan to fully separate the Butler property from the church property. In the previous application, the fence did not tie to the Butler fences. This proposal makes a complete connection to their existing fences although they will rebuild their fences to match the fence that World Harvest puts on the property. The fence is located at the highest point between properties for maximum screening effect from car headlights in the parking lot. The area inside the fence will be grassed and will visibility be part of the backyard of the Butler house and they requested that area be grassed.
2. Pool Area – wall and fence on the east side are extended to provide more visible screening from the northeast properties. The pavilion has been eliminated that was on the original document. They are showing a small potential restroom and storage structure. The neighbors related what Wexford had to go through when they tried to upgrade their pool and they had to build restrooms. They want to give the church the option to do that without having to coming back to Council to amend a site plan. If that is not required then he does not think the Church will spend those dollars.
3. Eastern end of property – Nothing had been proposed before. There is an existing grove of trees that has a lot of undergrowth. The Church is in the process of doing maintenance by clearing the undergrowth. This was part of the discussion they had with the Fuller's because their property backs up directly to this. After this is cleaned up, the Church intends to work with the Fuller's about any additional landscaping or screening and fencing in that area. They are working together on this.

Mr. Carruth said the letter they had just distributed lists the revisions as follows:

1. If the Church every wishes to make changes to this property; they have included the Wexford Homeowners Association as part of these conditions and would present everything to the association.
2. The maximum number of people that are proposed to be on the site at any time has been reduced to 20.
3. A monthly notification system via email has been set up to alert the neighbors and the homeowners association of any events that are not part of the normal weekly office and meeting operations in this house.
4. It is stipulated that the pool usage will end at 9:00 pm.

Mr. Carruth said they received an email from Eric Nelson who lives at Lot 5 that states he is in support of this proposal. He read an excerpt from the email, "We are very comfortable with the Church's conditional use proposal and have no objections to the proposal." The email was presented for the record to Mr. Townsend. Mr. Carruth said they are hopeful that Council will approve this and they believe they have a definite buy-in with the Butlers and the Fullers who have been the most vocal in opposition of this previously.

Council Questions for Applicant:

Councilmember Wynn referred to the revision of adding Wexford HOA approval for any future changes and said she is assuming that they want this to be a part of their condition of zoning. Mr. Carruth replied for instance if the Church wants to add on to the building to substantially change the site plan in some way, which has been a fear of some of the neighbors, that this is just the first step. He said the Church has said all along this is all they are planning to do. He said to give that some weight they are saying that not only would they have to come to the City to do that but they will also take it to the HOA. Councilmember Wynn said that the City of Roswell cannot enforce that and therefore it cannot be a part of the City's conditions of zoning; it would have to be a private agreement between the developer and the HOA. She said she doesn't think that can be enforced and she would like to have that reworded. She asked City Attorney David Davidson if that is correct. Mr. Davidson replied it is correct. Mr. Carruth said he understands that but the Church will stand by that offer whether it is part of the motion or not. Councilmember Wynn said she would suggest it be a private agreement of some type. Mr. Carruth agreed.

Councilmember Dippolito asked who would maintain the area inside the fence on the northwest corner and if there is an agreement on that. Mr. Carruth replied that the Church will maintain it and are also putting a gate in the fence so they don't lose it to adverse possession at some point in the future. Councilmember Dippolito said he also does not want there to be a debate about who is responsible for maintaining the grass and that sort of thing. Mr. Carruth replied that the church will maintain it as they maintain the remainder of their property.

Mayor Wood said the applicant will have another opportunity for rebuttal. He opened the meeting for public comment on this conditional use.

Public Comment:

Jay Butler, stated his home address as 420 Wexford Overlook Drive, Roswell. He said they have been working diligently with the World Harvest Church and that organization and the architects. He said they are comfortable with this and are no longer opposed with what they have suggested for their conditional use. Mayor Wood thanked Mr. Butler for working with their neighbor. Mr. Butler said they have a sense of community and wanted to make sure they could resolve that amongst themselves. He said their support is based on the conditions as they have been read

tonight. Mayor Wood said that is how Council will approve it and he doesn't expect Council to change them.

No further public comments. The public hearing was closed.

Councilmember Dippolito added that this had been a long process with a lot of work from both the Church and the neighbors working together to come to an agreement and he expressed appreciation for their efforts.

A motion was made by Council Member Diamond, seconded by Council Member Orlans, that this conditional use for the purpose of using a residential home for church offices and small group meetings was approved. The conditional use with concurrent variances was approved as follows:

- 1. The existing shed to remain at 39 feet.**
- 2. Allow existing driveway and parking within 25 feet.**
- 3. Reduction in required off-street parking.**

The property at 275 Hardscrabble Road was approved with the following conditions.

- 1. The property shall be developed in substantial accordance with the site plan stamped "Received May 2, 2013 by the Community Development Department."**
- 2. It shall include all suggested conditions in the letter dated May 2, 2013 and revised May 13, 2013 from Millard, Inc.**

The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-05-24

8. Conditional Use - 201300068, 188 Norcross St., Canton City Walk, LENNAR MULTIFAMILY INVESTORS, LLC., Land Lot 426.

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this conditional use request for the property at the corner of Norcross Street and Frazier Street. The applicant requests approval to build a 320 unit multi-family residential community to be built under the Groveway Community Hybrid Form-Based Code. Mr. Townsend displayed a graphic of the area within the form based code Groveway map; it includes the Norcross Street and Frazier Street location and is within the neighborhood mixed-use district. Mr. Townsend displayed the zoning of the current property; it now has the overlay for Groveway. He displayed an aerial view of the current structures and buildings, including a leasing and management building; all are two story structures; 152 apartments units. The applicant's proposal is to build 320 units of one and two bedrooms. The applicant also requests a concurrent variance for a reduction in the total number of required parking spaces as part of the conditional use application. The proposed site plan was displayed which showed an access to Norcross Street; two access points to Frazier Street; five building locations which includes several garage buildings for tenant lease. Mr. Townsend explained the break-down for the parking reduction. He said that would require 512 parking spaces. The applicant is providing 430 parking spaces. Staff has requested that eight parking spaces adjacent to the access points on Norcross Street and Frazier Street be removed to allow a better flow of access on and off the streets. This would leave the applicant with 422 parking spaces, a

reduction of ninety spaces. Mr. Townsend stated staff has reviewed this application related to the form-based code, the application meets the design guidelines. He said the staff report refers to "each of these items of the code." Mr. Townsend stated, "Outside consultants also reviewed this application from the form-based code and submitted their comments, which have been passed on to the applicant." He said this information was included in Council's back-up material. Mr. Townsend stated the original elevation drawings, and included in the Council back-up material, were those submitted at the original time of the application, have been revised. There is a new application regarding the elevations that were to be submitted to the Historic Preservation Commission (HPC). Mr. Townsend stated he believed those were included at the dais. Mayor Wood asked that the revised elevations be displayed on the overhead screen. Mr. Townsend confirmed for Mayor Wood that what he displayed on the overhead was the revised submission; this included the four elevations that Community Development had received. Mayor Wood stated it was his understanding that these are concepts and will be required to go before the HPC for further recommendations. Mr. Townsend stated that is correct. Mayor Wood stated HPC may or may not approve this. Mr. Townsend replied, "They may have recommended changes to those elevations, also."

Mr. Townsend stated the request before Council is the conditional use and the concurrent variance for the required parking. The HPC will be the one reviewing the approval of the elevations of the proposed projects for conformance with the design guidelines. Staff recommends approval of this conditional use with the proposed parking variance with ten conditions as included in the resolution before Council this evening:

1. The project shall be developed in substantial accordance with the site plan stamped "Received April 2, 2013 City of Roswell Community Development Department."
2. All existing overhead utilities except for Georgia Power electrical lines and all new utilities shall be placed underground at the owner's expense. (This includes utility lines that cross Frazier Street and Norcross Street). This condition shall be complied with prior to the issuance of any certificate of occupancy.
3. A combination plat shall be approved and recorded prior to the issuance of the Land Development Permit.
4. All mechanical equipment (HVAC) shall be located on the roofs of the buildings and screened by parapets or the mechanical equipment placed on the ground shall be screened from view.
5. All dumpsters on the property shall be screened.
6. The applicant shall construct a 50' eastbound left turn lane with a 50' taper on Norcross Street to turn into the Site Driveway as required by the Roswell Transportation Department.
7. The applicant shall construct a 50' westbound left turn lane with a 50' taper on Norcross Street to turn onto Myrtle Street as required by the Roswell Transportation Department. This item will be eligible for impact fee credits.
8. The owner/developer shall dedicate twelve (12) feet of right-of-way on Frazier Street to meet the requirement within the Groveway Community Hybrid Form-Based Code for street width prior to the issuance of the Land Development Permit.
9. The owner/developer shall dedicate sufficient right-of-way on Norcross Street to meet the requirement within the Groveway Community Hybrid Form-Based Code for street width and the required turn lanes prior to the issuance of the Land Development Permit.
10. The owner/developer shall replace the existing concrete sidewalks with brick or stamped concrete along the frontages of Frazier and Norcross Streets.

Council Comment:

Councilmember Dippolito asked for clarification that this application is consistent with

the form-based code and the design guidelines. Mr. Townsend replied, "Yes, in staff's opinion it is." Councilmember Dippolito referring to the architectural landscape plans stated those are preliminarily reviewed; he asked if when those are finalized, would those also go to an outside consultant for review. Mr. Townsend replied, "Normally, it would not." Councilmember Dippolito replied, "But under the form-based code, we have discussion about sending them to an outside consultant, is that only for the preliminary review?" Mr. Townsend replied, "That was to get it through the preliminary review, yes." Councilmember Dippolito replied, "So we haven't specified those going to an outside consultant." Mr. Townsend replied, "We have not, and I don't believe there was a budget that included that." Councilmember Dippolito replied that may be something that should be considered. Councilmember Dippolito stated the traffic study included in the Council package indicated that there is negligible impact by this project. He asked if the Transportation department is in agreement with that. Mr. Townsend replied, "They are. They made recommendations for turn lane improvements on Norcross." Councilmember Dippolito asked if there were any other comments on the traffic study itself. Mr. Townsend replied he thought their comments were included in the Staff Report but did not think there were any significant comments related to that.

Councilmember Diamond asked Mr. Townsend to verify the sidewalk width shown on the plan. Mr. Townsend stated the proposed sidewalk along Norcross Street and Frazier Street is eight feet in width; interior sidewalks to the development are five feet in width.

Councilmember Orlans asked if that was verified on the applicant's site plan; condition #8 includes a right-of-way figure but does not on condition #9; staff should be certain that the sidewalk set-up meets the zoning. Mr. Townsend confirmed that the sidewalk on the site plan for Norcross and Frazier are both eight feet in width.

Councilmember Igleheart stated that in general, under the form-based code, Council does not necessarily approve a site plan. Mr. Townsend replied no. Councilmember Igleheart replied, "Not this project, but in general for form-based code, we will not be dealing with site plans." Mr. Townsend replied yes. Councilmember Igleheart stated, "We are on this one because it is conditional use." Mr. Townsend replied it is a conditional use to get the use. Councilmember Igleheart stated he has asked before how much of the site plan is correct versus what will actually be built. He said that is one of the questions on the sidewalks because once "they build the fifty foot turn lanes coming from each direction at Myrtle Street, the only place to get that space, which is twelve feet or so for the width of a turn lane, that you have to add that. It obviously can't come from a street. It's got to come from their property. That is going to have to shift that element of the site plan up by at least twelve feet, at least on that one section." Councilmember Igleheart asked if the applicant will be required to keep that eight foot sidewalk or could that shift; the minimum and the requirement is only five feet. Mr. Townsend replied "Yes. We are going to maintain and then put sidewalk along Norcross." Councilmember Igleheart asked if he could guarantee that would happen or should it be made a specific condition. Mr. Townsend replied it could be done either way.

Councilmember Igleheart stated the tree save plan includes a forty-five foot oak tree that appears to be at the corner of a building. He said the tree save states that tree is going to remain, but in the site plan it is not there. Mr. Townsend stated the applicant would speak to that tonight.

Councilmember Igleheart asked if what Council is ultimately approving is 320 apartment units and not a lot of the other aspects of a normal project. Mr. Townsend replied correct. Councilmember Igleheart said he understood that the electric lines

will not be buried now. He asked if that will impact any of the trees that were being considered to be planted. Mr. Townsend replied, "I think we will probably look at where the power pole transmission lines end up, and probably adjusting landscaping accordingly. If they have to be under the lines, then the proper material is chosen to go in those locations. There has been discussion that the lines may move to the other side of Frazier Street, if it may be more appropriate, then they could have the appropriate trees in that location."

Councilmember Igleheart stated parking is the number one concern for him. The minimum is 1.6 per unit, or 512; the maximum is 2.2 for 704. He said 704 is not needed, but the current site plan has only 422 parking spaces. If the buildings are shifted north that could affect the number of spaces on the right side. There are 445 bedrooms in total at this time; the 422 parking spaces is less than the actual bedroom numbers. Councilmember Igleheart stated he is concerned that is not enough parking spaces. He asked what happens if 422 parking spaces turns out to be not enough. Mr. Townsend replied, "If the approval for the conditional use is granted and the variance is granted, and they end up parking cars somewhere else, that is not going to be a good situation for anyone." Councilmember Igleheart stated that was his point. Councilmember Igleheart said, "With that variance under what is in the condition right now, it says it will be reduced from 512 to 422, an exact number. I think the intention was to give what is in the variance allowed, up to twenty percent. If we have the exact number, we are definitely going to set ourselves in a problem as opposed to up to a certain percentage. If there is a percentage that you can work with through the project, then that probably could help." Mr. Townsend stated he understood.

