

Regular Meeting of the Mayor and City Council, Monday, February 10, 2014, 7:00 p.m., Mayor Pro-Tem Diamond opened the meeting. Mayor Jere Wood arrived during the first agenda item and presided for the remainder of the meeting.

Councilmembers Present: Councilmember Nancy Diamond; Councilmember Rich Dippolito; Councilmember Kent Igleheart; Councilmember Jerry Orlans; Councilmember Betty Price; Councilmember Becky Wynn.

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Transportation Director Steve Acenbrak; City Planner Jackie Deibel; Historic and Cultural Affairs Manager Morgan Timmis; Deputy Police Chief Craig Easterwood; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.

Welcome: Mayor Pro-Tem Diamond called the meeting to order and welcomed everyone present.

Pledge of Allegiance: Boy Scout Danny Gonzalez, Troop #226 introduced himself and said he is working on his Communications merit badge.

Consent Agenda:

- 1. Approval of the January 13, 2014 Mayor and Council Meeting Minutes (to replace the Council Brief approved on January 27, 2014); Approval of the January 27, 2014 Mayor and Council Meeting Brief; Approval of the February 3, 2014 Special Called Mayor and Council Meeting Minutes.**

Motion: Councilmember Wynn moved to **approve the Consent Agenda.** Councilmember Orlans seconded. The motion passed unanimously.

Regular Agenda:

Mayor's Report

- 1. Approval of Planning Commission, Design Review Board, Historic Preservation Commission, Board of Zoning Appeals and the Downtown Development Authority reappointments.**

City Attorney David Davidson read the list of reappointments as follows:

Three year terms:

Bryan Chamberlain – Planning Commission
Roberto Paredes – Design Review Board
Judy Meer – Historic Preservation Commission
Richard Hallberg – Historic Preservation Commission
Alex Paulson – Historic Preservation Commission
Hayden Branch – Board of Zoning Appeals
Glenn Maggiola – Board of Zoning Appeals

Four year term:

Dave Schmit – Downtown Development Authority

Motion: Councilmember Orlans made a motion for **approval of the reappointments**. Councilmember Diamond seconded. The motion passed unanimously.

2. Approval of the Community Cultural Plan Steering Committee appointments.

Councilmember Igleheart presented this item stating this is a new group that will be helping the City with a community and cultural arts plan and the committee is made up of a large number of people from the community, representing a wide range of activities, professions and interests.

Councilmember Igleheart read the list of appointments as follows:

- Rochelle Mucha
- Larry Weismann
- Morgan Timmis
- Lonnie Mimms
- Sally Johnson
- Debra Ewing
- Beckie Hawkins
- Erendira Mora Brumley
- Donna Smythe
- Maggie Davis
- Cheryl Small
- Kindra Smith
- Jasper Tanner
- Kendra Cox
- Kent Igleheart as R&P or RAC Council Liaison

Alternates:

- Tripp Liles
- Michael Hadden

Motion: Councilmember Igleheart made a motion for **Approval of the Community Cultural Plan Steering Committee appointments**. Councilmember Orlans seconded. The motion passed unanimously.

Community Development - Councilmember Becky Wynn

3. Approval of City Sponsorship for the Historic Roswell Criterium on Sunday, April 27, 2014.

Community Development Director Alice Wakefield presented this item stating this is a request to approve the sponsorship for the Historic Roswell Criterium on behalf of Bike Roswell. This matter was before Committee on January 29 at which time Committee agreed to move forward the sponsorship in the amount of \$17,582.17. Ms. Wakefield said at the time based on her math this was within budget, however after double checking, this will be over budget in the amount of \$1,458 if this is approved at this requested amount. If Council approves the overage, staff is requesting approval of a budget amendment from the General Fund Operating Contingency to cover the cost. If not, Council would be approving the sponsorship of \$16,124.10.

Council Comment:

Councilmember Wynn asked if they are looking at \$1,458. Ms. Wakefield replied yes for this event.

Motion: Councilmember Wynn made a motion for **Approval of City Sponsorship for the Historic Roswell Criterium on Sunday, April 27, 2014 in the amount of \$17,582.17 bringing forward \$1,458 from the General Fund budget to make up the deficit.** Councilmember Dippolito seconded. The motion passed unanimously.

Council Question:

Councilmember Dippolito asked for clarification on the motion if the money is being moved from the General Fund Contingency. Councilmember Wynn asked if that was correct and Ms. Love replied yes it is.

Mayor Wood asked to hear briefly from Bike Roswell to talk about the things that are planned.

A representative from Bike Roswell expressed appreciation to Mayor and Council for their support in Committee and also this evening. He said Bike Roswell is undertaking the Criterium for the first time this year and it could not be done without everyone's support and now that they are official, the hard work begins. He said the Historic Roswell Criterium is a traditional bicycle race and they hope to grow it year by year into a huge Roswell cycling festival that everyone can be proud of. He noted that the Criterium is the biggest one in the United States east of the Mississippi river.

*****Regular agenda Item #6 was heard at this time, prior to agenda Item #4*****

4. Approval of an Ordinance to create the Unified Development Code and Map. (Second Reading)

Councilmember Wynn noted that Councilmember Diamond had been working on this item since the beginning and she requested to turn the presentation over to her.

Mayor Wood asked to hear the first reading of the ordinance.

City Attorney David Davidson conducted the second reading of ***AN ORDINANCE OF THE CITY OF ROSWELL GEORGIA TO CREATE A UNIFIED DEVELOPMENT CODE (UDC) AND MAP*** stating: pursuant to their authority the Mayor and Council of the City of Roswell, Georgia do hereby ordain and enact this Unified Development Code (UDC) and map, its articles, chapters, sections, and Appendix "A" attached hereto and incorporated by reference.

1.

Further, it shall be unlawful for any person to change or amend, by addition or deletions, any part of portion of such Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which cause the law of the City of Roswell to be misrepresented thereby.

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

Planning and Zoning Director Brad Townsend presented this item stating this is the second reading of the Unified Development Code (UDC). Mr. Townsend said he would be discussing the text changes that were discussed at the Saturday work session as well as Councilmember Igleheart's list of changes, the buffer table, height map and the listing of complete map changes. He said he would not go through the entire list of map changes unless there were discussion or policy changes.

Mayor Wood asked Mr. Townsend at what point he would like to have Council respond. Mr. Townsend replied anytime during the discussion if they had a question or policy that they would like to interject.

Mayor Wood said before proceeding he would like to have Councilmember Diamond explain to the audience what her plan is on voting tonight.

Councilmember Diamond said there were two work sessions this week on Monday and Saturday and she wants to be sure that everyone has time to review all of the changes they will be talking about tonight. She noted they are looking at a draft of the second reading. Councilmember Diamond said she will be asking to defer the actual vote on second reading to 2/24/14.

Mayor Wood said there would be two opportunities for the public to be heard. Councilmember Diamond's proposal will be presented tonight and then comments will be heard from the audience. He would then hear comments and questions from Council, "but we are going to be deferring it for a vote" to the next regular Council meeting on 2/24/14 and there will be another public hearing and further discussion and an opportunity to amend at that meeting.

He asked Councilmember Diamond to proceed with the presentation. Councilmember Diamond asked Mr. Townsend to present.

Mr. Townsend referred to a multi-color list on the overhead and said it was part of the list that was discussed at first reading and all of those changes were included as part of the first reading. He said one thing being discussed today is item #1 from the pink section of the list that refers to page 3-5 of the UDC dealing with the Suburban Residential that was adopted on first reading. The request is to put wording back into the intent statement for the RS-6 and RS-4 which is how it was approved on first reading. He said Councilmember Orlans had provided some wording and that had been provided at the Council seats this evening. He noted that he had the wording typed into the Resolution but it needs to be discussed. He said the request is for the term "Suburban Residential" be removed from RS-6, RS-4 and R-CC and add language, "other areas as defined by the Comp Plan only in exceptional situations."

Mayor Wood noted for the order of the meeting, he would like to have the presentation first, then questions from Council about the presentation, followed by a public hearing to get comments from the floor and then discussion by Council. He reiterated that he understands Councilmember Wynn and Councilmember Diamond will be asking for a motion to defer the vote and he would like to have the public hearing before getting into debate. He said Council could interrupt if they had questions during the presentation.

Mr. Townsend asked if they would like to continue discussing the first item. Mayor Wood replied yes for the audience because they need to understand the issue and he asked Mr. Townsend to explain the two proposals that were being considered; the first one as approved by

the first reading and the proposal by Councilmember Orlans. Mr. Townsend said the way it was adopted under first reading was to put "Suburban Residential" as an allowable category in the intent statement for RS-6 and RS-4 and that Councilmember Orlans's alternative is to remove that language and put in "other areas as defined by the Comp Plan only in exceptional situations."

Mayor Wood asked Mr. Townsend to continue with his presentation.

Mr. Townsend referred to the multi-colored list and pointed out the section that was approved under first reading, the section with the concurrent variance language adopted and added by the City Attorney, the green section that was also adopted under first reading, and the blue section that are locations being proposed for second reading. Mr. Townsend continued with the presentation and made the following comments:

- Item #2 from the blue section had been discussed to provide a double row of hedges and said that language was taken exactly from the City of Alpharetta's requirement for double row of hedges.
- Noted that some of the items indicate no action.
- Item #10 from the blue section refers to the buffer matrix that will be discussed separately.
- Item #13 from the blue section is language related to Appendix A to clarify language was added that indicates "When a property abuts a protected district, the site plan shall be reviewed and approved by Mayor and City Council." Mr. Townsend said he believed that was language Councilmember Dippolito wanted for clarifying as part of being in the prior conditions of approval.
- Pointed out another section on the list and said this is the language that is being proposed that was brought forward by Councilmember Price that is being included in the second reading.
- Pointed out another section and said this language deals with the intent statement again. This is what staff had proposed originally dealing with the Suburban Residential and would be stricken from the motion to approve if adopted by the prior language.
- Pointed out another section that is clarifying statements dealing with car washes, removing Multi-Family from the R-TH Conditionally and RM-2 and RM-3.

Mr. Townsend said those were all of the text changes that staff went through on their list for first and second reading and asked if Mayor Wood would like him to proceed to discussion of the list from Councilmember Igleheart. Mayor Wood asked if it is a list for proposed amendments. Mr. Townsend's reply was inaudible. Mayor Wood said it is a long list and asked if they could summarize it. He said he did not want to take time for discussion of each item in detail but noted if Councilmember Igleheart would like to add anything to what Mr. Townsend had to say, he could make that motion later. He asked Mr. Townsend to put the list on the overhead and to proceed with his summary of Councilmember Igleheart's changes.

Mr. Townsend discussed Councilmember Igleheart's list of changes as follows:

- He began with the first item to add "Infrastructure Sufficiency" language from the Raleigh UDO. Mr. Townsend said preliminary language had been placed at the Council dais this morning that was similar to Raleigh's if Council wished to make that change.
- The second item relates to changing the effective date and Mr. Townsend said the Draft Ordinance in front of Council tonight has an effective date of 6/1/2014.
- Items relating to percentages of open space, building setbacks, coverage setbacks – Mr. Townsend said a lot of the discussion at the work session on Saturday dealt with percentages and the consensus was that the majority were not changed. They changed some of the percentages from 25% to 20%. He noted there were some questions related to interior setbacks for principal buildings that Council would like to ask Code Studio about. Mr. Townsend referred to item #31 from Councilmember Igleheart's list and said there is a note to "ask Lee" and said at the appropriate time if Council chooses, they could ask the consultant related to this.
- Referred to items requesting to change deleting seven stories and eight stories. Mr. Townsend said that was not changed.
- There were a lot of items to include larger minimum lot sizes. Those changes were not included.
- There were changes that were done to the buffer setbacks that will be included in the buffer chart that will be looked at later.
- There was a discussion on building mass to require that more than 30,000 square feet require conditional approval requirement for different locations for building mass.

Mr. Townsend said that was the majority of the discussion on Councilmember Igleheart's list for text amendment changes to the text.

Mayor Wood asked Councilmember Igleheart if he would like to make any corrections or additions.

Councilmember Igleheart said he had one thing and noted that he thought throughout, they all agreed that Landscaped Open Space is 25% but Common Open Space is 20%. He said "on here it actually only says a couple of times that it is 20%, actually now, you said it once or twice, but I only see it on one, #109 really." He said he understands the Landscaped Open Space is 25% and it is the Common Open Space that is 20%. He said it was on line #26 and line #109 on his list. Mr. Townsend said, "I think you are correct; through the documents Landscaped Open Space where it is required is to be 25% and the Common Open Space requirement was to be 20%." Councilmember Igleheart said, correct and thanked Mr. Townsend.

Mayor Wood asked if there was any further presentation on the text. Mr. Townsend replied there was not.

Mayor Wood said that Mr. Townsend had mentioned the matrix and that he would like to cover all of the presentation of the second reading including the map before going to public hearing. He asked for Council questions on the presentation.

Council Questions:

Councilmember Wynn referred to line #138 of Councilmember Igleheart's list and asked if they had figured out the parking table or still looking at that. Mr. Townsend asked if she was referring to the townhouse requirement and replied they had not had a chance to get that information. Councilmember Wynn asked if they were still looking into it. Mr. Townsend replied that they are. Councilmember Wynn thanked Mr. Townsend.

Councilmember Diamond said she thought they referenced exactly what they used to get to the number they got to and she thought they were using a national standard and they would reference that. Mr. Townsend said because our current table does not have a townhouse category, they would be adding that and they wanted to check with RDOT as to minimum requirements. There was also some concern about there being a sufficient number of guests in that type of development. We want to make sure that number is accurate and we are still working on that. Councilmember Diamond thanked Mr. Townsend.

Councilmember Price said she was not at the work session Saturday because, "the notice was too short for me to be able to get there." She said she understood there was some discussion after the microphones were turned off but there was not a quorum and she supposed that was proper but she did not know if any changes on these sheets reflected that subsequent discussion. She referred to item # 4 in the pink section on page 4 of 6 from the multi-colored list and asked for the disposition of that item because it does not say "Proposed 2nd reading" under Resolution. Mr. Townsend replied he did not think any direction was given to staff related to that item. Councilmember Diamond said she did not think that item was proposed for the second reading. Councilmember Price asked if they were leaving it as it was. Mr. Townsend replied yes. Councilmember Diamond said rather than change IL to add Permitted Uses; the properties in question were changed to IX which was a better fit. Councilmember Price said it was blank there and asked if it is correct that the proposed second reading is to have it in IX. Councilmember Diamond said that is more of a map change instead of a text change.

Mayor Wood said the map provisions had not yet been covered and they would get to the map later but they would cover the text provisions first and also the matrix and then the map.

Councilmember Diamond said the specific question is, "Do we put a "P" in medical and office under IL" and we are not suggesting that for this reading. Mr. Townsend replied, right.

Councilmember Price said she did not want it to slip through the cracks because there is not a Resolution on the list and "there is a No in column 3". She wanted to be sure that medical offices would be permitted in that area or it would clearly be going to an IX. That might be under the map recommendations but she wanted consensus of Council that they were allowing medical office buildings on the south side of Hembree Road. Mayor Wood said they would be covering the map soon and she could ask that question again if it was not answered in the presentation. Councilmember Price asked if she could get a consensus of Council that they agree that medical offices should be allowed on the south side of Hembree Road. Councilmember Diamond said she thought the question was if those properties were going to be in IX and said she believed they were on the spreadsheet as IX. Councilmember Price said, "Well, this is the spreadsheet and it just doesn't have a disposition." Councilmember Diamond said she meant the map spreadsheet that has the properties on it. Mayor Wood asked Councilmember Price if she could hold that question until the map discussion he thought the timing would be better. Mr. Townsend said he would put language in this location to indicate "requires map change" so this spreadsheet would

indicate that it needs to be put on the map. Councilmember Price thanked Mr. Townsend and said she just did not want it to slip through the cracks.

Mayor Wood asked for other questions regarding the text. There were none. He asked Mr. Townsend to proceed with the presentation.

Mr. Townsend displayed the Buffer Table on the overhead and noted that the items shown in red indicate changes that were made at the work session. He said, "The removals of "C" in all of the Employment Districts related to when any of the Commercial Districts about a Residential District, they are required to have the 40' buffer and Type D, the landscaping and no wall requirement. Also Type D is required for any external development for the Historic District as well as, in a PRD the buffer is determined by the existing development that it would be adjacent to making it more similar."

Mayor Wood asked for Council questions and then said to Councilmember Price "you are still studying" and asked if she needed more time. Councilmember Price said she had never seen this before and she would reserve her opinion for the future but this is the first time she has seen this. Mayor Wood said she would have an opportunity to bring it up again on February 24.

Mayor Wood asked Mr. Townsend to proceed with the presentation of the map.

Mr. Townsend displayed the proposed Height Map on the overhead. He said as was discussed on Saturday, the majority of the location for the height remains around the SR-400 / Holcomb Bridge Road corridor. They have included the hospital at seven stories as well as the Mansell Overlook office park buildings that are currently built at 95 feet or plus. He pointed out the four stories around the Multi-Family designation, the hotel at seven stories and Kimberly Clarke at seven stories. He pointed out the vacant property in OCMS in the southeast quadrant at seven stories and the four stories in the Downtown Districts. He said everything else, other than what was indicated on the map was three stories and all of that should be reflected on the map in front of Council.

Mayor Wood asked if there was any other information to present before opening the meeting for public hearing.

Mr. Townsend referred to the complete map spreadsheet that reflects approximately 2,800 pieces of property that was reviewed on Saturday. He displayed the spreadsheet on the overhead and said the spreadsheet is broken down into columns that provide the Existing Zoning, the UDC Zoning and what was approved on 1st Reading. The items that were left in were researched and discussed at the work session on Saturday and that gives the 2nd Reading indication of what they are being proposed.

Mr. Townsend then asked Councilmember Price for the addresses of the properties she had discussed on Hembree Road. She said did not have the addresses. Mr. Townsend pulled up a map and said they would try to point them out. Councilmember Price said basically any of the medical office buildings from Alpharetta Highway to Wills Road or beyond. Mr. Townsend displayed a map on the overhead and pointed out a blue section that is currently OP that he said they thought would be consistent to put back to OP. He pointed out some lots on the map and asked Councilmember Price if those were the lots she was referring to. Councilmember Price said no, she was talking about the whole stretch of road and said she thought IX would be very

appropriate for them and asked if that would allow everything that would be allowed in OP. Mr. Townsend asked if she was proposing to rezone the Industrial designations that are currently Industrial here. Councilmember Price said yes, that are Light Industrial and said she thought they were trying to get away from spot zoning so if they put those back to OP then they would have spot zoning for just a few little properties. Mr. Townsend said, "That is what Council's direction was; whatever was OP to make it OP." He said he was trying to clarify where the IX would go. Councilmember Price said she thought they had that discussion that all of that stretch would be, "instead of IL, it would be IX." She said unless there is some usage in OP that is currently OP that is not allowed in IX, she thought IX would be a reasonable transition to keep it cohesive but not restrictive. Mr. Townsend asked Council if they had a preference as to how to determine what is zoned IX.

Mayor Wood said to clarify the question, "Hembree Road is the road that is running east/west." Mr. Townsend said that is correct. Mayor Wood said and one of the roads between...(the comment was not completed). Mr. Townsend said Alpharetta Highway and he pointed out Wills Road on the map. Mayor Wood said then Councilmember Price is suggesting those properties that front on the south side of Hembree Road be zoned IX. He said that was his understanding. He asked Councilmember Price if when she said "all" was she talking about all the properties fronting on the south side of Hembree to be zoned IX. Councilmember Price replied for anything that currently has a usage of a medical office building, it would be more appropriate for it to have IX than IL. Mayor Wood said he was trying to identify which parcels she was referring to and asked if she was referring to all of the parcels fronting on the south side of Hembree. Councilmember Price said she could not tell him every single one but there are a few that she has a personal interest in but they should go beyond her personal interests. Mayor Wood said they are doing that and asked Councilmember Price if they included all the properties that front on the south side of Hembree, would that include all the properties she was concerned about.

An aerial map was placed on the overhead and Mr. Townsend pointed out 1345, 1355, 1357, 1325 and 1455 and said those are all the addresses on the south side. Mayor Wood said they are currently zoned OP. Mr. Townsend said no they are all zoned Industrial. Mayor Wood said they are all zoned Industrial and there are some medical offices in that corridor and asked what uses would be allowed under IX. Mr. Townsend said it would allow the office and medical as a permitted use. Mayor Wood asked if OP would allow medical as a permitted use. Mr. Townsend said OP would but IL would not. Mayor Wood said Councilmember Price is proposing that it be zoned IX not IL and asked if IX is compatible. Mr. Townsend replied that it is more compatible with OP. Mayor Wood asked if there are any existing uses that IX would be inconsistent with. Mr. Townsend said not that he was aware of. Mayor Wood said Councilmember Price is proposing IX instead of IL. Mr. Townsend said correct. Mayor Wood asked Council if they had any thoughts on that.