Councilmember Dippolito referring to the overhead utilities stated he thought the intention is for Georgia Power transmission lines essentially to be the ones that are not buried but it says "all utilities will be buried or placed underground except for the Georgia Power electrical lines." Councilmember Dippolito said on Norcross Street there are some very minor Georgia Power connectors that go to individual houses or buildings. The low hanging, really thick ones are unsightly, and the ones that cross the street. He asked if the intention is for all of those to be eliminated, as well, but eliminating the ones across the street would be very important. Mr. Townsend replied that staff's intention was that any lines that "could go away, need to go away." The most concern was about trying to remove the Georgia Power lines that are up high. Mr. Townsend referred to Oak Street as an example. When the poles were realigned on Oak Street, the three strong Georgia Power strands were placed high, and all low was removed. Mr. Townsend said he expected to see pictures this evening of how it would look. Councilmember Dippolito referring to when Oak Street was updated, new poles were installed and all the lines were vertical which actually helps them "disappear." Mr. Townsend confirmed that is what is being considered here. He explained there has been discussion regarding which side of the street to stay on. The difficult part is when one pole is moved then several other poles need to be moved back for it to line up again. The poles that are on the south side on Forrest Drive actually start the poles before they get across to Frazier Street. They are trying to manipulate both of them to find the best solution to best handle the lines, transformers, and the major tree issue on this location. Councilmember Dippolito stated he thought this is an important issue. He stated condition #2 is written in a somewhat confusing manner and asked that it be clarified.

Applicant:

Pete Hendrix, 6085 Lake Forrest Drive, Sandy Springs, Georgia, stated he is the attorney representing the applicant. Mr. Hendrix stated Chris Cassidy, Regional President of LENNAR, will speak "with specificity" as to the experience they have had

in the multi-family industry, and the adequacy of the parking. Mr. Hendrix stated they would discuss the parking situation. He said there are a number of jurisdictions that are now moving to parking requirements not to exceed, as opposed to a bare minimum amount. He said as more urban environments are developed that has seemed to be a standard to which a lot of jurisdictions have moved. Mr. Hendrix stated 152 large, two bedrooms units currently exist on the property. The proposal is for 320 new units with approximately 195 one bedroom units, and approximately 125 two bedroom units. He said knowing the newness of the Groveway community hybrid form-based code, the applicant engaged with staff "much" before the filing of the application to be certain they had a sense and feel of what was intended through this legislation and through this adopted ordinance, with a "particular view towards the architectural look and feel of what was being desired in the area." He said they have continued to receive and digested comment from staff as well community representatives actually of "our initiative," putting into play a community meeting "before the City's required community meeting." Mr. Hendrix said there has been modification and adjustment to the site plan. He explained that the site plan tonight has building mass moved from the northwest corner of the property in an inward direction to be more sensitive to the residential contiguous and to the west of the property. The proposed units will be termed and viewed as residential flats; will be for lease; will be individually metered; built to condo grade; utilize stainless steel fronts on appliances; granite or comparable countertops; interior ceiling heights of nine feet. He said there clearly could be conversion without effort if the condo market surfaces or returns again, as far as construction and quality of construction is concerned.

Chris Cassidy, LENNAR Multi-Family, Division President, 6285 Barfield Road, Sandy Springs, stated LENNAR is a publicly traded company and the third largest homebuilder in the United States. Approximately three years ago, they formed a for-lease apartment platform. Mr. Cassidy is based in Atlanta and covers the southeast; they have several current projects in the Atlanta, this proposed project will be their third. The team they have assembled has been building urban infill housing for the last twenty years; their architects and engineers all have significant history and background with developments of this nature. Mr. Cassidy said his career began at POST Properties. This proposed project is very complicated, requiring much thought and effort with respect to the market, the construction, how it is going to go together, in addition to whom they think the ultimate end user or resident that will live there will be. Mr. Cassidy stated Atlanta is expected to grow by over three million people over the next fifteen to twenty years. Referring to the comprehensive plan, Imagine Roswell 2030, he said Roswell will grow by ten to fifteen thousand residents. Mr. Cassidy said those will predominately come from empty nesters or baby boomers, and the growth of the Millennial of Gen Y generation; Gen Y is projected somewhere upwards of 90,000 strong; Baby Boomer generation is roughly 75,000 to 80,000 strong. Their housing preferences and demand are what is really driving the housing industry. In the last fifty years, families with children drove the American housing industry, the growth in the suburban markets, the growth seen here in Roswell. Today, married couples with children make up less than twenty-five percent of all new households that are forming. He said the fastest growing American households now includes single professionals or Gen Y, dual career couples, empty nesters, active seniors; these groups are creating demand for lease stacked flats, condos, townhomes, vertically integrated mixed-use town center developments. Mr. Cassidy noted that they were not saying that all of these profiles will want to live in a community like this, but they believe that Roswell has a need today for this proposed project to fit that sector and their desire. Mr. Cassidy stated Baby Boomers and Gen Y both want walkable, urban neighborhoods, and environments; with their lifestyle, they want to focus on entertainment, recreation, and an interesting place to live and work with amenities and conveniences; they sometime make a decision to rent rather

than own because they often need mobility with their job; empty nesters often have second homes and want a base place to live in the Atlanta area. Mr. Cassidy stated if this proposed project was in Buckhead or mid-town, it would be a much younger demographic; in Roswell it will be a mix of young professionals, childless couples, and empty nesters.

Mr. Cassidy discussed the type of amenities they propose. They will be providing a lifestyle with high level of service for the residents. He said typically they are very discriminating. He stated some of the services they provide are in home cleaning services, trash valet, and concierge services for the resident; fitness center; cyber café, and Wi-Fi throughout.

Mr. Cassidy displayed information regarding the Highlands of West Village in Cobb County that LENNAR was involved in. During their approval process with public officials in that area, they stressed that the development they build would look and feel very different than the apartment communities in the area today; the unit will be smaller; unit mix will be different; it will be high level quality finish; high level of amenities; on average, the resident will be older; incomes will be much stronger than the typical apartment communities and would mirror the overall community at large. He said at the Highland of West Village development, the average is 36 years; the average income is \$81,000; twenty percent of the residents make over \$100,000 and five percent over \$200,000 per year; there are very few, if any school age children; eighty-two percent are single or divorced; eighteen percent are married.

Mr. Cassidy referring to the proposed project and property, stated the Frazier Street apartments sit bounded by Norcross Street and Frazier Street. It is approximately 10.6 acres. There are 16 apartment buildings with 152 two bedroom units. Mr. Cassidy displayed an aerial view of the area; he noted the Canton Street entertainment district, City Hall, and higher density commercial use on Alpharetta Highway. He pointed out the location for their proposed project going east on Norcross Street and the neighborhood. He said, "Our project really works as a buffer between the retail and the lower density neighborhood."

Mr. Cassidy displayed the site plan of the proposed project. He said they have tried to create an urban community which is part of the fabric of Roswell, that extends Norcross Street and Frazier Street; along Norcross and Frazier they have pushed the buildings up to the street; there are eight foot sidewalks, street trees; an internal road has been created that runs between Norcross Street and Frazier Street along with parallel parking. The unit mix will be 320 units; sixty percent will be studios and one bedrooms; the balance will be two bedrooms and two bedroom dens.

Mr. Cassidy stated they have tried to pay a high level of attention to what will take place at the streets. He displayed street scape images, private spaces that each of the ground units on Norcross Street may have in addition to the internal street, a fitness center, business and amenity area. All streets will have multiple portal entries were there will be direct access into corridors that will feed the upper level units, in addition to direct access to individual units that are on the ground floor. There will be scattered private spaces, hardscape courtyards, and a pool area.

Mr. Cassidy, referring to graphics of the site plan, stated the elevations that were initially rendered, have been refined. Mr. Cassidy displayed photographs of the proposed site as it currently looks.

Council questions:

Councilmember Orlans referring to West Village, stated he thought that was built to eventually be turned to condos, the units included high ceilings, granite countertops.

Councilmember Orlans asked for more information regarding the internal quality of this proposed project, going forward for that kind of a purpose. Mr. Cassidy confirmed that when LENNAR developed Highlands of West Village, they did build that community to be converted to condominiums and they are doing the same with this proposed project in Roswell. The ceiling heights will be a minimum of nine feet and could go ten, eleven, and in some cases there may be twelve and thirteen foot ceilings; the finishes will be hard surface floors; granite countertops; stainless steel appliances. It will be the same level of finish that would be seen in a \$300,000 to \$600,000 home. Mr. Cassidy said, "We believe that with the location and the quality of this project, that at the appropriate time, either all or a portion of this project could convert to condominiums."

Councilmember Igleheart thanked Mr. Cassidy and LENNAR for their efforts in meeting with everyone and adapting the site plan along the way. Councilmember Igleheart asked about the 45- foot oak tree on the Frazier Street side, said that appears to be on the tree save plan but does not appear to be on the site plan. Mr. Cassidy stated the tree is shown on the plan but is not on the tree save plan to be saved. He said they have looked at this tree, and it falls in the middle of sidewalk and one of the proposed buildings. Mr. Cassidy stated it is a beautiful tree, but over the years it has been damaged by power lines and the way it has been pruned. Councilmember Igleheart replied that the site plan shows trees that are being removed and others that remain; the site plan showed that this particular tree was circled; a circle was the indicator for tree remaining. Mr. Cassidy stated he thought the circle around the tree represented the canopy of that tree; the table shows that tree being removed. Councilmember Igleheart stated he was very disappointed. He thought that with some changes it could have been dealt with; it is obviously a huge tree, and it never fails that a tree suddenly becomes sick when it is time to take it down.

Councilmember Igleheart referring to the site plan, asked how they intend to deal with the addition of the turn lane; how will that impact their plans? Mr. Cassidy stated that along Norcross Street the buildings could be pushed back the appropriate width to accommodate the left and right turn lane onto Myrtle Street and into the proposed community; in addition, provide for the eight foot wide sidewalks and any addition to any landscape strip between those sidewalks and the buildings, and then any other private spaces that they would build as part of those ground floor residents. Mr. Cassidy reiterated that they would shift it back; there is some flexibility in the plan to be able to move that back. Councilmember Igleheart stated that it appears that either there is loss of the road part or there is a shift of the entire thing, because assuming it is twelve feet for the lane, and moving everything up twelve feet, basically put the end of the building into the street within the project. Mr. Cassidy replied that he did not think that was correct, but as late as this morning they had looked at that regarding how those buildings would be moved back. He said they know they can accomplish the turn lanes, the sidewalk width, landscape strip, and any other public space that they may build on the ground floors of those units. Councilmember Igleheart stated the plan he was looking at, on the other side of the two buildings that are facing Norcross Street, there is a six foot parking lot, landscape strip, five foot concrete sidewalk, and then it appears about five feet on the other side; if that is shifted up, it takes that space. Mr. Cassidy stated he did not know that he could demonstrate to Councilmember Igleheart today, but he was certain that they could sit down and walk through how that would be accommodated. Mr. Cassidy assured Councilmember Igleheart that they had looked at that and could accommodate that. Mayor Wood stated he thought that Planning and Zoning Director Brad Townsend suggested one possible solution to address Councilmember Igleheart's concern in that it could be made a condition that the sidewalks be of a certain width, to be accommodated by the applicant even if that means the footprint of the buildings is reduced.

Councilmember Igleheart stated he also had suggested that. Councilmember Igleheart stated he is concerned that on the far right that are parking spaces that could lead into that; parking is a problem and would be more so if ten spaces are lost due to shifting a building up. Mr. Cassidy replied that the parking would be increased from the current parking count that is on the site plan today, and should get 445 spaces, in a variety of different ways. Mr. Cassidy apologized that he was not looking at the plan that Councilmember Igleheart was looking at but assured him that they would accomplish what is needed with respect to the width of the sidewalk, the green strip. He said they did not see that any additional parking would be lost by making those modifications, and in fact, they were going to add to the parking that is shown on the plan today. Councilmember Igleheart said his overall concern is that there is not a site plan that is actually going to be built and yet Council is trying to determine what can work. Councilmember Igleheart said that for the first project in Groveway, it is "kind of scary" that "we are basically going to pass this and then say 'staff work it out.'" Mr. Cassidy replied, "The staff has made recommendations. We have gone and looked that. We can make the changes that will accommodate the conditions that they have placed on the plan." Councilmember Igleheart asked if he would be willing to accept a condition that specifically says eight foot sidewalks on Norcross and Frazier. Mr. Cassidy replied they absolutely would. Councilmember Igleheart stated he understood that burying the electrical lines was the original hope, but the lines will not be buried; that will impact the look. He said the look is the whole plan of Groveway. Councilmember Igleheart asked Mr. Cassidy what the projected costs are for burying the electrical lines. Mr. Cassidy stated preliminary numbers from Georgia Power one million dollars or more, with no commitment from Georgia Power since that cost could go higher.