Councilmember Dippolito referenced two smaller buildings on the aerial map that Mr. Townsend was pointing out and asked if one of those buildings was an office building as well.

There was discussion among Council and staff as to what was those buildings were. Councilmember Dippolito noted that one of the buildings being indicated was very much a light industrial building. Councilmember Orlans said no, he thought there were medical offices in that building. Councilmember Price referred to another building on the map and said it was also all medical offices. Mr. Townsend said he thought that was in Commercial Heavy. Councilmember Dippolito said he thought it was in OP. Mr. Townsend said no it is Commercial. Councilmember

Price said originally it was Commercial Heavy but someone went through and made it all OP and she said they need to know where they are on this. Mayor Wood asked if Councilmember Price was suggesting that all of these properties be IX. Councilmember Price said she believed that allows the most compatible usage and least restrictive use of those properties and said she would propose that anything that is an office building of sorts on that corridor be IX. She said the map they received a month or so ago, shows it as IL. Mayor Wood asked what it is shown as on the current reading. Councilmember Price replied OP for some of them. Mr. Townsend said yes on some of them and he pointed out one that was shown as Commercial Heavy.

Councilmember Dippolito agreed that the industrial buildings that have office uses should be IX and said he thought OP needs to go to OP because they are trying to stay with equivalent zoning to the extent possible and said he would support a change like that. Mayor Wood asked if he was supporting Councilmember Price's change. Councilmember Dippolito replied not the way he understands it. Mayor Wood said they should be property specific so everyone understands where they are. Councilmember Dippolito said for the properties that are currently zoned OP, he would support a change to OP. He said for the properties that are Light Industrial that have offices in them it would be appropriate to make them IX because that is still an Industrial zoning but provides some flexibility.

Mayor Wood said in order for him to understand Councilmember Dippolito's position requested that they refer back to the other map to identify this. Mr. Townsend referred to a map on the overhead and said the blue is currently zoned OP. Mayor Wood said Councilmember Dippolito is proposing that it remain OP. Councilmember Dippolito said that is correct. Mayor Wood referred to the area on the map shown in green that fronts on Hembree Road and asked Councilmember Dippolito if he was in agreement with IX. Councilmember Dippolito said yes because it is currently Industrial and they would be zoning it to Industrial. Mayor Wood said OP allows professional doctors and IX allows professional doctors. Mr. Townsend said that is correct.

Mayor Wood asked Councilmember Price if that position addressed her concerns. Councilmember Price said yes to some extent but that she was concerned about reinserting OP "into this character map because that includes all of the hospital." She asked if that would limit the hospital since it otherwise would have been Commercial Heavy. She said suddenly that is being changed back to OP and said, "I don't know if they are aware of that."

Mayor Wood asked to stay to the south side of Hembree Road and said they could talk about the north side next. He said on the south side of Hembree Road, Councilmember Dippolito is suggesting the areas shown in blue remain OP and they are currently OP. He said Councilmember Price is suggesting that the areas shown in green become IX and Councilmember Dippolito has said that is okay. He said he was trying to understand where they differ.

Councilmember Price said personally she would like to see as little of IL as possible since it is very restrictive in use and allows adult business.

Mayor Wood said he is specifically talking about the parcels south of Hembree Road which is shown in green now. He said as he understands that is the code for IL. He said Councilmember Dippolito is suggesting they go to IX and Councilmember Price is suggesting they go to IX and therefore on those parcels, they seem to be in agreement. He said the parcels that are now showing in green would become a different color, whatever the color is for IX and both

Councilmember Dippolito and Councilmember Price agree they should be IX. He asked if anyone else thought they should be something different.

Councilmember Price said the question is, "Which ones specifically and how far?" Mayor Wood said specifically all of the parcels that are now showing in green that are on the south side of Hembree that about the road would change to IX. Councilmember Price asked, "All the way to where Wills or North Meadow Parkway?"

Mr. Townsend suggested going through this address by address.

Mayor Wood asked Councilmember Diamond to clarify this.

Councilmember Diamond said she did not know that she could clear it up but she thought they have the idea of what they are looking for here but they do not know all of the details and regardless of what they decide, they will research all of this and make sure they are accurate in what they are seeing. She said the intent is to make sure that the Light Industrial that presently uses it for Office has that same opportunity and that they could then come back and give recommendations. She said because there are things that front Hembree and things behind them she was not comfortable guessing.

Mayor Wood asked Councilmember Diamond what she anticipates her motion to be tonight regarding any changes from the map and if she is accepting any of the changes suggested by Councilmember Dippolito and Councilmember Price. Councilmember Diamond said she will "throw them out as a second reading with pending research on it" but she was not ready to pick parcels "here at the table." Mayor Wood said he would let her think about how she will formulate the motion and noted there has been a lot of discussion on this and they understand the issues. Councilmember Diamond said she thought she was clear on the problem.

Mayor Wood asked if Councilmember Price had any other matters to bring up. Councilmember Price said she would like to see some clarity and also that they will not be getting down to the final wire to decide what happens to these. She said she wants to know what is going to be in the final proposed wording.

Mayor Wood said there will be a motion tonight but it will not be voted on for two weeks and they may not have final wording on anything tonight but they would at least have something for the citizens to consider. The motion might not make all of the Councilmembers happy but the citizens will know what will be voted on. He said he would entertain a motion after hearing from the public.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Igleheart said he had one question on "the things that all say "ask Lee" and all the things that we are unsure of, are we asking doing that later, or (he did not complete the comment)." Mayor Wood said there will be a specific motion and a second tonight. He said he understands there will be a request to defer the motion and there will be further discussion of the motion before taking a vote on it in two weeks.

Councilmember Igleheart said he did not think that was relevant to his question. Mayor Wood apologized and said he was not very good at understanding questions tonight. Councilmember Igleheart said, "There are pieces throughout that say ask Lee" or may have some other clarification." He asked if they would be doing that later or two weeks from now or at another work session. Mayor Wood said there would be public comment next and then he would entertain a motion and as he understands it part of that motion will be to have it voted on in two weeks. He said following the motion, there will be a full discussion by Council with questions and comments and amendments can be proposed at that time or Council could wait until later to propose amendments. Councilmember Igleheart said he did not actually have any amendments; that was the point, "for the things that we are not clear about, when are we going to become clear?"

Councilmember Diamond proposed that they have the "ask Lee questions" as part of the presentation so all of that information would go into the motion. She said there were not a lot of questions for the consultant but there are a few things on the proposed motion that needs clarification from the consultant. She said the consultant is here tonight and that might be helpful before comments. Mayor Wood said they would hear those clarifications before having the public hearing.

Councilmember Diamond said she had another comment and said Multi-Family is Conditional on NX as it is everywhere and that they should address the Roswell Housing Authority property. She said for the record, "That is something that we will have a resolution to; if not tonight, before the final vote because, they now by right have that ability and they are the only ones that do and we need to make sure that we have worded it in such a way to make sure that is covered." She said they are working on that but she wants to be sure it does not look like it is not being covered here.

Mayor Wood asked the consultant to come forward to discuss the list of questions.

Lee Einsweiler, the consultant from Code Studio came forward and made the following comments:

- The first question is in regard to attached house which is a side by side duplex and the setting of the side yard to 10 feet. He said he would be reluctant to do that for one simple reason, because as it stands there is a 50 foot wide lot allowed in that district for this building top and if there are two ten foot side yards with a 30 foot wide building and if that is split into a duplex then each side of the duplex is 15 feet. Townhouses were not allowed that narrow and he did not think they intended to have duplexes with 15 foot wide sides. The choices are to either widen the lot so the building makes sense at about 20 feet wide which would mean if there was a 10 foot side yard there would need to be at least a 60 foot wide lot, or leave the side yards as they are and that would currently generate a reasonably sized attached unit.
- There is a limit on the maximum units per acre when abutting specific districts and he said he has never seen this concept used anywhere. The intent of zoning typically is that rules within a district are consistent within a district. If another district is needed, apply another district in between; in other words map that transition if that is needed. However, asking a transition to occur within a district in which everyone else is allocated a package of rights that you don't achieve seems challenging. He recommended not using this transitional model and to find an alternative way to transition it.

- There are a series of questions that apply to the Downtown District recommending that the maximum building size be shrunk to 20,000 square feet from 30,000 square feet. This is the maximum building size by right before a Conditional Use Permit would be required. He said as he recalled, they borrowed this idea from Groveway and the original idea was that, “oh my gosh, if we are going to have big buildings, we had better look at them with more review horsepower than at the staff level only and have a public conversation about them and therefore the Conditional Use Permit process.” It would be completely appropriate to consider where that line falls. What should be considered here is the kind of things that might want to be encouraged in this district. For example, if trying to encourage grocery store or other kinds of things that might have larger footprints, they should be a little cautious about where that line is set. But this is for the most part a policy question for Council to gage itself and in thinking about that, a typical modern corner drug store is on the order of 12,000 or 15,000 square feet. Therefore, a space would be equivalent to two of those stuck together at the 30,000 square foot level. It would be worth considering if Council chose to change that. He said if there ever was an area where larger footprints could be managed; it would be in the Downtown area and although large footprints would be acceptable in other portions of the City as well, this is in an area where larger footprints might be appropriate. There are lots of kinds of additional layers of authority here. There is potentially the Historic District lying over the top of these that helps with infield development. There are the new design guidelines that will be available so if they should want to truly break up the mass of a large building and make it look like smaller buildings, the design guidelines could be used to do that. He said he was not terribly concerned about where this number falls and might be willing to eliminate the number completely and not have the Conditional Use obligation. This is an open policy question for Council.

Councilmember Dippolito said he believes this issue is in the Groveway District as a use but not as a building mass itself. Mr. Einsweiler said as a tenant space. Councilmember Dippolito said he thought they were “mixing apples and oranges here” where 30,000 was meant to control tenant size so they wouldn’t get larger boxes and they had 30,000 feet so it could accommodate a specialty grocery store but it wouldn’t be too large of a grocery store. Part of the discussion they had the other day was if they need a building mass at all. He said to Mr. Einsweiler’s point, some of these areas may have larger building footprints but a lot of that is controlled through the design guidelines where there cannot be a continuous line of building, it would have to be broken up and so forth. He said he thought Mr. Einsweiler was “kind of hinting at” they may drop this all together. He asked if there would be a way to insert use here instead of...(he did not complete the comment).