Mr. Cassidy stated, "What we have agreed to, and this will most likely cost several hundred thousand dollars, is take all the communication lines that are there today, put those underground. Any new communication lines we will put underground, and we will clean up those poles, put new poles in, take the ugly transformers that are there, bring those down, and minimize the lines that are on those poles. If we can, and it makes sense, we may try to move those poles to the opposite side of the street where it may make more sense aesthetically." Mr. Cassidy noted that he had a project called Highlands on Ponce where they were able to bring the power lines underground because of the existing infrastructure; at Highlands at Cheshire Bridge, it was not feasible or cost effective to bring the lines underground, although the lines were cleaned up and looks nice today. Councilmember Igleheart asked what the chances are to move the lines to the other side of Frazier Street. Mr. Cassidy replied that it needs to be worked out with Georgia Power but he would be an advocate of doing that if it is feasible. Councilmember Igleheart replied, "Across the street is going to be the Wal-Mart Neighborhood Market and on the back side of that it is probably okay to have some lines there, but to have them on your side is actually detrimental to your folks because the people who have the upper levels are probably paying more and will be looking at the electrical lines." Mayor Wood asked Mr. Townsend how this could be conditioned, even though it would be necessary to check with Georgia Power. Mr. Townsend replied he wasn't sure how to condition that issue. City Attorney David Davidson stated, "I am not sure you can condition them moving it off of their property, off the property they are actually working with." Mayor Wood replied that the poles would actually be on City right-of-way. Mr. Townsend disagreed; he clarified that the poles are currently on private property; the City plans to get more right-of-way for on street parking. Mr. Townsend stated that a lot of the debate is regarding how to line the poles up and which side. Mayor Wood replied, "If we don't own the right-of-way, it makes it tougher."

Councilmember Igleheart referring to the rent prices and comparisons to other places that are not that specific in similarity to Roswell, said Ambley at North Point was discussed; their "top level" is 1,400 square feet for \$1850. He stated industry

representatives have told him that those have not been filled yet. He asked Mr. Cassidy what will happen if they do not get the rents that they are projecting. Mr. Cassidy replied they are confident they will get those rents. He explained that they had conducted market research. The rents at the Ambley Development, in actuality, are at this point, higher than the rents that they have projected; their absolute rents go up to \$2300 or \$2400 per month for the largest unit. Mr. Cassidy stated, "The difficulty is there is not a comp in Roswell that you can point to today but we have built in areas where there has been no new zoning for at least multi-family, in the past. We have done enough research where we feel like we can achieve and/or exceed the rents that we have underwritten this development at. The studios and one bedroom units will start at about \$1,040, 1,050; the larger two bedroom den units will go up to \$2100 to \$2300 per month." He said they are very comfortable with those rents. It is very comparable to that today in Johns Creek. They underwrote that development at a rent level; today, with their first leases, they are achieving about \$150 to \$200 more on average, per month. He said they feel they have been very conservative here; the site is unrivaled anywhere in North Fulton; the best location in North Fulton and best new entertainment districts in all of Atlanta. The Avalon project being built in Alpharetta is a beautiful community but does not have what Roswell and Canton Street has; Canton Street is "an organic entertainment district in the historic district." This proposed project will be a community that is walkable to all of that. Mr. Cassidy said they believe they will exceed the rents that they have underwritten this project at.

Councilmember Igleheart stated he hoped so. Councilmember Igleheart stated the overall plans state that Groveway is focused on mixed-use. The section above Norcross Street was added to be part of the mixed-use, not part of just the neighborhood. Councilmember Igleheart asked Mr. Cassidy why he believed that mixed-use will work for them; it is close to Highway 9; it has the two major primary roads that are in the Groveway area. Mr. Cassidy replied, "I will state from my personal opinion and being in this business for the last fifteen to twenty years. I have done a lot of mixed-use. I was on Ponce when we built two full city blocks between Ponce de Leon and North Avenue. We did 20,000 feet of ground floor retail and got rents that people never thought we would get. In fact, two of the retailers that we put in there in 2000 and 2001 are still there. At Highlands of West Village we have 67,000 square feet of ground floor retail. We made the decision consciously to put retail in those projects. Today, with this project, we don't believe, I don't personally believe, that retail would work today. I think if you put retail on the ground floor, it could be vacant and could be dark and it would really go counter to what we are trying to achieve as to put additional life on the street today." He said it is their opinion that today, the block between Highway 9 and Frazier Street where Southern Skillet had been, would be a great area for ground floor retail, offices, residential above. Mr. Cassidy stated, "If we were looking at that block today, we would propose retail for that. I don't believe because you put retail in this community that it would necessarily work. Just because you build retail, doesn't mean they will show up. We could build it, we could subsidize it, but today where people want to be, they want to be on Canton Street and they want to be on Highway 9. That today is the retail node." Councilmember Igleheart stated that he was concerned about that and would bring that up later.

Councilmember Igleheart stated this project is really constrained by the parking that they can have there. He noted that he understood that the applicant did not want to do structure parking, although Ambley does have structure parking. Councilmember Igleheart said one of the concerns is regarding the number of parking spaces provided for the number of people in this community. He said it seemed to him that the only way to deal with this because a finite number needs to be set, if it is 445, that number will be used, but at beyond that, "you are causing problems for all the things

around there.” He said it seemed that if the applicant would go back from what that parking space number is, then that may give the number of units that makes sense. Councilmember Igleheart said, “Doing some quick calculations, backing out from that, our minimum is 1.5 per unit, and .1 for guests; 1.6 being the number.” He said, if they did use 440, because it works out mathematically, that translates backward into 275 units, which is “a choice to how you want to do one or two bedrooms to that to break that out.” Councilmember Igleheart said, “That seems to be something that can make that project work in this space, to have the number of units and bedrooms that you are talking about and not have the proper parking, only sets us up for problems.” He asked Mr. Cassidy’s thoughts on that. Mr. Cassidy asked for an understanding of Councilmember Igleheart’s concern. He said that Councilmember Igleheart had commented that they were going to create problems for additional properties and that the parking counts that historically has worked for them in the industry would create problems in Roswell, when they haven’t created problems in other communities they have built and developed. He asked how they would create problems for additional property owners. Councilmember Igleheart replied, “I believe you will have more cars parking within that space than there are spaces and when that happens they will have to park somewhere else. The only place there is left is across the street, in what is going to be a parking lot, or who knows where. That is a problem.” Mr. Cassidy stated that as they go back and look at portfolios and products they have developed in the past, if they develop .9 to 1 space per unit, they are more than parked for guest parking, for future resident parking, in all times of the day. He said they do not see where this is going to create any significant parking issues. He stated, “We underwrite at 94% or 95% occupancy. The resident profile that you have here, typically they are going to travel, they are going to be out of town for work, so it is very, very rare when all 320 units are occupied and everybody is home at the same time. If that is the case, we will have enough parking. Based on what we have built in the past, we have built projects, depending on the unit mix, that have a lower parking ratio than this project here.” He said that empirically, it was difficult to respond to Councilmember Igleheart’s question because “our history and our portfolio of units that we have built and develop, supports the number of parking spaces that we are going to build.” Councilmember Igleheart replied that in the other discussions the applicant talked about it being more urban. Councilmember Igleheart said, “This simply is not urban. We don’t have the road networks nor the public transportation to handle people getting to other places. In order to have these rents, they are going to have to have jobs and they are going to have to drive somewhere to get to them. I just don’t believe the parking is sufficient.” Mayor Wood stated he did not believe Councilmember Igleheart and Mr. Cassidy both have different points of view on this. The Mayor stated Councilmember Igleheart had expressed his position well; the applicant had expressed his opinion; it should be left to Council since neither would most likely concede the point.

Councilmember Dippolito referring to the amenities that Mr. Cassidy had stated were things like pet sitting and a fitness center. Councilmember Dippolito asked if those types of amenities would be on the ground floor and if they would be more commercial or retail. Mr. Cassidy stated it would. He referred to the site plan and noted the building in the upper left hand corner is the area where they were proposing to place leasing business, the fitness center, and things of that nature. He also referred to the image that was shown earlier in the meeting with a fitness center on the ground floor. He said they were proposing something that would look urban and more like ground floor retail; in the evening hours and the off hours, it would be bring “additional life and activity to the street.” Councilmember Dippolito asked if that would be the entire length of the building along Frazier Street. He said he was trying to understand what it would look like. Mr. Cassidy replied it would probably encompass along Frazier Street, maybe 25% to 30% of the elevation shown on Frazier Street. Councilmember Dippolito asked if the rest of the building would have

residences that front on Frazier Street and would have access directly off of Frazier Street. Mr. Cassidy stated that is correct. The ground floor units will have direct access onto Frazier Street; they may have some sort of a private space that is between the building edge and the sidewalk; in addition to that, there will be a number of portal entries for residents who live on the upper floor, to come down a corridor, down steps to have direct access to Frazier Street. This would be the same on Norcross Street, in addition to the internal street created inside the community. Councilmember Dippolito stated he had seen a number of newer complexes that have ground floor units that face the street and allows access directly into the unit off the street rather than having to go through a portal and go through an interior courtyard. He asked if that is the applicant's intention for the units that face the street. Mr. Cassidy confirmed that is their intention. He said their graphics displayed were to show examples of what those might look like. He said there may be two unit entries that share a common set of stairs; it could be a one single entry that would go into a unit; and/or a common corridor where there could be access to the units on the upper floors or units on the ground floor. Councilmember Dippolito asked, "Will that be all ground floor units or just the ones on the street. Would all ground floor units have direct access to (inaudible)." Mr. Cassidy stated it would be all the ground floor units.

Councilmember Price asked if the number of units is implicit in the application or would Council condition that. She said she thought Council was just talking about the multi-family residential under the hybrid form based code; the applicant was presenting it as a specific number of units. She asked if Council conditioned it to that, or to another number. Mayor Wood asked staff to answer. Mr. Townsend replied, "Included in the resolution, it has reference to the site plan of the development. The site plan of the development has a 320 unit calculation given to that." The Mayor asked if it would be a maximum of 320 units. Mr. Townsend replied yes. Mr. Townsend stated, "If he wanted to go west, that would be fine, but getting one unit more, he comes back to you." Councilmember Price stated, "Again, with regard to the specific number, I think I have asked this before, the number of one bedroom versus two bedrooms, and the impact expected on the schools compared to the mix that we have there currently." Mr. Cassidy replied, "I think Fulton County made an assessment of the number of students they would anticipate coming out of a community like this and I think what they do is they just apply their standard tables to any for- lease apartment or community based on one, two, or three bedroom units. We are building a product here that caters to young professionals, single couples, empty nesters. The average unit size is 900 square feet. They start at just below 700 to 1,000 square feet and go up to 1,250, 1,300 square feet. It is not a community that is really built for families with school age children." He stated there may be a "hand full" of school age children. He said it will be very similar to the case study which was described with respect to West Village, with the same demographics. Councilmember Price asked if it is defined yet what the mix is of one bedroom to two bedrooms. Mr. Cassidy stated it is roughly 60% studios and one bedrooms; 40% two bedrooms and two bedrooms/dens. He said that mix is changing slightly; it will depend on the elevations and how the building progresses with respect to the final unit mix. Councilmember Price stated, a solution or possible only solution to the parking concerns could actually be a reduction in the permissible number of units. She said it would not be possible to create parking spaces without reducing the number of units. Councilmember Price asked if Councilmember Igleheart had considered a proposal of that. Councilmember Igleheart replied, "Perhaps. I gave the number. If you have 440 parking spaces, that backs out to 275 units. I am not going to bring that up further right now."

Councilmember Diamond stated she thought she had understood the applicant to say that there would be more parking spaces than are listed on the existing site plan.

She asked how that might happen. Mr. Cassidy referring to the site plan replied yes. He explained that they believe they will be able to pick up 15-20 more spaces by going in where there are two parking lots on either side of "that main street" because there currently is a drive that comes into each of those; once they lay the buildings out, they can shrink some of the building footprints slightly; it between those areas that some head-in parking can be added. Mr. Cassidy said that as late as earlier this morning they were reviewing this with their engineer and architect.

Councilmember Diamond referring to the sidewalks, noted that at this time, there is brick sidewalk on either end of this property. She asked if Mr. Cassidy was proposing actual brick, brick like concrete pavers, or what material. Mr. Cassidy replied they were thinking either brick pavers and/or colored stamped concrete that would emulate the brick paver. Councilmember Diamond said she thought that should be discussed tonight and conditioned to that; the Transportation department is more comfortable with either real brick or concrete paver for longevity and stroller use. Mr. Cassidy said he thought that it was part of the conditions that had been agreed upon. Councilmember Diamond stated she knew 8-foot sidewalks were conditioned and wanted to make sure it was in there; she preferred the stamped concrete option be removed. Mr. Cassidy asked if she preferred a brick paver. Councilmember Diamond replied yes. Mr. Cassidy replied, "That's fine, we can live with that."

No further Council questions. Mayor Wood noted the applicant would be offered a chance for rebuttal. He asked the applicant for any closing remarks. Mr. Cassidy stated he had nothing further to state at this time, and thanked Council for their time.

Mayor Wood opened the hearing for public comments. He stated public comments would be held to five minutes per public speaker.

Public comments:

Janet Russell, 260 Willow Springs Drive, stated she appreciated Councilmember Igleheart's questions for the applicant; it showed a depth of knowledge of this project. Ms. Russell stated she hoped that Council had not already decided to approve this project; she is a proponent of new urbanism but only likes density to a point. This project reminds her of the Charlie Brown East Roswell project that Council fought for years; it was nicer than this project, but never came to pass. Ms. Russell stated she does not like the name of the project; it is not on Canton Street and is not in the city of Canton, and preferred that the name be changed. She expressed her concern of the density going from approximately 150 to 320 units. She noted that for several years she taught English in schools as a volunteer; the subject property has been Section 8 housing as long as she has lived in Roswell. She said those who live there have no access to cars. Ms. Russell said, "As I see this project, what I am thinking is, you can't just wait to get hold of some more tax dollars from the development of all these apartments. It is why you approved fifteen units on four acres for houses off of Chattahoochee Street last month." She stated that 450 cars a day do not just make one trip; they basically make about four trips all within three miles of their houses. This will increase car traffic about 2,000 cars per day on Norcross Street and Frazier Street. Ms. Russell said she cannot imagine the "Frazier Street that dumps out on Highway 9 at that little angle. That means you will have to put in a traffic light but you will also have to work with GDOT." She noted that she approves of the entrances onto the street. She noted this proposed property will be within view of "the loading dock of the Wal-Mart urban grocery store." Ms. Russell noted that Roswell already has a Super Wal-Mart; why does Roswell need a Wal-Mart urban grocery store. She would prefer Fresh Market, Trader Joe's, or anything but a Wal-Mart grocery store, which baby boomers and millennial's do not want to shop at. She expressed concern about the impact this proposed project will have on already overburdened Roswell

EMT's, firemen, and policemen. She inquired whether Roswell or Fulton County will provide water for this project. She asked if the sidewalks discussed earlier will end at the property line or continue to connect to another sidewalk on Highway 9. Ms. Russell suggested that the density be reduced; suggested a reduction in the rent; suggested it include some units for lower income; suggested installing a community garden.

Mayor Wood requested that Ms. Russell wrap up her comments since she had gone past the five minute limit. Ms. Russell stated she would finish. Mayor Wood clarified that Ms. Russell had used her full five minutes.

Eric Shumacher, 145 Prospect Street, stated he owns two units in the Liberty Lofts and Townhouses development directly behind this proposed project. He is skeptical regarding the need for parking; he has previously lived in high density downtown areas in Seattle, San Francisco, Chicago, and Philadelphia and understood what it is to not find parking. Within a few city blocks of this proposed project there is not any spill over parking except perhaps the library and the proposed Wal-Mart urban grocery store parking lot. He said many businesses in the area already use closed businesses for valet parking. He suggested the applicant consider deleting one of the buildings to add parking to at least consider it from a density perspective. If there is no problem with parking, then perhaps construct one of the buildings. Mr. Shumacher suggested assigned parking for units which would eliminate competition for parking, looking for parking, and finding parking. He stated he had read through a lot of the materials for this item; he inquired about a comment made by the architect consulted who mentioned that the owners have "maybe an adjacent property for spill over." Mr. Schumacher stated he would like to see this postponed tonight because there is not enough to go on to make a decision tonight and also to see another site plan that would incorporate suggestions from Transportation regarding turn lanes and parking lanes. He said he thought this was being rushed through for approval without enough consideration of the impacts. Mr. Shumacher noted that he is pro-development of this property but would like to see some accommodations made for the people who currently live in the existing development; he would like it to be as dense as it can realistically be; it would be good for the City; is in favor of a walking area; is skeptical of comments made that since it is a walking area then not as much parking is necessary; is skeptical about fire lanes; is skeptical about green space; and is skeptical about screening from Liberty Lofts. He said there were "pretty pictures" shown, but there is not enough information regarding changing the number of units and the parking to make a decision.

Nelson Sexton, 1109 Waters Edge Trail, stated he resides approximately a mile and one half west of the proposed property; he has live in Roswell for twenty-five years. Mr. Sexton stated he heads up the business development and nationwide recruiting of architects, building sites, and engineers for a Sandy Springs based construction company. In looking at Lennar's projects, he believes they know their business and know what they are doing; the architect is a "quality architect." His opinion is that residents of Roswell "should be thrilled to have the kind of quality developer that wants to make the kind of significant investment in our great city that Mr. Cassidy and his team want to make." Mr. Sexton said "twenty-something" age people are now interested in moving to a development like this in Roswell. He said this is the perfect site and type of development for younger people to live, thrive, spend their money, and be a part of our community; it is what Roswell needs; Roswell should be appreciative and supportive of this project.

Donna O'Berry, 2100 Constitution Court, stated she resides at Liberty Lofts and also owns property on Myrtle Street. Ms. O'Berry thanked Mayor and Council for listening to the public's concerns. She noted that her comments would not be a reflection in

any way on Lennar, their proposal, or their quality of work. Ms. O'Berry expressed her concerns regarding the traffic. She noted that at this time there are 152 units, or 304 bedrooms in the existing development on this property. She stated she realizes that it cannot be said that there will be one car per one bedroom; she recently counted 64 cars on a Sunday night in the parking lot for the currently existing 152 units. Her explanation is that those current residents walk, or stand on the corner waiting for a friend to come by with a truck to be driven to some sort of a day labor job. Ms. O'Berry stated, "If these people are trying to attract the upwardly mobile young people with these really good eighty thousand dollars a year jobs, they don't work a couple of blocks from here. They work downtown. They work up in Alpharetta. They have to get to where they work and they can't get to public transportation to get there. They are going to drive their cars. I don't see how we can think that that many cars will not be an impact in that neighborhood. It is mind boggling to me that you can think that it won't." She asked if those other developments that Mr. Cassidy compared this project to were close to public transportation and job centers; what infrastructure was available in those areas. Ms. O'Berry stated she was also concerned about "just jumping at the first project out of the box and allowing what the Groveway overlay proposes to be mixed-use and having it not be." She said she is not necessarily for or against apartments but, what she does "want is for the Groveway vision to be implemented as we have all been hoping it was going to be and look like the last several years we have been working on this." She said it is interesting to her that the developers can say "this little chunk of property, we don't think is appropriate for mixed-use, but a block over here, retail will go fine. It will work across Frazier Street, it will be successful over there but it won't work right here. That doesn't make any sense to me." Ms. O'Berry said somebody told her that one of the big deals with the form based hybrid code "is not any longer to have the distinction of here are the single family houses and next to them is a little group of attached housing, and next to them is the apartments, and next to them some nice little office building, and next to them is the nasty ole retail, and next to them, god forbid, is some industrial complex; the whole idea of the new code was to combine that so that everything looked great." She said "This didn't even really know what was going on in that building; that might be an office building, that might be retail, that might be a dentist office, but you don't know because you are not segregating it." Ms. O'Berry said she heard at the Planning Commission meeting and also tonight that it is a "good use of this property because it is a nice transition." She said that it sounds to her that it is not clear what the vision is that is to be implemented. She said despite the costs, Liberty Lofts were required to have buried utility lines when "PRC and Beazer developed Liberty." Ms. O'Berry referring to moving utility poles across the street, suggested that whoever comes along to develop that large tract on that side of the street, they will have utility poles in their back yard. She expressed concern that documents discussed tonight regarding a new application and new elevations were not available on the website for the public to view before this meeting. She requested that a decision be postponed to the next meeting. No further comments.

Sue Dupart, 500 Shadowood Court, stated her concerns were regarding the impact of the height coming down Norcross Street, it is claustrophobic enough. She said it is known that the street will not be widened, the bridge was just re-done. Ms. Dupart stated she had visited Briarcliff "where trees are planted at the curb, then you saw a road, and then you saw the frontage of a townhome." That was gradual and nice. She said of the nice things about the Frazier Street community is that it is not highly dense; it is scaled to the neighborhood in height and size. She said "with these people and their high needs pets, I can just foresee porches, the three dimensions of your three level building not looking like the flat federal building, and so I can see the little dogs barking at the pedestrians out all hours of the day." She noted that she had walked to City Hall this evening and several other people were also out walking

and riding bicycles on the street. She said people from Sandy Springs or Alpharetta may think they can go to Alive After Five and park in this complex if it is not gated. Ms. Dupart said, "I think by making it a community if you had your building frontage with your dog pens and your patios and porches all inclusive of the community area it would look and feel like a community. Those people who are just looking for high income short term assignments could come and go." She said her prediction is that it will be a condo complex because people in Roswell are conservative; more commercial is not needed in this area. She suggested it be a gated community with a community central area with perhaps an oval sidewalk like a track to use for pushing wheelchairs. She does not think that many people will rent one bedrooms in this area.

Barbara Duffy, Hollyberry Drive, stated she has been a resident of Roswell for thirty-five years and works at North Fulton Charities. Ms. Duffy said she has heard Mr. Cassidy speak in the past about plans for the current residents and asked that those plans not be forgotten. Ms. Duffy said she believes this is an excellent project but hopes that it will open a wider community dialogue on the need for work force housing, the loss of housing for the current residents that work in our community, and the need for all kinds of housing in our community.

Steve Stroud, 205 Devereux Circle, stated he represented the Roswell Business Alliance Executive Committee. Mr. Stroud noted that he had lost his voice due to the phenomenal Roswell Recreation and Parks Department lacrosse tournament held recently.

Mr. Stroud explained that in order for Roswell to substantially grow as an area for people that want to build businesses and be involved in their community, the City must continue to look and consider innovative ways to remain competitive. He said this will involve companies such as Lennar having the faith and finances to invest in this city, at over \$14.5 million, in an area which the Department of Community Affairs, by the State of Georgia, stated is an area that is economically blighted. As Alpharetta Highway and Canton Street continue to re-develop, the City will need strong partners and economic engines to keep the area vibrant and successful. Mr. Stroud stated the Roswell Business Alliance welcomes new opportunities that allow new businesses and other existing businesses to prosper, adding to the great quality of life that exists in Roswell. Mr. Stroud said, "Folks, the jobs are here. The \$85,000 that he said, we brought to you in January. Those thousand jobs are on Mansell Road. Those jobs are here. Three hundred of them are on the ground running. We have another 1,100 jobs knocking at the door. These folks will live and work within our community. There will be innovative ways." Mr. Stroud noted that Ms. Janet Russell has spoken over and over about the need for mass transit in the City. He said now is the time and MARTA is listening. Mr. Stroud expressed the need for the citizens to support this catalyst project.

Ralph Mills, owner of property at 23 Oak Street, and 1140 Alpharetta Street. Mr. Mills stated he was a member of Groveway before Groveway was a project. There was no vision. He said he probably has the largest contiguous development in that entire area, outside of this development. Mr. Mills stated he has also taken on another project at 1140 Alpharetta Street, a project which was basically a "hole in the wall" and turned it into two great restaurants, five other businesses, with hopefully, an expansion soon. Mr. Mills stated, "It is this type of apartment project that is what is going to keep this momentum going. It is what is going to keep this City up to date and not let it get behind or swamped by some other city that has got more money, more population." Mr. Mills agreed with comments made by Mr. Stroud of the Roswell Business Alliance and expressed appreciation for the proposed project.

Michael Hadden, 700 Freedom Lane, stated he specifically moved to Liberty Lofts because of these types of projects happening in that area. Mr. Hadden stated, "I just wanted to make sure you understand that the demographic that they are looking at for this particular complex exists. I manage directly, 105 people of which about ninety percent are under the age of forty and a number of them are looking to get to Roswell. They don't have a place to live. They either want to buy right near Canton Street or they want to rent right near Canton Street and they can't do it." Referring to the parking concerns, Mr. Hadden recommended that the experts' opinions should be considered because they know their market and understand what their parking requirements should be; not everybody's car is going to be there at the exact same time on any given day of the year. Mr. Hadden said he believed that if the applicant is bringing in \$14.5 million, they would not build something that is not successful.

Lisa DeCarbo, member of the Planning Commission, stated there are many things about this project that are wonderful and that it is perfectly suited for this location. Referring to the conditions placed on this application, she agreed with condition number two that the power lines should be buried. Ms. DeCarbo said she agreed with Councilmember Diamond that stamped concrete should not be used; it is not a good walking surface for elderly persons or anyone pushing a stroller. She stated the one condition that has not been addressed relates to the mechanical equipment or HVAC. Ms. DeCarbo stated, "When this had originally gone through Planning Commission, it was approved to have the HVAC units screened and up on the top of the building, not screened on the ground, mounted." She said one of the concerns is not only visually screening those, but if this is a luxury complex, it is also necessary to consider the sound attenuation. She agreed with Councilmember Dippolito regarding the need for architectural review of the revised elevations; having not been able to see those from the website, it is not possible to tell if there is a problem with blank walls, which was one of the questions that came up at Planning Commission. In addition, Ms. DeCarbo had questions regarding where entries will go. She said she liked the idea of the ground units having direct access to the street or to the interior courtyard. She asked if the grades are separated. If they are, which follows the terraced yard standards which are proposed here, will any of the units be handicapped accessible? She stated that if this project is being considered for empty nesters it is something that should be considered if they are wanted to be there for any length of time.

With no one else wishing to speak, the public hearing was closed.