Mr. Einsweiler said the tenant space question is very different, “Frankly, you would have to really believe that you are going to get only the right things if you get only small spaces and that is true at much smaller slices.” He said for example in Palm Beach, the maximum size for a tenant space is 2,000 square feet and when the Gap asked to open two stores adjacent to each other and connect a door between, they lost a court case in trying to set up that 4,000 square foot space. He said “clearly we can do those kinds of things if we are really looking for a very specific scale of tenant, at 20,000 or 30,000 feet and especially if that is just the tenant space and I can then have adjacent spaces which is what Groveway would have allowed.” He said Code Studio did not feel that was doing anything so they turned it into the building footprint thinking that the bigger concern was about bulk and mass rather than this other question that is more about tenanting. He said it makes sense to set tenant spaces for places like Canton Street, the sort of “precious places”

that would be set substantially smaller than what is being looked at here but he otherwise would not be tempted to set the tenant space mark. If the bulk and mass is managed by both existing parcel sizes and the process is that they would have to go through in the future, then these numbers are not needed as was noted.

Mayor Wood asked Councilmember Diamond if there were any additional questions for Code Studio. There were none.

The meeting opened for public comment.

Public Comments:

Lee Fleck, Martins Landing, made the following comments:

- Infrastructure Sufficiency – Mr. Lee referenced the first item from Councilmember Igleheart's list with a recommendation to add the "Infrastructure Sufficiency" clause from the Raleigh UDO. Mr. Lee said he felt very strongly about this recommendation and read the clause as follows, "Infrastructure sufficiency in general is to lessen congestion in the streets and to facilitate the efficient and adequate provisions of transportation, water and sewer and to secure safety for fire. Every subdivision plan and site plan shall be subject to a determination of the sufficiency of the infrastructure." He said it goes on to say, "The infrastructure shall be considered sufficient where it is demonstrated to have available capacity to accommodate the demands generated by the proposed development as well as other approved developments and master plans. In order to avoid undue hardship, the applicant may propose to construct or secure sufficient funding for the facilities necessary to provide capacity to accommodate the proposed development at the adopted level of service. The commitment for construction or advancement of necessary facilities shall be included as a condition of the development." He said that clause is prudent and he could not understand why there should be such objection for putting it into the City of Roswell code and he strongly supports this proposed recommendation.
- The cottage houses are a bad plan regardless of where they are located.
- He said there had been a lot of work done on the UDC but he was still concerned about what was being talked about here that he described as big government, higher density, traffic congestion, crime and negative impact on schools. He said all of this is an integral part of this UDC but his major concerns are what type of public safety input has been provided by either Chief Grant or Chief Spencer. He said these subjects have not been breached and asked in good conscious how something this dramatic could be considered.

Mayor Wood asked David Davidson if had reviewed the language Mr. Fleck read.

Mr. Davidson said yes and he agreed with part of what Mr. Fleck said. However, the City of Roswell has developmental impact fees already in place that would force a developer to pay for the portion of improvements that their project would cause, not system improvements, but the things that would be for the developer's project. In regards to traffic, the Georgia Supreme Court has said that a rezoning decision cannot be based solely on traffic. There are obviously other areas where the decisions can be based but traffic or roads are not the only thing that it can be based on. He reiterated that he has reviewed the language and does not disagree with what is proposed but the City has things in place already and because developmental fees are already in place, if they try to get more from a developer, that would be an extraction which is not legal. Mayor Wood asked if he had concerns about the constitutionality of the City's ordinance if the

language was included as Mr. Fleck had read and asked if he had advised Council on that. Mr. Davidson said he believed it would be unconstitutional to do this the way Mr. Fleck just read. Mayor Wood asked if that is because there is a difference between Georgia law and North Carolina law. Mr. Davidson replied, "Absolutely, yes." Mayor Wood asked if Mr. Davidson has advised Council against that specific language. Mr. Davidson replied, "That specific language. You can consider what infrastructure is available but requiring them to build infrastructure that would be a system improvement; you cannot do." Mayor Wood thanked Mr. Davidson.

Mayor Wood invited further public comment.

Linell Winnicki, 211 Quail Run, a townhome community in Martins Landing, made the following comments:

- She is Chair of the Martins Landing Community Development Committee representing the Martins Landing Board.
- She read the following letter into the record regarding their concerns: "Mayor and Councilmembers, as the UDC proposal moves forward, the Board of Martins Landing would like to share their continuing concerns regarding this important piece of legislation. We appreciate your encouragement of community input on this complex issue. While the necessity of an update to the current zoning regulations is well understood and recognized as a positive move forward, there continue to be elements in the proposed ordinance that are of serious concern to the neighborhoods of Martins Landing as set forth below and we request your consideration as follows: We recommend that seven stories should be the maximum height for structures with no bonus or additional stories included in any character area. These building heights are already far in excess of MLF community preferences. We specifically ask you to look at the corridors and node district section originally on pages 4-6 but given with the revisions it may be different pages and the employment districts, pages 4-6. The MLF board also continues to have deep concern over the number of parcels with conditional allowance for apartments especially within the MLF school attendant zones. We request that a mix of uses be a requirement for any rezoning to mixed use categories on parcels ten acres in size or larger. Although specific ratios would be difficult to prescribe, a minimum of two uses mixed either vertically or horizontally within a proposed site of this size should be required to meet the intent of mixed use walkable projects. We request that the intent section of the 2030 Comprehensive Plan regarding the southeast quadrant area be included in the review of any rezoning requests in the area for compliance. We request that the UDC include a statement, for example City approval of a rezoning or conditional use request does not relieve a property owner of their responsibility to meet the requirements of all applicable neighborhood covenants and secure the approval of their neighborhood HOA in the appropriate article so that an individual resident within the MLF community or any homeowners association is clearly aware of the need for the review of compliance with MLF covenants or their appropriate association covenants. Request that the approved MLF site plan be carried over to the UDC with corrections as noted in prior notifications through your discussions. Request that there be a clarification of stub street to define public versus private and elimination of the requirement of a new subdivision to provide a vehicular connection to privately owned stub streets. The board of Martins Landing would again like to thank the Mayor and Council for their outreach and openness to input from the community as it moves forward with its attempts to update and simplify our zoning ordinance."

Robert Griest, with Smith Gambrell & Russell, 1230 Peachtree Street, representing his client, MetLife made the following comments:

- Requested clarification on a prior rezone in terms of conditions – In 2009 there was a rezone of their property in Mansell Overlook where they are proposing a development and as a condition of that rezone to OCMS, they must develop in substantial accordance with the site plan. There is a 4,000 square foot retail center on that site plan. This area is being considered as Office Park (OP) zoning and retail is very limited in OP. This could obviously be built in accordance with the site plan but their question is if they would be able to carry over the uses that were available under OCMS or would they be prevented from building the 4,000 square foot center as it is on the site plan.

Mr. Townsend said his understanding is that Council brought uses forward so any use that was allowed at the time would be maintained as well as any use that was prohibited would still be prohibited.

Mayor Wood asked if Mr. Davidson had anything to add.

Mr. Davidson said that was a condition of that rezoning and those conditions would come forward. He believed their question was that the site plan says retail, but they do not know exactly what is allowed in retail. He said he spoke with Mr. Townsend earlier today and this allows retail so this could be anything that is retail that fits in a 4,000 square foot building.

Mayor Wood asked Mr. Griest if that clarified his question.

Mr. Griest replied it did but he said in OP retail, there must be multiple tenants; it cannot be a stand-alone building. With 4,000 square feet, there would have to be multiple tenants and the restrictions are so strict on retail that there cannot be a restaurant. There are a lot of things in OP that unless it is an accessory use in a larger building such as the office buildings in Mansell Overlook, there is really nothing their client could do with 4,000 square feet if they build the building in accordance with the site plan.

Councilmember Dippolito said for that parcel, he thought they zoned the corner and the existing retail to CX which gives even more flexibility and said they attempted to give CX where they had retail slated. Mayor Wood asked Mr. Townsend to place the proposed zoning map on the overhead. Mr. Griest pointed out the parcel on the map and said it is OP-7. Councilmember Dippolito said to Mr. Townsend that he thought the intent was to pick up the entire corner which would be the two buildings that he pointed out on the map. Mayor Wood asked if Councilmember Dippolito was saying to include the parcel that Mr. Griest is talking about and to zone it to CX. Councilmember Dippolito said yes, CX. Mayor Wood asked Mr. Griest if he was familiar with what CX allows. Mr. Griest replied he was aware. Mayor Wood asked if that would be acceptable. Mr. Griest replied yes, he thought that would cover all of it. Mayor Wood encouraged Councilmember Diamond and Councilmember Wynn to consider that.

Councilmember Wynn requested addresses for the two parcels. Mr. Townsend replied it is vacant and does not have a street address. Mayor Wood said one of the parcels had already been identified in CX and the other one needed to be included. Mr. Townsend provided a Parcel Identification Number (PIN) to Councilmember Wynn. Mayor Wood asked Mr. Griest if this would be consistent with what his client wished. Mr. Griest replied, yes he believed so. Mayor Wood thanked Mr. Griest and said his input was appreciated.

Mayor Wood invited further public comment.

Jennifer Harding, 1020 Caladium Lane in Roswell made the following comments:

- She is on the Board of Directors for Ivey Mills neighborhood.
- She is representing the homeowners of Ivey Mills to express concern and opposition to the potential rezoning of Chaffin Road. She said it was their understanding that the City has a 2030 Master Plan that requires any new development to be compatible with adjacent existing character with similar densities and lot sizes. The potential rezoning of Chaffin Road...(her comment was interrupted).

Mayor Wood said before moving forward he would like to have a map placed on the overhead to determine what the map change was going to be.

A map was placed on the overhead and Ms. Harding said she was referring to Chaffin Road between Hardscrabble and Crabapple. Mayor Wood asked what is the proposed zoning of this property according to the map. Mr. Townsend pointed out the grey in the area that is Civic locations. Mayor Wood noted that would be for the school and the church and he asked Ms. Harding to indicate the property in question on the map. Ms. Harding pointed out the area directly across Chaffin Road. Mr. Townsend noted that the map shows proposing this area to be zoned RS-30 as it currently exists. Mayor Wood said this map is not proposing any change. Mr. Townsend said Ms. Harding was talking about the potential for it to happen. Mayor Wood said as he understands this, Ms. Harding is opposed to something that is potential but he assumed that the motion will be to not make a change tonight or anytime without an application and more hearings and the Planning Commission and “the whole shooting match” and currently there is no proposed changed. Ms. Harding said that was great.