Applicant Rebuttal:

Chris Cassidy, LENNAR Multi-Family, Division President, 6285 Barfield Road, Sandy Springs, said they are not making a \$14 million investment; they are making a \$43 million plus investment. He said there may have been some misinformation about that. With respect to the last speaker, all of the HVAC units will be on the roof and they will be screened. There will not be any on the ground and after going back and looking at that, they made an internal decision to do that which will be aesthetically more pleasing. With respect to handicap accessible units, they will handle all of that internally with the building. Even though there is direct access and direct entry points onto the street, all handicap accessibility will be dealt with. With respect to the elevations and the renderings, he reminded everyone that they are here today for a conditional use permit and by the regulations, all they are required to do is provide a site plan and that is what is being approved tonight. The process for the elevations to be approved is the responsibility of the Historic Preservation Committee (HPC). He said they have continued to meet with them on an informal basis to continue to work through the elevations on the look of this project. They have probably provided a little more information for this process than would ordinarily be required. It is their opinion and that of the

people who have looked at it, the elevations are moving in the right direction and they will go in front of the HPC at a regular scheduled hearing. In regards to parking, there have been a lot of anecdotal comments as to whether there is enough. He said they believe if they park one per bedroom, then they are more than amply parked. They are willing to condition that. He said initially they tried to set a minimum parking threshold and they think they will need between 440-445 parking spaces which will be determined by the final unit mix. In addition, with respect to traffic they completed a very in depth traffic study where they took a very conservative approach where the existing community that is there; they assume it wasn't there and it was a green field. When they looked at the overall impact that this project would have, they took all of the additional cars that this project will generate irrespective of what is already there and again that study stated that there will be a very small impact to the existing traffic. They have agreed to make very good infrastructure system improvements for the turn lanes that will alleviate some of the congestion currently in front of the property on Norcross Street. He said their traffic engineer is present if there are any specific questions. He said he would like to address Ms. Duffy's point and said they are very sensitive to the residents that are living here and will be relocated. He said he expressed early on that if they are granted approval of this project, they will take time to meet with those residents and give them a clear timeline on when they expect to begin. In addition, the current management company has relationships with a lot of the other communities in Roswell and they will work with those communities to help and assist with the relocation of those existing residents should they choose to stay in the immediate area. On previous projects, they have done things, like for residents that have paid their bills on time and would be good residents, they have managed to waive some deposits when they relocated. In addition, if they stay until the final month before the project closes, their current lease reads that they will get 50% rent at that point. In most cases that is between \$300 and \$400 that they could utilize for moving expenses. Once they understand what the exact timeline is, they will meet with the residents on a very timely basis and do everything they can to assist with the relocation. He said the last thing he wants to address is that when they looked at making a significant investment in Roswell, there is a critical number of units in a threshold that they need to hit. This is a ten acre project and if it was in the perimeter of Sandy Springs, they might do more units than 320 but at the price point, cost of construction, and density of which they are building, they believe they need 320 units to make this project economically viable.

Further Council Comment:

Councilmember Dippolito said they have been talking about redevelopment since he moved to Roswell 13 years ago. They have made a lot of strides in the City with helping that along. They have had some good redevelopments, some that were mentioned by Mr. Mills that are very nice redevelopments. He said he doesn't think there has been anything on this scale. This is a very significant project and it must be done right. What led us to this point is the fact that City Council had the foresight to look at the Groveway area and put together the Master Plan and implement the Form Based Code. Without those things, this redevelopment probably would not be in front of Council at this time. This is also a very significant part of town as a lot of people have mentioned. This project will be a catalyst for change in this area and is extremely important and significant. He said he has talked to a number of retailers about the triangular property in front of this location and every time that comes up, the question always comes up about what is going to happen

with the apartments. He said something has to happen first. He said he loves the fact that Lennar is willing to make that investment because they believe in a vision and see what the Council sees. They understand it and they want to implement and are willing to invest \$43 million which is a huge investment in something and they are the first ones in the door. He said that is very impressive. This project does capture the vision of Groveway. He said perhaps it is not perfect and there are some things that could be tweaked and hopefully by the time it is all done, they can get it perfect. He said it is very consistent with the vision that was painted and the vision they have seen and the vision they have been working on for years. He said he understands that parking is a very big concern but he is comforted somewhat by the fact that if someone is going to invest this kind of money in a project like this, they have done their homework and they understand. The last thing they need to do is invest \$43 million and not have enough parking and never get above 75% occupancy. That would be a disaster for them and certainly would not be a smart financial move. He said this company has been around for a very long time and they know what they are doing. He said he is glad they are continuing to work on it. He said his one concern is that he would like to see an architectural review from an outside architect not because he doesn't think they will do a good job but because the Groveway design guidelines are so specific and it is so critical to the way that this project is going to turn out that they need to make sure that somebody has taken a look at it. He said the City staff is qualified; they are not architects necessarily, but he thinks that is very important, as well as the HPC. There are some architects on that and they have their opinions but said he would love to have a third party look at this and give an idea of what they think.

Mayor Wood asked if Councilmember Dippolito is suggesting that the City retain an architect to assist the HPC in review of this project and the HPC ultimately has to make the decision. He said he would support that. Councilmember Dippolito said yes, he is suggesting a third party architect assist the HPC. Mayor Wood said he would support that although now is not the time to vote on it.

Councilmember Wynn thanked Councilmember Dippolito for saying what she wanted to say. She said she has one point to make which is this is not a rush to judgment; this has been worked on behind the scenes for months and months. What is being seen tonight is the end result of all that hard work between staff and the developer. She thanked Councilmember Diamond for all of the diligent work she did on this as well. This is not a rush to judgment and it is being done just because are completely wrong. This is a great project to see it start from the bottom up and be a great success in the City.

Councilmember Igleheart expressed his gratitude for the hard work the applicant has done on this and said they have worked hard listening to people and making adaptations based on that. That is obviously a good thing. He said he is not saying that Council should deny this project. That is not the problem. He said in many ways it is a great project but he said as always he is concerned about the impacts that projects have. He said he is concerned about some of the details here and many of the people he has talked with have the same concerns. Almost everyone feels that replacing the existing Frazier Street apartments is a great thing even though they would have to deal with some of the people who live there and where they would go from this point. He said he thinks it is a great thing too and that one can't be argued. He said they

must also consider the long term implications of what the apartments are replaced with. He said these people don't do mixed use, but when the City looked at the bigger picture that is what they were trying to do. He said if it won't work on this corner that was added to be specifically mixed use, then how else is it going to work within Groveway other than right along Highway 9 which would have worked any way. He said he doesn't know if their plan is actually working as they hoped. He said they have based a lot of what they said on the coming surge of millennials and certainly a lot of that is true. A number of people have pointed recently to a substantial amounts of research that says that millennials to want to own houses and have only delayed buying because of the economic downturn and their student debt. But in relative terms, they are already buying homes at a higher percentage than baby boomers did at the same time in their lives and that is going to impact things as they go forward. A lot of the planning they have done has reflected things that happened in economic recession and they should consider rethinking some of their approach. There is no question that a lot of things that are said and what they are moving towards are going to happen as well. But it doesn't mean it is going to be everything that they should be moving forward with. He said his biggest concern is that they are not putting in place all the things they said they would try to do from Greenville. He said they are tending to forget what happened there and said they actually focused on one specific project and one specific area and made that work and forced developers to do some things that they didn't want to do. He said Mr. Davidson would certainly tell us we can't do that but he said this City is not doing that; they are not focused on something; it is just all out there. He said he is disappointed that the very first major project from Groveway is not meeting those overall goals. He said he generally agrees that the applicant has done a lot of research and we will go with what they are saying but he has a hard time believing that people would pay that amount for rent for where it is. He said we will hope they are. He said some of the issue here is that it might be too successful which is why the parking will be a problem because it will be a success. He said we haven't talked about density and it is remarkable that they haven't even discussed it and that was the goal of Groveway which was to remove density from any discussion. He said that has been the issue when they talked about zoning in Roswell for decades. There was a project a couple of months ago on Etris Road where the issue was between .5 and 1 unit per acre and hundreds of people were very unhappy here because of that. No one has fully understood what 30 units per acre means. In urban settings that is great but here where there are not a lot of transportation options, then impact is a concern and that is his problem. Luxury has changed from being hard wood floors to hard surfaces from granite counter tops to similar to granite and a number of other things and he is concerned about some of that. He said his ultimate problem is that they are not meeting their overall goal and not dealing with the impact that this project is going to have. It has incredible density; it is 100% apartments and there is no mixed use and he thinks parking is going to be a problem. He said if he is wrong then they will end up with a great project. He said if they are wrong, then the City will have to face major problems. He said he does hope it is successful and that all of the things work out as they have said.

Mayor Wood said he thinks the impact is going to be phenomenal. He said the impact on this community is to add to the walkable community. He said one of his biggest concerns as a Mayor is how to redevelop the old apartment complexes. He said this is a solution to the apartment complexes which he thinks they have not been able to come up with. The impact is going to be

incredible and if the City wants walkable communities then they need to stop thinking about parking for cars for the world and start asking how to create the density that eliminates the need for all of the parking and creates the walkable community. He said this is creating that. Demographically he said he hopes they get the young people in there but he said he thinks initially it will be the same people that are seen on Canton Street. He said there are some young people on Canton Street at night but most of them are his age. He said he thinks the people who are making the \$43 million investment; this is not their first rodeo; they know what they are doing and they believe this is going to be a great and successful project. He said he is also convinced of that. He said he appreciates everyone's concerns that this is made the best project possible; he is excited about this project and is thrilled to know that it is going to have a wonderful impact on his hometown.

Mayor Wood said he would entertain a motion at this time.

Councilmember Diamond said she would like to first make a couple of comments. She said the Downtown Development Authority issued a resolution that she believes everyone received but it wasn't referenced publicly. She said their charge is to support quality redevelopment in the district and support projects that enhance pedestrian scale, cultivate an economically vibrant center and retain the village fabric that is uniquely Roswell. She said they believe that this project exhibits quality architectural building design and promotes connectivity to neighborhood roads and walks in conformance with the Groveway Form Based Code and that it can act as a catalyst for redevelopment in the downtown district. She said to her this is a quality of life issue and said she has a long history of working with the children in the Frazier Street apartments and it is not a healthy place for anyone to live. She said she appreciates the concerns about relocation of the residents and said she worked with Mr. Bartlett in CORO back when this project was first purchased and the apartments were going to be demolished in 2006. She said they worked very closely to bring in other apartment managers to help relocate people and it turned out that it was not necessary but the community, the City, the schools and the non-profits got involved and everyone pulled together and it worked very well. She said having said that, they will need to have some real discussions about what is going to be done about affordable housing. She said Roswell recently became the only metro City to be involved in the Georgia Initiative for Community Housing. She said there will be a lot more conversations on this that won't always be fun but it something that must be addressed. This particular property has never been Section 8 government housing. It is private property and they are totally within their rights to redevelop it however they choose. She expressed appreciation to the staff and the community stakeholders who became involved including some professionals who have been involved in the Groveway ordinance from the beginning. She said some are architects and the Groveway ordinance does have an allowance for architectural review. It has been updated for the latest and she anticipates they will do that again for HPC. She said she also anticipates adding a landscape architectural review as part of that as well. She said regarding the schools impacts, she agrees that the school model is to count bedrooms and assume children. She said she spent a lot of time with a woman who helped redevelop a lot of Decatur and in a one mile area they put 600 high end apartments and got less than a dozen children added to the schools. She said it really is a different product that what they have seen; it is a different model and something that could be very exciting for this City but it

just takes the first leap. She said she appreciates there are people who are willing to look carefully and be conscious of the details and what will happen as a part of that but she is comfortable from staff that the infrastructure is in place to do that and it will add customers to the City of Roswell system which will help offset the costs for those who are presently using water because they will be sharing that cost. She said she believes the City is headed for a good place all the way across the board. She reiterated that this is not the first project by a long shot to come around. They have been through countless hours and iterations trying to make this the best project it can be. She said she thinks there is a market for this and she meets those people all the time in the business ribbon cuttings they have been having. She said more than half of the City's businesses are home based and there are a lot of people who want to work at home and walk to the coffee shop and don't have traditional office hours even if they do go into an office. She said she is comfortable in that respect.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this conditional use for a multi-family residential development based on the Groveway Community Hybrid Form-Based Code be approved. It was approved with the following conditions:

1. The project shall be developed in substantial accordance with the site plan stamped "Received April 2, 2013 City of Roswell Community Development Department."
2. All existing overhead utilities except for Georgia Power electrical lines and all new utilities shall be placed underground at the owner's expense. (This includes utility lines that cross Frazier Street and Norcross Street). This condition shall be complied with prior to the issuance of any certificate of occupancy.
3. A combination plat shall be approved and recorded prior to the issuance of the Land Development Permit.
4. All mechanical equipment (HVAC) shall be located on the roofs of the buildings and screened by parapets or the mechanical equipment placed on the ground shall be screened from view.
5. All dumpsters on the property shall be screened.
6. The applicant shall construct a 50' eastbound left turn lane with a 50' taper on Norcross Street to turn into the Site Driveway as required by the Roswell Transportation Department.
7. The applicant shall construct a 50' westbound left turn lane with a 50' taper on Norcross Street to turn onto Myrtle Street as required by the Roswell Transportation Department. This item will be eligible for impact fee credits.
8. The owner/developer shall dedicate twelve (12) feet of right-of-way on Frazier Street to meet the requirement within the Groveway Community Hybrid Form-Based Code for street width prior to the issuance of the Land Development Permit.
9. The owner/developer shall dedicate sufficient right-of-way on Norcross Street to meet the requirement within the Groveway Community Hybrid Form-Based Code for street width and the required turn lanes prior to the issuance of the Land Development Permit.
10. The owner/developer shall replace the existing concrete sidewalks with red brick or concrete brick pavers along the frontages of Frazier and Norcross Streets. The sidewalks along both frontages will be 8 feet in width.
11. An outside Landscape Architect and Architect will review the elevations and landscape plan prior to the Historic Preservation Commission meeting.

Before the vote was taken Councilmember Orlans asked if the sidewalks as they discussed as a condition was included in the motion. An unidentified speaker confirmed it was included.

Councilmember Igleheart asked if the motion included the 8 feet sidewalk width along both frontages. Councilmember Diamond confirmed that it was included.

Councilmembers Diamond, Dippolito, Orlans, Price and Wynn voted in favor of the motion. Councilmember Igleheart opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: R2013-05-25

9. RZ13-01, Hardscrabble Rd. & Highway 92, Traton Homes, LLC, Land Lot 188. *(This item was deferred from the May 13, 2013 hearing.)*

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating Traton Homes, LLC has requested a deferral to the May 29, 2013 Mayor and City Council meeting. He said staff recommends the deferral.

There was no Council discussion. Public comments were invited. None were made.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this request for a change to the zoning conditions from the original RZ08-17 approval be deferred and be placed on the Mayor and City Council agenda for 5/29/2013. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-05-30

10. RZ-201300146, CV-201300149, CU-201300151, 2370 & 2380 Holcomb Bridge Rd., Regina Caeli Academy, United Community Bank/Robert Donner, Land Lot: 730.

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning & Zoning Director Brad Townsend presented this item stating this is a rezoning, a concurrent variance and a conditional use at 2370 and 2380 Holcomb Bridge Road. They are requesting variances to the setback and buffers located adjacent to single family homes. He displayed the Aerial Map of the location on Holcomb Bridge Road just past Old Scott Road and across the street from Grace Church and said it is a triangular piece of property that contained two single family homes. He pointed out the location that is currently zoned FC-A. Mr. Townsend displayed the Site Plan showing a single story classroom building that is approximately 20,000 square feet with parking in the front and sides with one access point on Holcomb Bridge. There is a playground to the rear of the property. He said the Planning Commission recommended approval with conditions. The conditions are included in the Resolution. The three variances are to allow for a 40 foot buffer

along the eastern property line; a 25 foot buffer along the western property line; and a reduction in the 50 foot building setback to 47 foot at the eastern property line and 40 foot at the western property line. He said staff recommends approval of this application for the rezoning, concurrent variances and conditional use for the school. He said the school is identified to be limited to 200 maximum students.

Council Comment:

Councilmember Dippolito said there were a number of comments about the setbacks and a lot of discussion with the Design Review Board (DRB) and the Planning Commission. He asked if the current site plan has made some adjustments to address their comments. Mr. Townsend replied at one time the plan had the building pushed more to the east and the DRB asked for it to be pushed to the west so it would be away from the single family home development. He said the plan has been modified to reflect the DRB recommended changes.

Applicant Presentation:

Robert Donner stated that he is representing Regina Caeli and would be the developer pending approval. He said this is a three acre property for a hybrid home school building. He said they have addressed all of the concerns they are aware of. He said he doesn't believe there is any opposition and they have met with the neighbors. Many of them have spoken on their behalf to promote this.

Council Comment to Applicant:

Councilmember Wynn said this is a great idea. She said she has a friend who home schools two children and she gets a break a couple days a week because she uses one of these. She said it is stated that there will be a maximum of 200 students. She asked if they are kindergarten through senior. Mr. Donner replied it is a K - 12 program. She asked if all 200 students will be there at the same time. Mr. Donner replied that the school has been there for ten years and it has operated in this way for the entire time but for the complete expanse of K - 12th grade, the maximum students that would ever be in this building at any one time would be 200. There are typically 12-15 students per classroom and they meet twice a week. Councilmember Wynn asked if that would be different students five days a week. Mr. Donner replied yes, that is what they anticipate. He said currently the enrollment is only two days per week with the idea of a Tuesday/Thursday program and a Monday/Friday program that would be two separate student bodies. He said each student body or each school would meet twice per week. Councilmember Wynn said she is assuming that they would not be using buses because of the way the program is set up and then asked if there is another area for drop offs because with a maximum of 200 children and there is carpooling; there could be 60-80 cars coming in at the same time. She asked if there is enough of a drop off area that would not overflow onto Holcomb Bridge Road. Mr. Donner said they have met with the Transportation engineers and the Fire Department and they have met all of their requirements. He said the nature of this curriculum is that the teachers are the parents so the majority of the vehicles would drive to and stay at the school. He said there are some drop offs but that would be about 25%. Councilmember Wynn said then some of the parents would stay there and teach in a classroom. Mr. Donner replied yes that all of the teachers are parents.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that the zoning change from FC-A (Fulton County Annexed) to O-P (Office Professional) with a concurrent variance to buffer and setback and a conditional use for the purpose of establishing a private school be approved. The concurrent variances for the buffer and setback were approved as follows:

- 1. To allow for a 40' landscaped buffer along the eastern property line**
- 2. To allow for a 25' landscaped buffer along the western property line**
- 3. A reduction in the 50' setback to 47' at the eastern property line and 40' at**

the western property line

Allowing for a private school were approved with the following conditions:

1. The property shall be developed in accordance with the site plan stamped "Received March 21, 2013 City of Roswell Community Development Department."
2. The school shall be limited to a maximum of 200 students.
3. The owner/developer shall install a tree buffer along the eastern property line abutting the single-family homes as agreed to by the applicant. The buffer shall be approved by the Roswell Design Review Board.
4. A combination plat of the two parcels shall be approved and recorded prior to the issuance of a Land Development Permit.
5. The owner/developer shall install a deceleration lane as approved by the Georgia Department of Transportation. The approval by GDOT shall be prior to the issuance of the Land Development Permit.
6. The owner/developer shall dedicate sufficient right-of-way as approved by the Roswell Transportation Department prior to the issuance of the Land Development Permit.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-05-26

11.

Approval of an Ordinance to amend the boundaries of the Historic Properties Overlay District as part of the official zoning map of the City of Roswell (TA13-01). (First Reading)
Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend said there was a work session related to this and he would say very little about this. This is to amend the historic boundaries to include Lots 79, 83, and 85 on Webb Street. This is the First Reading of an ordinance and has been reviewed by the Historic Preservation Commission (HPC) and it is recommended for approval. The HPC also supports this amendment. He displayed a site map of the area that is being requested and another map showing the three locations that were discussed at the work session. He then displayed an Aerial map and photograph of the locations. He said staff and the HPC recommend approval of this ordinance on First Reading.

Council Comment:

Councilmember Dippolito asked for the current zoning of this property. Mr. Townsend replied R-2 that provides for single family homes. Councilmember Dippolito asked for the minimum lot size of R-2. Mr. Townsend replied 12,000 square feet. Councilmember Dippolito asked the size of these individual lots and said he is trying to ascertain what the maximum density would currently be on the property. Mr. Townsend displayed a plan on the overhead and replied that they are .3, .28, and .47 acres and the three lots together are a little over an acre. Councilmember Dippolito said then today one house could be built on each lot even though they don't meet the minimum lot size. Mr. Townsend indicated one lot could possibly be split to fit two homes. He said the others could only have one house. Councilmember Dippolito said then there could be a total of four. Mr. Townsend replied that was correct.

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO

AMEND THE BOUNDARIES OF THE HISTORIC PROPERTIES OVERLAY DISTRICT AS PART OF THE OFFICIAL ZONING MAP OF THE CITY OF ROSWELL stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance: WHEREAS, on February 13, 2013, the Historic Preservation Commission unanimously approved a report outlining the expansion of the historic district boundary to include 79 Webb Street, 83 Webb Street, and 85 Webb Street. On March 12, 2013, the Historic Preservation Commission Staff submitted the report outlining the historic district boundary expansion to the Division of Historic Preservation of the Georgia Department of Natural Resources for review and comment. On April 5, 2013, the Division of Historic Preservation of the Georgia Department of Natural Resources issued support for the historic district boundary expansion. A special public hearing was held before Historic Preservation Commission and the Roswell City Council on May 13, 2013 at Roswell City Hall at 38 Hill Street, Roswell, Georgia 30075 to review and adopt the proposed amendment to the Historic Properties Map. Staff, the Historic Preservation Commission, and the Division of Historic Preservation of the Georgia Department of Natural Resources have determined that it is with the city's best interest in include these vacant properties on Webb Street in order to ensure consistent development within the Historic District. NOW THEREFORE, the Mayor and City Council of the City of Roswell hereby accepts the report attached hereto as Exhibit A and amends the boundaries of the Historic Properties Overlay District to include 79 Webb Street, 83 Webb Street, and 85 Webb Street.

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

Mayor Wood asked to hear from the applicant who is a property owner.

Applicant Presentation:

Brendan Walsh stated his home address as 515 Canton Walk, Roswell. He said he is also the property owner at 7983 and 7985 Webb Street as well as adjacent property. He said his intention with the property is that he is possibly the third hand that changed over in Providence in Historic Roswell which is a townhouse development off of Canton Street. He said they did not do the original development but came in and invested in the property in 2009 when no one else was building in the City or even the region. He said that has been a great success for them and for the City. They have since acquired adjacent property which they would like to continue some of the product they have done in Providence and in Historic Roswell. He said some of the challenges they faced with the townhouse development's original phase was that they bought the property with streets, curbs, sewer and utilities were already installed and they were not able to do a layout that they truly loved although they were able to make something work there. He said a lot of that based off the front garages which is something he doesn't typically like to do. On the three parcels that are being talked about tonight that also includes 91 Webb Street as well (the parcel to the west of 85 Webb Street which is already included in the Historic District) they would like to do a total of 16 units which would be six single family homes and ten brownstone or townhome unit similar to what they have already done in Phase I. He said since they were not able to do exactly what they wanted in Phase I where they had to do all townhouses, now that they are beginning with a blank canvas; they are able to incorporate some single family homes to add a mixture of townhouses and single family homes and bringing it into the historic district gives that flexibility. The way Roswell codes are written now, until the UDC comes into place, it is very difficult to that unless you are within a historic boundary. By doing this, they are able to mix existing homes with the single family homes that they want to do and then make a transition into the townhouses that they have already done with the new townhouse product that they want to do here. He said as far as scale on the street which is subject to HPC approval is looking for small scale, 2,000-2,500

square foot product on the single family. He said they would be increasing the density as it is currently zoned and there is a bit of an issue with the way some of the lots were originally drawn with R-2 and R-3 zoning cutting right through some of the middle of the parcels, so some of those parcels are up in the air at this time. He said he doesn't think it has ever been brought to anyone's attention because the land has sat vacant for some time. They would like to do the 16 units which is not maximizing the density because they pulled some density out of that. If this is zoned historic, they believe they could do a total of 18 units. They have taken two units out to preserve some large specimen trees to add to the character of the neighborhood. He said the site plan would be something that would fit this Roswell community very well and would bring great success to the area and to the project that they have already done off of Camp Avenue and Canton Walk.

Council Comment to Applicant:

Councilmember Diamond asked Mr. Walsh if they have discussed possible road improvements with staff. Mr. Walsh replied they have taken it into account with what they want to do but have not had discussed specifics with staff. He said they want to have connectivity and would like to have historic brick sidewalks everywhere, but road improvements are in question because of future development with the right-of-way off of Webb Street and if it will tie into Georgetown Chase and Goulding Place. He said however, they are willing to do whatever is needed if they are looking at this being isolated with the 16 units that they want to add.

Councilmember Dippolito asked Mr. Walsh to indicate the location of the single family homes and townhouses. On the site map, Mr. Walsh pointed out the existing homes and noted one is on the right coming in and four are on the left. He indicated a large pecan tree in the middle of lot 79 and said they are designing four cottage homes to the north of the tree and two to the south. Lot 79 is the largest lot that abuts the most existing single family product thus why they chose to do single family homes there. He said they have been looking at this project in detail for about a year and tweaking it and they could have built five townhouses on the lot that would probably make more money, but after seeing the tree and how it ties in with the existing neighborhood, they decided to switch to four single family homes. He said lot 83 has a townhouse with three units and lot 85 has a townhouse with four units. They would share a common alley driveway almost on the property line of 83 and 85 at this time, so access would be off of Webb Street. Frontage for the units on lot 85 would be onto Camp Avenue and to a common green park area for lot 83. To the west of lot 85 will be three townhouse buildings fronting Camp Avenue and two single family homes fronting Webb Street.

Mayor Wood said they could do that without the expansion of the historic area. Mr. Walsh replied correct and said they like to look at the big picture especially with the possibility of extending Webb Street. He said they want to make this feel like a community and not do a little piece here and figure out the other pieces later. Mayor Wood asked in addition to lots 79, 83 and 85 which lots do the Walsh's control. Mr. Walsh indicated on the site map a rectangular parcel area and another peninsula shaped parcel to the south. He said it skips a parcel and then there is one other parcel. Mayor Wood asked if they are hoping to develop all of those properties. Mr. Walsh replied yes and said about two years ago they had a design competition where they hired three design firms to provide a master plan for all of their properties. He said lots 83 and 85 will be the last area with townhouses. He said their goal is to do no more townhouses. The remainder of the property will be a single family or detached product. He said they want to give people small outdoor spaces for their private space but use more of the space as community park areas where residents can gather that could be a pocket park or gazebo type area. Mayor Wood asked if they anticipate doing the rest of this development to the south of Webb Street outside

of the historic district under current zoning or will there be additional zoning. Mr. Walsh replied, additional zoning to bring that into the historic district as well. Mayor Wood said this may be just the first round. Mr. Walsh replied they did not bring it all at this time because they have had community meetings with some of the residents who are here tonight that will have a chance to voice their opinions. He said they were not ready or comfortable bringing their properties into the historic district and that is not something they wanted to force onto them.