Councilmember Igleheart asked, “Can we allow her to finish reading her letter?” Mayor Wood asked if there was anything she would like to add. [Ms. Harding’s reply was inaudible.] Mayor Wood said thank you. [There was an inaudible comment from Councilmember Price.] Ms. Harding asked, “Did you have a question?” Mayor Wood said, “If the Council has any comments, we will hear from them when it is time for the Council comments.” Councilmember Price asked, “But specific to this, may I ask her a question?” Mayor Wood replied, “Certainly, you may ask a question.” Councilmember Price asked, “Are you concerned about the zoning category or a change in use or a change in types of buildings that could be there?” Ms. Harding replied that currently on Chaffin Road, there are large lot sizes and less housing and they enjoy all of the green space and the large lots and they would be opposed to any change from that. Councilmember Price asked for clarification if there is anything in RS-30 that was not in RS-30 previously that would now be allowed there.

Mayor Wood asked, “Uses?” Councilmember Price said, “Uses or types of structure?” Mr. Townsend replied not in RS-30. Councilmember Price said, “So, RS-30 is identical.”

Councilmember Igleheart said, “But their concern, as has been stated numerous times, is not about that specific rezoning; it is about what could be allowed if the intent statement allows RS-4, RS-6 and RS-CC to continue in the Suburban Residential.”

Mayor Wood said, "I think that is an opportunity for Council to make an argument, but as far as her question..." Councilmember Igleheart said, "But you cut off her comment based on that." Mayor Wood asked if there were any more comments she would like to make. Councilmember Igleheart said, "I would suggest she finish reading the letter." Mayor Wood said he tried to respond to the question, "the question was, is the current map is not making a change?" Ms. Harding said the current map is not proposing a change and right now they live on a very quiet suburban street that they very much value and enjoy that they would like to see stay the same. Mayor Wood said, "And the current zoning is the lot size is not going to change from the existing to the proposed; lot size is not changing." Ms. Harding asked if density would be changing. Mayor Wood said if she was talking about lot size, the lot size and number of units on that lot is not changed. Ms. Harding said thank you.

Mayor Wood invited further public comment.

Eric Schumacher, 145 Prospect Street in Roswell made the following comments:

- He thanked Mayor and Council for allowing him to participate in some of the conversations and work sessions on the UDC over the last few weeks and said it was a great insight into how things work.
- Residential Cottage Court – Creating what is essentially an RS 1.2 lot size with no ingress/egress requirements is a large concern because the site also does not require any frontage which could potentially allow a number of sites to be stacked together to create a lot of landlocked lots that are 1,200 square feet each. This could present buyer problems, safety problems and legal problems and also creates very high density. Because Cottage Court can be horizontally mixed with other types, there could potentially be requests for putting Cottage Court buildings on existing properties that currently have townhouses, for instance if a current townhouse development has large buffers and those buffers would go away under the UDC, cottage courts could be placed in those locations. There is no guarantee that any of the cottage court courtyards are abutting any of the cottages as well. A company could potentially say that the existing park land inside of a townhouse development is the allotted cottage court square footage.
- Expressed concern about horizontally mixing with ingress/egress frontage problems and the fact that there are not frontage requirements for sites and no language around how many sites go together. Concerned that there is an intent for Cottage Courts that should be surrounding a courtyard but that does not sound like it is a legal requirement or a rule requirement. If someone comes to Council with a request for a variance to have a long string of cottages with some green strips for a courtyard, that might pass without much concern.
- Requested that the intent wording in the UDC be addressed by the City Attorney and whether intent really is a requirement or should stronger language be put into a lot of the categories to ensure there are actual requirements for the building types in order to meet the intent that they hope to see.
- Expressed concern about accessory buildings not having a square footage maximum. The maximum today is that the sides are smaller than the primary building on the lot. Because accessory building maximums are being removed and the setbacks are much smaller and someone can build outside the building envelope, there is potential for accessory buildings in those setbacks that are much larger than the primary building. He said a maximum size for accessory building should be added back.
- Districts are not defined in the document but there is a lot of talk about districts especially with regard to boundaries on the maps. Page 1-4 talks about interpretation of boundaries for districts but the districts need to be on the maps to understand where the building types and

zoning types will come up. He asked how anyone could know what would happen in their neighborhood if they are not told what the intent is for those district boundaries and how it fits the Comprehensive Plan.

- Someone might speak in favor of RS-4 and RS-6 lots because they own a big piece of land but they are “crazy” to think about RS-4 and RS-6 when there is residential cottage court. He said think about Residential Cottage Court. Do they really want to maximize density and make something that the rest of Roswell would not be interested in?
- It is impossible for the public to understand everything that has been presented in order to have an official second reading of this document and he knows because he has been in all of the meetings and knows what they talked about and it is impossible and unrealistic to understand what is in the UDC based on the first reading document and multiple spreadsheets with short wording and references.

Mayor Wood asked Mr. Davidson to respond to the question regarding intent statements.

Mr. Davidson said the intent statement is just that, an intent that can be changed by the Mayor and Council that does not obligate the Council to anything and could be used in court by someone who was unhappy with a decision of Mayor and Council but it is not an obligation of Council.

Mr. Schumacher said he had another question specifically about Cottage Court and a definition with the intent and said the intent is that the cottages are surrounding the courtyard but there isn't any language in the rule for the cottage court as a building type to ensure that actually happens. He asked if the intent in that section requires someone to build surrounding a courtyard or is it just a suggestion and they would rely on the wording of the building type in the different zones.

Mayor Wood asked Lee Einsweiler to respond to Mr. Schumacher's question.

Lee Einsweiler said it would depend on what the definition of intent is and said the building types have definitions associated with them. Referencing an example of an intent statement displayed on the overhead, Mr. Einsweiler said this is a description because each building type is described below it. He said this language could be tightened up in the interest of ensuring clarity but the language is intended to be a definition of the building type and would set parameters for the building type but the page itself could also set similar parameters if Council chose to add them.

Mayor Wood invited further public comment.

Lisa DeCarbo, 130 South Shore Court made the following comments:

- She is a member of the Planning Commission.
- She referred to a list of questions that she had forwarded to staff today and said she originally sent the list via email on Thursday but had problems with the email. She had hoped those questions would have been addressed in the Saturday work session and asked if staff had seen those questions. There was no response. She said she guessed not and said she would discuss the main questions.
- Existing apartment RM-2 and RM-3 zonings – When there is going to be an increase in the number of units for existing apartments, it should be a conditional use. This is a key issue and something they have been suggesting for quite some time but she does not see it in the document language.
- Bringing over all of the site plans and all the conditions from the past – This has been talked about several times. She referred to the multi-colored list, page 4 of 6, item #13 and said it

still reads “Add: Appendix A shall include approvals of rezoning and conditional uses from January 1, 2000 to the effective date of the UDC. Also, includes any lawsuit and targeted properties and protected districts.” She said she thought from work session that this would be changed back to certain conditions for conditional uses and a variety of other things back to the beginning of the process. She asked if that language would be available for review.

- Infrastructure Sufficiency –there should be a way to address sufficiency of traffic infrastructure.
- Transition from the corridor no districts to the residential – She said Mr. Einsweiler had discussed one of the ways to handle this which would be at some point to create another transitional district between some of the corridors and the suburban residential. She said there is a problem in doing that because in many of those places, there is only one parcel depth between serious suburban residential with fairly low densities and the commercial corridors such as SR-9 and Holcomb Bridge. She said townhomes and cottage courts might be appropriate there.
- Conflicts between build-to zone at corners and pedestrian access and the Forecourts – She referenced page 2-7 of the UDC that says a façade must be within the first 30 feet of the build-to zone facing each street. That contradicts one of the things in the Groveway plan that there could be a special treatment at the corners to provide something that was rounded or angled so instead of having the entire corner come all the way out, something could be done on a significant corner that would be much more architecturally pleasing. She referenced page 2-14 of the UDC for Forecourt that says the maximum width and depth should be weighed against each other and currently it says the maximum depth is 35 feet and maximum width is 35. She did not think they would want something 35 feet long and 6 or 8 feet wide. Something there or in the design guidelines should address that.
- She asked if a forecourt could be within the first 30 feet of the corner of a building and said there might be places where it would be wanted a little closer for outdoor dining. There might be something they would have to give in terms of following the BTZ there.
- Garage layouts for detached homes – She referenced page 2-15 of the UDC and said #4 does not meet the design intent for a lot of structures here. This is an example of a garage directly in front of the house basically blocking the entire façade and it might be appropriate to add language to say this is not preferred or it is discouraged. She said some also do not fit the existing conditions where the garage is not detached but attached on the back of the house which she thought was common.
- She said there are also three parcels that still need to be looked at and she had sent that request to Brad and would also send a copy to Mayor and Council.

Mayor Wood thanked Ms. DeCarbo and said there are a few questions and a lot of things to consider.

Councilmember Diamond apologized to Ms. DeCarbo and said she may have misunderstood the way that was left and she noted that Ms. DeCarbo had brought in a printed sheet on Saturday but they were not able to get to it by the end of the session but she thought a lot of it had been covered in the work session and she understood that Ms. DeCarbo would take off the ones that had been covered and send the list back in Excel form. She apologized if she had misunderstood that but said they would go through everything Ms. DeCarbo had sent.

Ms. DeCarbo replied that she had removed most of the items that had been discussed but a few of those had been left on the list because they had not yet seen the text for those. She said for the most part, the items remaining on her list were things that had not been discussed.

Councilmember Price asked Ms. DeCarbo if she was speaking as an individual or from the Planning Commission and asked if the Planning Commission had given any disposition on the UDC as a whole. Ms. DeCarbo replied they had not and she thought they would be addressing that this month and would likely have a few more questions and comments. She said these are her review comments as a citizen and as a member of the Planning Commission. Councilmember Price said but as far as the Planning Commission goes. Ms. DeCarbo said she was not speaking for the Planning Commission and is only looking at this through her duty of review. Councilmember Price asked if she felt the Planning Commission has come to any unanimity of recommendation or thought on this. Ms. DeCarbo said she could not speak for anyone else. Councilmember Price thanked Ms. DeCarbo.

Mayor Wood said a couple of questions were raised that could be responded to and asked for a summary of what the proposal is regarding past zoning conditions as it stands today.

Brad Townsend said the wording that was discussed at the work session that is the current proposed language is, "Appendix A shall include approvals of rezoning and conditional uses from January 1, 2000 to the effective date of the UDC. Also, includes any lawsuit and targeted properties and protected districts. When a property abuts a protected district the site plan shall be reviewed and approved by Mayor and City Council. Items controlled by conditions of approval such as days and hours of operation, buffers, limitations of uses, noise levels shall be enforceable."

Mayor Wood thanked Mr. Townsend and said to Mr. Davidson there was a suggestion to include more language regarding sufficiency of traffic and asked him to address that.