Councilmember Igleheart said he appreciates their willingness to work on a comprehensive plan that takes into account all of the elements that are there and using trees and other things to make it work. He said that is impressive and the fact that they are willing to do less to maximize is even more impressive. He said he is happy to support this project.

Councilmember Price said, "Considering the parcels that you also control at the skinny part of the peninsula, is there any prohibition against having an island of R-2 within the historic district?" Mr. Townsend replied that they cannot create an island.

Councilmember Orlans said it is interesting to hear Mr. Walsh talking about the other pieces of property that they have in there and some other intent. He expressed concern about just dropping in these three lots where there is a single family neighborhood surrounded by the historic district and trying to preserve that. He said he would like it all be done at one time with one plan that might take time to complete. He said it is interesting to hear that they have other pieces under control and he would like to see it done as a total project in lieu of what was done on Woodstock by "piece meal" parts into the historic district.

There were no further council comments. The meeting was opened for public comment.

Public Comment:

Eric Shumacher, stated his home address as 145 Prospect Street, Roswell. He said he attended a meeting earlier tonight where they received additional information. He said he would like the City to address adding things to the historic district perhaps on a schedule instead of piecemeal like this. There is a lot of overhead in doing it this way. He said this should not be done as a City frequently as things like this come up; it should be made more efficient. He said especially in this case where there a number of parcels that are trying to be put together in one development. Perhaps this could be done once a year where they could analyze the boundaries and look for other opportunities. He said additionally, it is ironic that they are using this to make a zoning change to allow for higher density here when in fact if being true to the idea of being historic; this area is single family homes. He said he is glad that the applicant is working with the neighbors and hope they will be happy living across the street from some very large buildings. He doesn't think it will look appropriate but perhaps over time that their property values will rise great enough that it might be interesting for people to sell and for this to become higher density on both sides of the street. He said a couple of small homes around the tree are one thing but not larger brownstones directly across the street from a single story house. He said that street looks more historic with single family homes and is not going to look the same with the larger brownstones down one side. He said he would like this to be addressed as one large development plan although there are some limitations with the island of the historic district. He said more time should be spent addressing the entire piece as historic and finding out if the residents might get some benefit and look at the design and transportation issues as a whole for this area.

Sandra Taylor, said she is speaking on behalf of her mother who lives on Webb

Street. She would in fact be across the street from the four units. She said she was in an earlier meeting and the Transportation Department said the roads and curbs are substandard for the proposed building in this area. She said they had talked with the property owners and all of the families are not in agreement with what they are asking. She asked Council to consider her mother's position and said she has lived on that street since the late 1940's and they should think more about heritage and people than about money. She requested that Council consider the fact that all of the residents do not want this to happen and that all the information should be gathered and reviewed and give the residents a voice in what they want. These houses are single family dwellings and most of the residents are senior citizens. If their property taxes go up because of the value of these half million dollar homes; they will not be able to afford the taxes.

Thomas Shelton stated his home address as 840 Camp Avenue, Roswell. He said that Lehigh Homes did a great job of building Providence and picking up the construction there when no one else would build in the area. He said he believes they would continue to do a great job in the other areas and he would like for them to continue doing the work that they have started. He said he agrees with the other speaker about the raising of property taxes and said he wishes there was something that they could do about that.

Michael Hadden stated his home address as 700 Freedom Lane. He echoed Thomas Shelton's statements. He said as a person who is not directly impacted by this property, he believes it will add vibrancy to Canton Street and what the City is trying to build in the downtown historic area. He said the quality of the product of Lehigh Homes is obvious from what they have developed so far. They are making as much effort as they can to reach out to the community. This is a good project for Roswell and he supports it and hopes Council does as well.

Ralph Mills stated his home address as 23 Oak Street, Roswell. He said he agrees that the gentlemen represented here have built an incredible product and brought incredible value to an area that was stagnant for many years. He said a tenant in one of his buildings is an occupant of one of the applicant's residences and he raves about it on a daily basis. He said unfortunately there will be some negative impact on some people but overall this will be a very positive project for this community. He asked for Council's support of this.

Greta McDonough stated her home address as 605 Lake Charles Way, Roswell. She said she came for a different reason tonight but expressed her concern about the traffic for this project. She said she has to go out Magnolia Street or Woodstock Road in the Canton Street area and that is already congested and said she hopes that Council will continue as they build this area to look at the roads and the traffic patterns because there is already so much congestion.

Richard O'Donnell stated his home address as 555 Lakemont Court, Roswell. He said he is concerned that this application is a bit premature and the City should be concerned. He said it is a bit of a pig in a poke and recommended that this not be handled piecemeal as Councilmember Orlans had suggested.

Emily Winters stated that her mother is a resident at 57 Webb Street which is not one of the properties being considered here. She said she is already having to put up with the piecemeal that is happening now where they are building down one dead end street which is Webb Street. The trucks are coming in and out and there are no sidewalks. She said there is a lot of talk about aging in place and those people have lived on that street more than 75 years. She said there are issues with the public utilities on that street for instance where fires have occurred and the fire truck could

not get down to the street to the fire. She said those things should be considered. She said she has heard that there have been meetings with the owner and she doesn't know where those meetings are being held. She said her Mother has called her on a Sunday at noon to say they want to have a meeting at 3:00. She said these meetings are impromptu where they say let's do this right now and you need to be here. She said there should be more notice to the residents or property owners. She said she does not know what the protocol is for that. She said the Historical Preservation Society has setbacks and the City of Roswell has setbacks and when they rebuilt the home that burned at 57 Webb Street she dealt with some of the Councilmembers on doing some of the setbacks for that home and it wasn't that hard to deal with. She asked if there are setback requirements for the Preservation Society plus the City. She asked if the streets will be widened and are there going to be sidewalks.

Mayor Wood said she has asked a lot of questions and he would try to answer some of them. He said having to do with sidewalks, if these lots are developed, they will be required to put in sidewalks on their property but they are not required to put sidewalks off of their property. They can be required to make street improvements to their property but not off of their property. If they want to extend this road to the west where there is no road then there will be a lot more requirements as far as the road going in but that has not come before Council yet. He said Councilmember Price had put in \$25,000 for sidewalk connectivity and this street would qualify for some of that because it is adjacent to City parks or equivalent. He said there are a lot of questions that are unanswered but sidewalks would be going in on this property and there is a real possibility of extending them onto Canton Street because it is part of a walkable community. Mayor Wood asked Brad Townsend to respond to the question about the setbacks. Mr. Townsend responded that the existing zoning district has regular R-2 zoning setbacks. The historic district has a lot. They are minimal setbacks because it allows for the multi-family townhouse development but there are some minimal setbacks related to that. Mayor Wood said then the setback requirements would be reduced under the historic district for the townhouses. Mr. Townsend replied that is correct. Mayor Wood said he would have the applicant respond to some of Ms. Winter's other comments.

Ms. Winters continued her comments. She repeated that she had not been in on any of those impromptu meetings they had. Mayor Wood said the applicant would have to respond to that.

A resident stated her home address as 840 Camp Avenue, Roswell and commented that Lehigh Homes has done a phenomenal job in their development and brought a sense of vitality to Canton Street. She said that most of the residents who live there are all about the walkable sustainable communities and they are feeding into the community and eating out at the restaurants. She said the demographic that lives there because of their lifestyle and work schedule don't tend to bring a lot of traffic out into the highly congested times during normal business hours and there is a sense of community there. Lehigh Homes are very thoughtful and respectful and not the typical production builder; they are more custom and they listen to people and are considerate in their design. A lot of the successful real estate markets in and around Atlanta are disjointed and put together piecemeal. For instance in Virginia Highlands or Brookhaven where the real estate is doing great; they have townhomes or big mansions next to small bungalow type homes and it all works.

Adam Braund stated his home address as 1330 Land O' Lakes Drive, Roswell and commented that the things that Lehigh Homes is doing is extremely influential for other potential projects in the City. If what they want to do is approved, it shows other developers coming in, projects for our City to point to and say we would like

things to be done like that. He said much like the influence that Lou Oliver has on our community. He said Lehigh has a similar influence and that's important to Groveway and a lot of other upcoming projects.

No further public comments. The public hearing was closed.

Applicant Rebuttal:

Mike Walsh stated his address as 545 Canton Walk, Roswell. He said they had a meeting on Monday at 7:00 that was attended by 20 home owners. It was not on Sunday. He said he had hoped that Annie Strickland would have spoken and given her opinion on the property because there is a lot of history on this street and that family has been only welcoming to his family on that property. He said they invited his family to their 72nd reunion and they heard many stories of things that have happened on that street. He said he and Brenda had a wonderful evening on Monday with 20 home owners who are descendants who spent two hours with them. He said he brings this up because he thinks it is extremely important and the things that have happened on that street are historic and because of those things, they wanted to go with their pace. He said they had a design competition that included three great town planners. They had three conditions. First, they wanted 70% of the homes to be single family. Second, they wanted to use urban development techniques where the garages are pulled behind the lots. Third, they wanted to tie into the heritage. They had a great plan and sat down with the community and the historical zoning was scary to them because they had some bad history and were concerned that it would raise property taxes and would require them to do different things on their property. With that in mind, they decided to slow the project down and do it in two phases and make sure that both phases can stand alone. He said this might look disjointed to someone who is not familiar with the two years of work that they have done on this, but this is adjacent to the historic area and the two townhomes that they have on lots 83 and 85 were turned so that only the corner of the units is visible. He said there will be a special design on the ingrains to make sure that when coming around the corner, the feel is very home like. Their big commitment is that they don't want to do anything on that street that doesn't respect the heritage. He said he would be very pleased to have more Strickland's move back to that street because they feel it has the sense of the same community that they grew up in. The applicants completed their comments.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Diamond said this is the first reading which is not the final decision. There is a time period in between. She asked for the date of the second reading. Mr. Townsend replied May 29. She asked for the date of the next zoning meeting. Mr. Townsend replied June 10.

Councilmember Wynn said that the people that live in that neighborhood that she has heard from do not want this and they are very concerned. She said it does not appear that there has been open communication on this. She said for example, with the World Harvest Church and Wexford HOA that they had just heard from tonight, the HOA came forward and said they were very supportive of what World Harvest was doing. She said she is not hearing that tonight on this issue. She said she feels that Providence is a great development and is glad that it is very successful. She said she has concerns about this being piecemeal and having an effect on the existing residents. She said it might be good to have more time to talk to the residents because she thinks she is hearing that they are very concerned about what is happening because they don't know what is happening. She said she doesn't feel she could support this now without some of the residents having a better comfort

level than what she has heard tonight.

Councilmember Price asked if the surrounding areas that are in the historic district all came in at one time or has this been a progressive walk into the area. She then asked for the timeframe of previous inclusions in the historic district on that side of Canton Street. Mayor Wood replied about 30 years ago. Councilmember Orlans said one time around 1988 or 1989. Councilmember Price asked if this would be the first alteration. Councilmember Orlans said yes in this whole area, in this block but he couldn't remember if there might have been some other minor things. He said this wedge was left out originally.

Councilmember Orlans said he has already expressed some concerns and he would like to see the entire area developed together. He said just little things like the street if those three lots change and Transportation says then the street has to be widened into the lot then that doesn't help the whole issue there. It needs to be done in one piece and perhaps more time is needed to find a way to do that. He said he was willing to help in anyway. He said he cannot support only these three lots tonight.

Councilmember Diamond said she has heard concerns about existing safety issues. She said if the road is not safe and traffic is cutting through and there are no sidewalks and the curve is also an issue; then this is a great opportunity to address those issues with this development. She said this is just the first reading and suggested that the next discussion be at the June 10 meeting. She suggested that all of these ladies provide their contact information to the applicant so that everyone can be made aware and this doesn't go through only one family member. She said between now and June 10, they could all discuss this and everyone will have a comfort level. She said this is a great opportunity to work on the curve and install sidewalk to make it a safer road and the City should take advantage of this opportunity for the sake of the neighborhood. She also encouraged the Walsh's to get together with the management team for the pieces that Alice Wakefield and Kay Love can put together for them for a preliminary walk through of what the Walsh's are looking at doing and would give them an idea of what might be expected. She said they may have already done that. She said there is also an issue with parking on that street at night and they have asked for "no parking" signs. She said perhaps Community Development Code Enforcement, the Police and Transportation departments could work on that to make that happen.

Motion: Councilmember Diamond made a motion for approval of Approval of an Ordinance to amend the boundaries of the Historic Properties Overlay District as part of the official zoning map of the City of Roswell (TA13-01) on First Reading and to be placed on the June 20, 2013 Mayor and City Council agenda for Second Reading. Councilmember Dippolito seconded.

Mayor Wood encouraged anyone with concerns about this project to meet with the Walsh's. He said he understands the wish to be left alone and the desire for their neighborhood not to change. He said however, this community is changing and he encouraged the neighborhood to rather than resist all change and have the change overcome them to ask how they can influence that change to improve their neighborhood. He said he doesn't have a solution for those whose biggest objection is to the issue of improving property values. He said his goal in Roswell is to improve property values of everyone in the community. He said property values are going up in Roswell because people want to live here. He said raising property values is a bi-product of making Roswell a place that people want to live and come to. He said he will continue to make Roswell a place where people want to live. He said for some people that means property values will increase. He said if it was his mother then he would hope that her property values would go up. He encouraged

communication and trying to work out something that works for everyone. He said World Harvest Church was a great example and it was deferred many times but in the end they came up with something that made everyone happy. That isn't always possible.

After the vote, Mayor Wood said he hopes to see a changed product at the Second Reading that will have more acceptance for Council to support.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that the First Reading of the Ordinance to amend the boundaries of the Historic properties Overlay District to include 79, 83 and 85 Webb Street be approved and be placed on the 6/10/13 Mayor and City Council agenda for Second Reading. Councilmembers Diamond, Dippolito, Igleheart and Price voted in favor of the motion. Councilmembers Orlans and Wynn opposed. The motion carried by the following vote:

In Favor: 4

Opposed: 2

Enactment No: ORD 2013-06-05

12.

Approval of Sidewalk Café License (SC #16360), 936 Canton St., Mac McGee/Robert Vorus.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating this is a request for a sidewalk café license for Mac McGee. He displayed a photograph that indicates the area inside the posts under the overhang for use of tables for a sidewalk café. He said the existing area has the minimum width between the planters and the posts. He said staff recommends approval with three conditions.

Council Comment:

Councilmember Orlans said he does not believe there is five feet between the posts and the trees. He asked Mr. Townsend if he could confirm that. Mr. Townsend replied he does not believe it is exactly five feet and they would probably have to fill in six to twelve inches in the planter areas to get the five feet. Councilmember Orlans said that is an issue. Mr. Townsend replied, "Do you want that to happen? That is what you include as part of your condition."

Mayor Wood asked how much the handicap code requires. Mr. Townsend replied they started out with a minimum of three feet and then originally increased it to five feet because they wanted two-way traffic. Mayor Wood said if it is required then it would be Mac McGee's expense to put in another six to twelve inches. Mr. Townsend replied that is correct in those planter areas.

Councilmember Orlans said the tree is right on the edge and he didn't think they could get six inches in there with a tree. Mayor Wood said a tree of that size can be moved.

Councilmember Diamond asked if it needs to be five feet regardless. Mayor Wood said that Council established five feet as a standard but the handicap requirements is three feet. He said that Council could grant a variance to the five feet because they set that rule or they could require that the sidewalk be widened at that point to five feet. Councilmember Orlans said he believes they originally looked at three feet and it wasn't working and they decided it needed to be five feet and they have required

five feet everywhere else. Mayor Wood suggested if they are going to require the sidewalk to be widened to look at more than five feet because of the nature of Canton Street because those sidewalks are filled up. He said if they make that change they should reduce the size of the planter.

Councilmember Diamond asked if they did this would it then go to the HPC. Mr. Townsend replied as long as the applicant meets the furniture barrier connections that HPC has preapproved then it would not have to go to them. Councilmember Diamond asked if they require some push back on the island who would handle how that will look. Mr. Townsend replied that the brick should match the existing location and they will have to determine the amount of landscaping and grading, but it would be at the expense of Mac McGee. Councilmember Diamond asked who decides how much is done. Mr. Townsend replied the Community Development and Transportation staff related to making sure that it is the proper width and location.

Councilmember Price referred to the photograph shown on the overhead and asked how current it is because the caliber of those trees is a lot bigger now. Mr. Townsend replied they have grown a little bit. Councilmember Price asked if the curb cut is still there. Mr. Townsend replied that the dropped curb is still there.

Mayor Wood asked a representative for Mac McGee to come forward.

Applicant:

Andy Anglin came forward and stated that Robert Vorus was out of town. He noted that the tree on the right is in front of the Painted Monkey and said that the trees are not much larger than they were in the photograph.

Mayor Wood asked if Mac McGee is prepared to widen the brick sidewalk to give a minimum of five feet it that is what Council requests. Mr. Anglin replied they are.

Mr. Townsend said that staff would need to clarify, but it would probably be only a brick or two to get the five foot dimension. He said the current dimension is probably about 4'6".

Mayor Wood said that Council needs to know all of these issues.

Further Council Comment:

Councilmember Orlans said he would like to delay this so they have more time to gather all the facts and know exactly what they are talking about, what is agreed to, how they will treat the landscaping, and how it is all going to be done before moving forward.

Councilmember Igleheart noted that they could move the tree.

Mayor Wood reiterated that if Council decides to widen the sidewalk then they should look at widening it more than six inches. If they are going to mobilize and put in a few bricks and redo the landscaping then they should look at the traffic patterns and how this works. He said Mac McGee will want something that works so they won't have a traffic jam in front.

Councilmember Price asked how many tables will be included and would they be serving from the back side or from outside the chain. Mr. Anglin replied there will be four tables and they will serve from within.

Motion: Councilmember Diamond made a motion for Approval of Sidewalk Café License (SC #16360), 936 Canton St., Mac McGee/Robert Vorus with the following

conditions:

1. The approved site plan is stamped "Received" by the City of Roswell Community Development Department on April 4, 2013.
2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application.
3. There must be two chains between each existing set of columns in order to meet ADA accessibility requirements.
4. Widen the sidewalk between the post and street at a minimum of 5 feet.

Councilmember Diamond noted that she has talked to the City arborist and he has said that all of the trees on Canton Street are within the ten year window of being at the end of their life cycle. She said because they may be looking at replacing those trees in the near future it would not be a devastation to move the trees or replace them with new trees. It might actually save the City some money.

Councilmember Dippolito seconded the motion.

Public Comment:

Eric Schumacher, stated his home address as 145 Prospect Street, Roswell. He commented that this is a unique location where someone would walk off the sidewalk directly to this building and into a tight area and he didn't believe the distance was five feet from the posts. He said he supports Mac McGee having some sidewalk space where the existing planters are. He said a recommendation should be made that there not be a congregation area and that the restaurant not extend a podium or menu system into the sidewalk area at this point. He also suggested that there be some negotiation on the red color of the building because it has detracted the City's ability to host some nice film companies. It does not work with the historic nature of the town and should be toned down.

Mayor Wood said he does not have an opinion on the color. He said however, when considering sidewalk applications, they should not impose conditions beyond what they impose on others in this area and they have not leaned on others to make other concessions, only that they meet the five foot requirement. He said that the City should not start imposing positions outside of that.

No further public comments. The public hearing was closed. There was no further Council comment.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that the Sidewalk Cafe License for Mac McGee be approved. It was approved with the following conditions:

1. The approved site plan is stamped "Received" by the City of Roswell Community Development Department on April 4, 2013.
2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application.
3. There must be two chains between each existing set of columns in order to meet ADA accessibility requirements.
4. Widen the sidewalk between the post and street at a minimum of 5 feet.

Councilmembers Diamond, Dippolito, Igleheart, Price and Wynn voted in favor of the motion. Councilmember Orlans opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: R2013-05-27

13.

**Approval of an Amendment to Sidewalk Café License, SC
16361- 952 Canton St., Salt Factory/Hicham Azhari.**

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

Planning and Zoning Director Brad Townsend presented this item stating that this was brought to Committee to discuss the enlargement of the current sidewalk café license for Salt. He said staff met with the applicant and the major discussions have been the location of the light post, the filling in of the tree planted area, and the trees that have been removed. He said they propose to move the light post into their sidewalk café area and to increase the sidewalk café out to five feet in all directions to the curb. He displayed an architectural rendering on the overhead that shows what they have worked out with a small retaining wall area, an area that drops to become flat and the ADA ramps that go up in either direction. He said there is still an outstanding issue with a tree that needs to be resolved and that has not been thoroughly discussed. He pointed out a location on the rendering where there was previously a tree and said the question is where to place the new tree. Mr. Townsend said staff recommends approval with 12 conditions.

Council Comment:

Councilmember Wynn asked about the light post and if it now lines up uniformly. Mr. Townsend replied he does not know and he would have to check. Councilmember Wynn referred to the ramp and how it looks with the retaining wall and asked if there will be a level platform there for someone in a wheelchair. Mr. Townsend replied there would be a level platform location and then the ramp goes up from there. Councilmember Wynn said if this is approved, she did not think a tree could go there, but they could plant one at one of the parks in order to get a tree in.

Councilmember Diamond commented on the tree issue and said the well that it creates helps with the runoff in a much underserved stormwater situation. She said she had spoken with the Chandlery and they prefer not having a tree in front of their property and it doesn't really work in the area with Salt. She said she and Mr. Acenbrak had spoken about this and came up with a plan for consideration. She said because there are other potential improvements in this area, this might be made an approval with a sunset that they could review but the applicant could use it for a season or two while the plans are happening on the other side. She said Transportation and Public Works are working on something for Council to look at in that area that would shift some things and may solve the tree and drainage problem. In the meantime, they could allow the applicant to have the sidewalk café while they work through that but there would not be a tree there while that is happening.

Councilmember Wynn expressed concern about the potential for flooding in the meantime in that area considering all the rain over the past six months or so. Stu Moring said as Councilmember Diamond indicated the plan for the relocation of the tree well incorporated a new location for the tree and also a drainage inlet that would pick up some of that drainage because it is fairly notorious that there is poor drainage there. Stu said whether a tree goes there or not it would be beneficial to add some sort of inlet there which could be just a grated cover. Councilmember Wynn asked if they could do a cover....Stu said from their standpoint it would be no problem. Councilmember Wynn added that she didn't think that would hurt the width of the sidewalk.

Councilmember Dippolito said he is concerned about the lack of a tree. One of the things that makes Canton Street as pretty as it is, are the street trees, the pedestrian

lights and he thinks they need to be consistent with our pedestrian lights and we need to be consistent with our trees. He thinks there may be an opportunity to play off of this idea of the lamppost being inside of the seating area. Perhaps the tree could be inside the seating area on the edge of it so that part of it is in the sidewalk and part of it is in the patio but the tree becomes an additional post. Councilmember Dippolito asked why they couldn't have the tree on the other property by the Chandlery. He pointed to a lamppost in a picture and asked why that couldn't be a tree and said it wouldn't be a lot different.

Mayor Wood said he thinks it is too late to make any real decisions. Kay Love added that related to the tree, depending on the grate and the well that is required, it could impede ability for chair or table legs that could fall down into the little grate so it would require some good engineering or an innovative design for that to work in that location.

Councilmember Wynn said she doesn't think she is talking about putting it inside where the seating is. She thinks there would be room on the sidewalk especially if it was made flush with the sidewalk that would still be ADA compliant with a grate there. Courtney Lankford said canes could fall through the grate. Councilmember Wynn said they should be made so that canes can't fall through.

Councilmember Dippolito said his point is that they should not sacrifice the treescape on Canton Street to accommodate cafes. Councilmember Diamond said she is proposing that is temporarily the case; sacrificing the tree in the short term until they establish that whole corner and expansion.

Arie Kohn from Stroup Road said when they were in a meeting there was talk about putting a tree pretty much where you have the inlet right next to the curb. Brad Townsend said that Chandlery doesn't want that. He said there was talk that instead of putting grates, there are some materials that look almost like carpet and you can step on it so it is not a hazard.

Mayor Wood said they either need to defer it or pass something. He is concerned about putting a tree where the Chandlery doesn't want it if they pass something tonight. He doesn't want to drag this thing out. If Council is saying they need to put a tree somewhere and they don't know where to put that tree and they haven't spoken to Chandlery, they may need to defer this.

Mayor Wood asked Councilmember Diamond if she was ready to make a motion either to defer or plant a tree.

First Motion: Councilmember Diamond made a motion for Approval of an Amendment to Sidewalk Café License, SC 16361- 952 Canton St., Salt Factory/Hicham Azhari with the conditions suggested by staff with the exception of #4 where staff looks at putting some kind of interim solution and make this a one year approval to look at it again after staff has had a chance to look at the overall area.

Councilmember Dippolito asked if there is a requirement for a tree in the motion. Councilmember Diamond said the tree would be addressed in the next solution but it is a temporary permit so that when it comes up again and they know what the overall scheme is going to be of the whole change, they may not want a tree there when that is all said and done; they may want it somewhere else.

Brad Townsend said that sidewalk café licenses are done annually. Councilmember Diamond said she doesn't see anything in the budget for this year solving this, so if they make it January 15, they should have a better fix on money and plan and they

don't have a tree for a year but long term they could get a better solution.

Mayor Wood said there is a motion to approve this through January 2015 without a tree with the understanding that Council may come back and require them to plant a tree to continue their license.

The first motion failed for a lack of a second.

Second Motion: Councilmember Diamond made a motion that this Amendment to Sidewalk Café License, SC 16361- 952 Canton St., Salt Factory/Hicham Azhar be deferred and be placed on the Mayor and City Council agenda for 5/29/2013. Councilmember Dippolito seconded. The motion passed unanimously.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Amendment to the Sidewalk Cafe be deferred and be placed on the Mayor and City Council agenda for 5/29/2013. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-05-31

Adjournment - After no further business, the Mayor and Council meeting of Monday, May 13, 2013 adjourned at 1:00 a.m.