Mr. Davidson said it is fine to consider the sufficiency of traffic but it can't be the only thing that a decision would be based on. If it is a condition that is already on a property, it would be fine to bring it forward.

Mayor Wood invited further public comment.

Nydia Tisdale, Brookfield Country Club made the following comments:

- She thanked the Councilmembers who came out and addressed their homeowners association yesterday concerning the UDC.
- She attended the work session all day on Saturday and said a quorum was lost towards the end of the day as members had to leave and the tape recording was turned off and she was asked to cease her video recording at that time. She said the video she captured was available on YouTube.

No further public comments. The public hearing was closed.

Mayor Wood said there would be another opportunity for the public to speak on February 24 and encouraged anyone to contact Councilmembers and staff with questions and comments.

Mayor Wood asked for Council comments.

Council Comment:

Councilmember Diamond said there are still two other documents that have not been discussed. The first is regarding Section 11.5-Infrastructure Sufficiency on page 11-26 of the UDC. She said a couple of items have been suggested to be added there and she referred to a sheet that had been provided to Mayor and Council that listed four items A – D with the last two items shown in red. She said the other document is regarding 1.3.2-Use of and Enforcement of design Guidelines. She said she wanted to go over both of those items to make sure everything is on the record.

Community Development Director Alice Wakefield addressed Section 11.5. She said this language was drafted in an attempt to provide something that would give a comfort level for Infrastructure Sufficiency and also be in accordance with state impact fee regulations. She said the City of Raleigh language does not have impact fees or restrictions that the State of Georgia has so this language is being added in an attempt to give a comfort level that infrastructure will be looked at when a project comes forward and noted that it currently is anyway.

Community Development Director Alice Wakefield addressed 1.3.2-Use of and Enforcement of Design Guidelines. She said this language is very similar to language that is in the current zoning regulations. The City of Roswell currently has multiple design guidelines that are basically enforced when a project goes through review, particularly when it is reviewed by the Design Review Board or the Historic Preservation Commission. At that time is when the Design Guidelines become standards and enforceable because they are made as conditions of the project. This is an attempt to give a comfort level that the Design Guidelines will be looked at and will be enforceable through the normal process of review and approvals. She said this language may need some legal massaging but it is the basic language from staff.

Mayor Wood said it is his understanding that there is a desire to make a motion and then to defer the vote after another public hearing until the next regular Council meeting but to have a definite motion for people to consider that would be posted on the website so details could be reviewed. He called for a motion.

Councilmember Diamond said she would like to put seven items on record and labeled them as follows:

- **UDC #1 - The multi-colored sheet list labeled Second Reading Draft – February 10, 2014**
- **UDC #2 - Igleheart proposed UDC changes 1/13/14 plus additional changes 2/3/14**
- **UDC #3 - Roswell Buffer Table**
- **UDC #4 - Map spreadsheet**
- **UDC #5 - Height map**
- **UDC #6 - Section 11.5 Infrastructure Sufficiency/Public Improvements**
- **UDC #7 - 1.3.2 Use and Enforcement of Design Guidelines**

Motion: Councilmember Diamond made a motion, seconded by Councilmember Wynn for Approval of an Ordinance to create the Unified Development Code and Map on Second Reading with the following changes:

- Items 1-7 (mentioned above)
- On UDC #2 – eliminate lines 121-124
- For parcel 12-2260-0559-081 – Mansell Overlook- change to CX
- Review the IL to IX properties located on Hembree Road
- The Effective date would be June 1, 2014 or when the Design Guidelines are adopted, whichever is later

This motion deferred this vote until 2/24/2014 in order to give full review for all text and map amendments in accordance with this motion.

Mayor Wood said for clarification that the vote is not on the motion because there is a request to defer; the vote is whether to defer this vote to 2/24/2014. He asked for Council comments on the motion.

Council Comments:

Councilmember Orlans asked Councilmember Diamond if her inclusion of UDC #1 included what was shown tonight on the screen versus what was in Council packets with the different wording. Councilmember Diamond replied yes.

Councilmember Igleheart said he had two questions regarding the map and asked if the big spreadsheet has the items he additionally asked about when they went through this before. Mr. Townsend replied he did not think it included Grace Hill or Glen Eves that he discussed on Saturday. Councilmember Igleheart said frankly he did not remember every item but whatever they went through that was additional. Mr. Townsend replied to Councilmember Igleheart. (His comment was not audible.) Mayor Wood said Councilmember Diamond needs to respond to this. Councilmember Diamond said some of that was after the quorum so there was not a consensus but they could absolutely pull that forward.

Councilmember Igleheart said his second question is, when will have a written version of everything for review and also will they have another work session before the final vote. He said as because as was seen tonight, there are at least two things they did not get exactly right even from Saturday. Mayor Wood said if it was the pleasure of Council, there would be another work session. Councilmember Igleheart said “but that first part is the big question.” Mayor Wood said they could certainly have another work session.

Mayor Wood recognized Lee Einsweiler.

Mr. Einsweiler said he would share for everyone’s edification, that there is no possible way that a clean draft with this level of annotation and change could be prepared for 2/24/14. He said they would be bringing forward the prior draft and a summary of changes as they have in the past.

Mayor Wood asked if they were looking for a clean copy or just the summary changes.

Councilmember Diamond said they would try to “flesh out” the summary a little more so people could follow it better because there are a lot of things that are similar in various places but there would not be a totally clean copy. Mayor Wood said but there would be a complete version if you read the original and the changes. Councilmember Diamond said that was correct. Mayor

Wood asked when a completed version will be available for Councilmember Igleheart or anyone else who is asking what are they voting on and when that will be available in a written form that can be reviewed online. Councilmember Diamond said all of these could be published immediately. Mr. Townsend said it is all in written form now.

Councilmember Igleheart said, "Frankly, things are not as they are so we have to pass it to know what is in it. That's what we are going to have to do." Mayor Wood said that is a legal question but his understanding is that the motion to defer will be to 2/24/14 and what will be available is what Councilmember Diamond has enumerated.

Councilmember Dippolito said he would like to see at least a consolidation of all these documents in numeric order as they fit in the book so they could take a copy of the latest draft of the book and go through it with all the changes and make sure all the changes are there. He said currently there are seven different pages that are not in the same order and not easy to go through. Mayor Wood asked when that would be available. Lee Einsweiler said it would be relatively "straightforward" to re-sort the spreadsheet portions in the correct order by page number and section number if they would be comfortable with the "rainbow" it would generate because the colors would be co-mingled and he said he thought that could be available to post within a couple of days. Councilmember Dippolito said he was fine not having the colors. Mr. Einsweiler said that would be fine and this could be the 2nd Reading Spreadsheet with all of it together. Councilmember Dippolito said there are a number of items that would not have changes so those could be eliminated and there would be a list with only the changes that could go through chronologically. Mr. Einsweiler said what they will be looking at on 2/24/14 will be the prior text document and a single spreadsheet of the changes in order by page number and section. Mayor Wood asked when that will be available for the general public. Mr. Einsweiler said he thought within a couple of days.

Mayor Wood invited further Council questions.

Further Council Comment:

Councilmember Igleheart said his concern is that there are a number of things they have said they will work on. He said he had suggested rearranging the pages that talk about height so they can figure out what it actually intends. He asked if they are going to see what that is "or are we just passing to say yes we are going to do that." He said he did not have the one sheet on the buffers with him but he said "I know what was in my notes is not what's on here" but he said he could not challenge that tonight. He said, "I know there are things that are on here that we didn't intend or we don't understand as a group as what we did; it's just human nature. I'm not saying it's anybody's fault. When you have so much you are dealing with, there is no way it's correct. This is embarrassing to say that we are going to move forward on this when it is a total change to our code."

Councilmember Price asked for some clarifications. She said in the northwest area of the City, at one point during one of their small work sessions, they talked about some of "FC-A going to AG as was proposed on one of the earlier maps, RS-30" but she was not sure where that is shown that they adopted or agreed to that recommendation. She asked if there was a disposition on that and said on her papers, that looks like it is blank. Mr. Townsend referred to a map on the overhead and pointed out areas that were changed to AG and another area that he said had been requested to be AG but it has its current zoning that was not FC-A at the time so it was left with its current

zoning. Councilmember Price asked if that map is posted on the website. Mr. Townsend replied if adopted with the changes this evening, yes.

Councilmember Price said she had a couple of other things. She said they had talked about garages and width of garage doors and knows she pointed out on the narrow lot or with the small recess, whether or not they would have to have the vertical division in the garage doors. Then it looked like some sort of retribution got included into some other designations that would also have to have the vertical pole in the garages. She asked how that ended up because she was not at the short called work session. Councilmember Diamond said she thought that was in the design guidelines comments that they could create double doors that looked like single doors. Councilmember Price said at the previous work session she suggested that the design people look at that but she said again she did not know what was finally decided.

Mr. Townsend said the original discussion was to remove "this line from line one" and the consensus was to "actually add this line to line two." Councilmember Price said, right. Mr. Townsend said that is how it is being proposed. Councilmember Price said, "Because I brought it up, it is now going to be more restrictive for a person's choices in having their garage door functional as opposed to looking aesthetic; which we can certainly do aesthetic garage doors without putting a pole down the middle. So right now, the wording in the newest version is going to have an additional restriction of having a vertical pole in that structure #2 or B, the second one." She asked if that is correct. Mr. Townsend said that is his understanding. Councilmember Price asked if that was the understanding of everyone on Council.

Councilmember Price said her other issue is, "If you take the current map that we have been given and then the one you were showing this evening; we now show that North Fulton Hospital is OP and I don't know how we got to that." She asked if that was part of the discussion at the work session. Councilmember Diamond said she thought it was the office buildings that are on that property. Mayor Wood requested that a map be shown on the overhead. Mr. Townsend displayed a map on the overhead and pointed out the hospital location and said it is currently zoned OCMS and he pointed out the OP on the south side of Hembree and said he was losing track of when they did things but he believed the request was to make that OCMS, OP and give it the height that it currently has which is what this map reflects. Mayor Wood asked if the OP allows the hospital. Mr. Townsend replied yes and office and medical. Councilmember Price said it is not all hospital; there are a number of other parcels there. Mr. Townsend said but it is all OCMS. Councilmember Price asked, "Currently?" Mr. Townsend replied yes. Councilmember Price said the previous map and letter someone would have received, would have reflected Commerical Heavy and she asked how significantly different is this, that they would be faced with a totally different change that they were not aware of. Mr. Townsend replied he did not know. Councilmember Price asked if anybody cares that they be informed that a totally different category has been designated for them that might have ramifications for their usage. Mr. Townsend replied she might want to direct that question to Council since it is a policy decision. Councilmember Price said she has asked a lot of questions of Council and has not heard an answer yet. Councilmember Diamond said policy consensus was to go to the closest thing that exists now and this is the closest thing to what exists now without taking away the rights they now have. She said this does not give additional rights but it is not taking away rights and it is the closest matching zoning to present. Councilmember Price asked "we didn't think that CH was that when we made it CH; thought that was what we were trying to do." She asked why they now think OP is closer than when they made it CH. Mayor Wood said she would have to poll individual Councilmembers who were at the meeting but his understanding is that they believed

that was the closest correlation to the current zoning. Councilmember Diamond said they have made some adjustments in uses and things along the way also. Councilmember Price asked if she could have a list of those uses changes. Mayor Wood said she could request that of Council. Councilmember Price said she would like a list of the uses changes in that designation. Mayor Wood asked if she was requesting a list of the use changes in the OP from what was originally proposed to what is currently proposed. Councilmember Price said correct or anything else that happened Saturday that is new. Mayor Wood said they would get her a list of changes from original OP to current OP. Councilmember Price said and any other changes that happened Saturday that are new and different. Mayor Wood said if she wanted to know those, the record is available for her review. Mr. Townsend said and on "YouTube". Councilmember Price said apparently the film was turned off. Mayor Wood said to his knowledge there were no changes made after the film was turned off. Councilmember Price asked, "Why was the lady in the audience asked not to continue filming?"

Mayor Wood asked Kay Love to respond to that question.

Ms. Love said work sessions and Council meetings are public meetings that are recorded and at the time that they lost a quorum they were no longer in a work session or a Mayor and Council meeting, they were more in a staff meeting. She said the public was not asked to leave; they remained there to hear the discussion. She said but we would not want it misrepresented, if a video is out on YouTube after ending a work session, that it was a public meeting that was being recorded. The City should drive based on policy when a recording starts and stops; that is the official record. We don't tape our staff meetings or other meetings that are not the meetings of the Mayor and Council. That is why the person was asked to quit recording, however they could continue to be there and hear the conversation.

Councilmember Price asked who was at the meeting when the recording was turned off.

Mayor Wood asked which Councilmembers were present to the end of the meeting and he noted that he was not present. Mayor Wood identified Councilmember Diamond, Councilmember Wynn and Councilmember Igleheart.

Councilmember Price said she assumed throughout the day there were members of the public there and asked if there was a record of that. Mayor Wood said the public hearing and the public part of the work session is recorded and available. Ms. Love said we don't have names, just like tonight we don't have the names of everyone who is here. Mayor Wood said but it is available for review. Councilmember Price asked, "It is or isn't; Ms. Love said it isn't." Mayor Wood said it is; the work session portion of the meeting is available for your review. Ms. Love said correct, however we don't have individual names of the public present at that work session just like we don't any work session; the public doesn't sign in. Mayor Wood said a name would only be taken for the record if they spoke but like tonight, they did not take roll of everyone attending.

Mayor Wood said there are a motion and a second and the motion is specific as to what they are proposing but they are asking to defer the vote to 2/24/14. He asked for further Council discussion on the vote to defer.

Further Council Comment:

Councilmember Igleheart said, "I was prepared to vote for a deferral but I thought that was when we were going to get a real copy of what it is that we will be voting on. So now I can't even support that."

Councilmember Price asked if a vote for deferral implies acceptance of all these changes. Mayor Wood said no, it is simply a vote to defer. Councilmember Price asked if they are deferring to a definite point. Mayor Wood said the motion is to defer until 2/24/14.

Councilmember Price said she would like to make a motion for an amendment.

1st Amendment to Motion: Councilmember Price made a motion to have a subsequent meeting prior to the final reading that includes a total package of what they will be voting on.

Mayor Wood said for clarification, they will be voting on 2/24/14 and that will be a final vote if it passes but Councilmember Price is asking for a meeting after that. Councilmember Price said, no she was asking for either a work session or a completed draft of what they will be voting on. Mayor Wood said he will be calling a work session before 2/24/14 after they get a publication which they hope to have this week. He asked Ms. Love to schedule a work session for next week. Mayor Wood said this does not require a motion because he will be calling a work session. Councilmember Price said, no her amendment is to have a completed draft prior to the deferral date. Mayor Wood said he they will not have a completed draft; they will have the draft with a summary of changes.

Mayor Wood said, "We have a motion that we defer a vote until we have a final draft which I'm not sure you will support even then, but we will have a final draft of this motion. The motion is to defer until an indefinite date until we have a complete revised UDC with the changes proposed tonight."

Council Comment:

Councilmember Dippolito asked when that would occur because Mr. Einsweiler said he couldn't have it in two weeks.

Mr. Einsweiler responded that his sense is the work could occur in their office that following week and that would set them up well if they chose to meet for example on March 10 and have the final meeting; they would then have had the document about a week beforehand.

There was no further Council discussion.

Vote on 1st Amendment to Motion: Councilmembers Igleheart and Price voted in favor. Councilmembers Diamond, Dippolito, Orlans and Wynn opposed. The motion failed 2:4.

2nd Amendment to Motion: Councilmember Igleheart made a motion **to defer the vote until 3/10/14 conditioned upon a complete revision based upon tonight's changes being available by 3/3/14.** Councilmember Price seconded.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Diamond said she believed March 10 was the drop dead date for the first reading expiration and given the weather and other things going on, she was not comfortable going to that absolute date. She said a summary of changes in one place is not a lot to ask for and if they need more time at that point they have that option; however if they make it 3/10/14, they have no options.

Mayor Wood said Councilmember Diamond is opposing the motion.

Councilmember Dippolito said he was going to ask if there were any concerns about pushing this to 3/10/14 but Councilmember Diamond had answered that question. He said his other question is if they receive all the changes and have the work session and then on 2/24/14, they find they need additional time, could they defer again. Mayor Wood said yes they could defer again but as he understands from Councilmember Diamond, it could not be deferred passed 3/10/14. Councilmember Dippolito said but in two weeks if they decide they still have questions about how the document is written, they could defer again. Mayor Wood said Council could have a special called meeting if there is not a regular meeting before 3/10/14. Councilmember Dippolito thanked Mayor Wood.

Vote on 2nd Amendment to Motion: Councilmembers Igleheart and Price voted in favor. Councilmembers Diamond, Dippolito, Orlans and Wynn opposed. The motion failed 2:4.

Mayor Wood called for a vote to the original motion to defer until 2/24/14.

Vote on original motion: Councilmembers Diamond, Dippolito, Orlans and Wynn voted in favor of the motion to defer the vote to 2/24/14. Councilmembers Igleheart and Price opposed. The motion carried 4:2.

5. Approval of Text Amendments to the City of Roswell Zoning Ordinance required for adoption of the Unified Development Code (UDC) (*Second Reading*)

City Attorney David Davidson conducted the second reading of an ***ORDINANCE TO AMEND THE CITY OF ROSWELL CODE OF ORDINANCES*** stating: pursuant to their authority, the Mayor and City Council adopt the following changes to the Code of Ordinances for the City of Roswell:

WHEREAS, the City of Roswell now desires to amend its Code of Ordinance and Zoning Ordinance; and

WHEREAS, the Mayor & City Council have determined that amendments are needed to protect the health, safety and welfare of the residents of Roswell; and

NOW, THEREFORE, pursuant to their authority, the Mayor & City Council adopt the following changes to the Code of Ordinance for the City of Roswell:

1.

The Code Ordinance of the City of Roswell, Georgia is hereby amended to delete references to the Zoning Ordinance and refer to the Unified Development Code and shall read as follows:

Chapter 2, Code of Ordinances is hereby amended by changes to Sections 2.1.5, and 2.4.6 to read as follows:

Article 2 Administration

(a) Section 2.1.5 - Fees.

Actual administrative costs of the city for certain services provided by the city shall be recouped by the city through user fees. The Mayor and City Council will establish such fees by resolution.

Section 2.4.6 - ZONING Director.

There is hereby created the position of ZONING director who shall assist the director of community development and assume authority for planning, ZONING, development permitting, engineering, code enforcement and business licensing activities in the City of Roswell. The ZONING director shall perform all duties of the office described in the city's personnel manual and those set forth in the ~~ZONING Ordinance~~ Unified Development Code (UDC) of the City of Roswell. In particular the ZONING director shall serve as liaison to each of the city's boards and commissions and shall make recommendations on behalf of staff in reZONING applications and review of preliminary plats.

Chapter 3, Code of Ordinances is hereby amended by changes to Sections 3.4.1 and 3.7.7 to read as follows:

Section 3.4.1 - ZONING Requirements; Existing Licenses.

- (b) No alcoholic beverage license shall be granted unless the premises to be licensed are located in ~~the C-1, C-2, C-3, I-1, OCMS or MPMUD ZONING district, or in the Parkway Village Overlay District~~ NX, CX, SH, CC, PV, CH, OR or IX or Historic Properties Overlay District, or in those certain areas within the ~~FC-A ZONING district~~ that carry a commercial ZONING classification or are approved for restaurant uses via a special use permit or other ZONING provision of Fulton County, as made applicable by the city. No pouring license shall be granted in the ~~Parkway Village Overlay District~~ PV except at outlets licensed as restaurants under section 3.7.3 of this article. No package malt beverage license or package wine license shall be granted in the ~~Parkway Village Overlay District~~ PV except in retail supermarkets having a gross building area of at least thirty thousand (30,000) square feet or in drug stores having a gross building area of at least eight thousand (8,000) square feet or at outlets within two hundred (200) feet of the center line of the Crossville-King-Woodstock intersection (said measurement shall be the shortest possible straight line distance). No package malt beverage license or package wine license shall be granted to a service station in the ~~Parkway Village Overlay District~~ PV except at service stations meeting all other requirements of law and in which at least ninety (90) percent of the total gross sales are generated by sales other than alcoholic beverages. Any license application shall meet the distance requirements of section 3.4.2 of this article.

Article 3.7 Requirements for Consumption On-Premises Licenses

Section 3.7.7 - Special Events Facility.

In order to be eligible for a consumption on the premises license, a special events facility must:

- (a) Be available to public or private groups of persons;

- (b) For monetary consideration on a rental, fee, percentage, or similar basis, be used primarily for special occasions, including but not limited to, receptions, meetings, banquets, conventions, parties, catered events, or similar gatherings; and
- (c) Be open to or attended by invited or selected guests or paying patrons; or
- (d) Be a multi-sport complex situated on at least twenty (20) acres in the ~~HR-ZONING district-DX~~.

Chapter 4, Code of Ordinances is hereby amended by changes to Section 4.1.7 to read as follows:

Article 4.1 Adult Business - General

Section 4.1.7 - Location.

No adult business shall be located:

- (a) Within one hundred (100) yards of any parcel of land which is either zoned or used for residential uses or purposes; and
- (b) Within one hundred (100) yards of any parcel of land upon which a church, school, governmental building, library, civic center, public park or playground is located; and
- (c) Within five hundred (500) yards of any parcel of land upon which another establishment regulated or defined hereunder is located; and
- (d) Within one hundred (100) yards of any parcel of land upon which any establishment selling alcoholic beverages is located; and
- (e) On less than one (1) acre of land containing at least one hundred fifty (150) feet of road frontage; and
- (f) ~~In any district other than one that is zoned for and meets all requirements of I-4 ZONING; IX or IL~~ and
- (g) In any building which has within the past eighteen (18) months been used for purposes of or in the commission of solicitation, prostitution, or other illicit acts.

For the purposes of this section, distance shall be from property line to property line along the shortest possible straight-line distance, regardless of any customary or common route or path of travel, i.e. "as the crow flies." The term "parcel of land" means any quantity of land capable of being described by location and boundary.

Chapter 5, Code of Ordinances is hereby amended by changes to Section 5.3.6 to read as follows:

Article 5.3 - Building and Technical Codes

Section 5.3.6 - Same—Historic Structures.

In addition to those provisions contained within the Standard Building Code, the following restrictions shall govern moving, demolition, or alteration of historic structures and shall be considered an amendment to section 101.5 of the Standard Building Code:

No structure of any type may be moved into a historic district until the provisions of Unified Development Code (UDC) Section ~~765 H.R. 13.7~~ Historic Roswell District of Appendix A—ZONING of the Code of Ordinances of the City of Roswell, approved March 18, 1974, as amended, have been complied with. Further, no structure within an historic Roswell district may be erected, demolished, removed wholly and/or in part nor the exterior architectural character of such structure be altered until referenced Unified Development Code (UDC) Section ~~765 H.R. 13.7~~ has been complied with. All structures and/or

buildings that are moved into the City of Roswell must be inspected and approved by the chief building inspector or his representative before the structure and/or building is moved into the city.

Chapter 7, Code of Ordinances is hereby amended by changes to Section 7.3.4 to read as follows:

Section 7.3.4 - Minimum requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices.

17. REZONING plans and development plans must conform to topography and soil type so as to create the lowest practical erosion potential. No rezoning application shall be considered and no land-disturbing activities shall occur on any slope in excess of twenty-five (25) percent within five hundred (500) feet of any state waters or stream identified on the Water Resources Protection Map, latest version, without the submittal of a Steep Slope and Erodible Soils Evaluation. For purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams that based on a field evaluation do not have a discernible flow at the time of the evaluation. Field evaluations shall not be made within forty-eight (48) hours of any rainfall event of 0.10 inches or greater or within seven (7) days of any rainfall event of 0.5 inches or greater. The rainfall measurement shall be based on the City of Roswell rainfall gauge closest to the site.

The steep slopes and erodible soils evaluation shall consist of the following:

- a. This section shall be in addition to other buffer requirements and shall not exempt any sites from the other requirements of this article or ~~ZONING ordinance~~ Unified Development Code (UDC).

No application for a development permit shall be approved and no permit shall be issued for any land-disturbing activity inconsistent with this section, unless:

(a) The city engineer, or in his or her absence the ZONING director, after consulting with the director of public works/environmental, or his or her designee authorizes land disturbance for the construction of: a stream crossing by a drive-way, transportation route, or utility line parallel to a stream but not closer than twenty-five (25) feet from a stream bank unless due to natural conditions in an area, such construction would be less harmful to the environment than if it were located outside the protection area; or

(f) The city engineer, or in his or her absence the ZONING director, after consulting with the director of public works/environmental or his or her designee authorizes an exception to these rules to allow construction of a detention, retention or sediment control pond, facility or storm drainage structure within a required buffer, setback or protection area where it is deemed to be in the best interest of the water resources system.

Chapter 7, Code of Ordinances is hereby amended by changes to Section 7.3.5 to read as follows:

Section 7.3.5 - Application/Permit process.

A. General. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the ~~ZONING~~

~~ordinance~~, storm water management ordinance, ~~subdivision ordinance~~, Unified Development Code (UDC), flood damage prevention ordinance, this article, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are the only parties who may obtain a permit.

Chapter 8, Code of Ordinances is hereby amended by changes to Section 8.1.7 to read as follows:

Section 8.1.7 - Kennels; Permits.

Where there are four (4) or more domestic dogs, each over the age of four (4) months, kept, maintained or harbored on an appropriately zoned premises, the premises shall be deemed to constitute a kennel; and every kennel shall be subject to regulation and inspection by the health officer. Three (3) domestic dogs or less, not including their issue, shall be allowed in every ~~ZONING~~ Unified Development Code (UDC) district. A premises occupied by more than three (3) domestic dogs shall fall into one (1) of two (2) categories. These categories are hobby kennels or commercial kennels. Hobby kennels may only be allowed in the ~~E-1 RS-87~~ and ~~E-2 RS-30~~ (single-family residential) ~~ZONING districts~~ with a minimum of two (2) acres and a maximum of ten (10) domestic dogs, not including their issue. Hobby kennels shall be restricted to casual sale. Commercial kennels shall only be allowed in the ~~C-3 (highway commercial) and I-1 (light industrial) ZONING districts~~ ~~NX, CX, SH, CC, PV, CH, DX, DH, OR and IX; outdoor animal care shall a conditional use in IX.~~ Commercial sales may be allowed within a commercial kennel.

The Code Ordinance of the City of Roswell, Georgia is hereby amended to add the HANDBILL DISTRIBUTION Section for the Zoning Ordinance in its entirety by creating Article 8.9 shall read as follows:

HANDBILL DISTRIBUTION

Chapter 8.9.1 Purpose

Chapter 8.9.2 Definitions

Chapter 8.9.3 Inhabited Private Premises—Depositing Handbills; Insignia

Chapter 8.9.4 Scattering Prohibited; Manner of Depositing Handbills

Chapter 8.9.5 Prohibitions; Public Places; Vacant Premises; Vehicles;

Exemptions

Chapter 8.9.6 Lampposts, Public Utility Poles, Trees, Public Structures

Chapter 8.9.7 Violation

Chapter 8.9.8 Penalties

CHAPTER 8.9.1 PURPOSE

Insofar as unsolicited handbills and flyers are constantly left on private premises and vehicles in public places, there is a problem with litter as such handbills are oftentimes blown into the streets and onto lawns and not retrieved. In addition to the litter problem created by handbill distribution, an accumulation of handbills is a signal to burglars or vandals that the residence is unoccupied. To that end, this article will set out guidelines for distribution of unsolicited handbills.

CHAPTER 8.9.2 DEFINITIONS

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning given herein: Handbill: Any printed or written matter, any sample or device,

circular, leaflet, pamphlet, paper, booklet, flyer or any other printed or otherwise reproduced original or copies of any matter of literature which:

- (1) Advertises for sale any merchandise, product, commodity, service, business, opportunity or thing; or
- (2) Directs attention to any business or mercantile or commercial establishment or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged or a collection is taken; or
- (4) While containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distributor.

Private premises: Any dwelling house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place: Any street, sidewalk, boulevard, alley or other public way and any public park, square, space, ground or building.

Vehicle: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

CHAPTER 8.9.3 INHABITED PRIVATE PREMISES—DEPOSITING HANDBILLS; INSIGNIA

No person shall throw, deposit or distribute any handbill upon any inhabited private premises if the mailbox is specifically marked with the identifying insignia (City of Roswell green sticker) which signifies the occupant does not wish to receive handbills. The identifying insignia is to be posted on the bottom right corner of the mailbox door. The insignia will be green, state HANDBILLS with the universal insignia for no superimposed over "HANDBILLS," and identify the enforcing ordinance, to wit:

CHAPTER 8.9.4 SCATTERING PROHIBITED; MANNER OF DEPOSITING HANDBILLS

Unless inhabited private premises are posted, as provided in section 2300.2, or unless requested by anyone upon such premises not to do so, the person distributing the handbills may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is placed or deposited in a manner reasonably designed to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

CHAPTER 8.9.5 PROHIBITIONS; PUBLIC PLACES; VACANT PREMISES; VEHICLES; EXEMPTIONS

(a) No person shall throw, post or deposit any handbill in or upon any sidewalk, street or other public place within the city, nor shall any person hand out or distribute or sell any handbill in any public place; provided, however, that it shall not be unlawful on any sidewalk, street or other public place within the city for any person to hand out or distribute, without charge to the receiver thereof, any handbill to any person willing to receive it.

(b) No person shall throw, post or deposit any handbill in or upon any private premises which are vacant and which could be reasonably ascertained to be vacant.

- (c) No person shall throw, post or deposit any handbill in or upon any vehicle; provided, however that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receivers thereof, a handbill to any occupant of a vehicle who is willing to accept it.
- (d) Handbills for political, charitable and other nonprofit purposes are exempt from this article; however, if a newspaper is directly notified that a citizen does not wish to receive it, such request must be honored, or further distribution will be considered a violation of this article.

CHAPTER 8.9.6 LAMPPOSTS, PUBLIC UTILITY POLES, TREES, PUBLIC STRUCTURES

No person shall post or affix any handbill, notice, poster or other paper or device, calculated to attract the attention of the public, to any lamppost, public utility pole, tree, or upon any public structure or building, except as may be authorized or required by law.

CHAPTER 8.9.7 VIOLATION

- (a) If any handbill is found on any public or private premises or vehicle in violation of this article, it shall be a rebuttable presumption that the person or persons whose name(s), address(es) or telephone number(s) appear thereon has violated this article.
- (b) The person who throws or deposits such handbills may also be charged with a violation of this article.

CHAPTER 8.9.8 PENALTIES

- (a) Anyone convicted of violating this article shall be guilty of a misdemeanor and subject to the penalties set forth in section 1.1.3 of the Code of Ordinances.
- (b) Any continuing violation of this article resulting in the unlawful littering of the streets or sidewalks of the City of Roswell shall be deemed a nuisance and on conviction thereof by the Municipal Court of Roswell, the mayor and council may revoke the business license of the violator.
- (c) Each day a violation occurs shall constitute a separate offense. Each location at which a violation occurs shall constitute a separate offense.

Chapter 10, Code of Ordinances is hereby amended by changes to Section 10.4.11 to read as follows:

Section 10.4.11 - ZONING and Change of Location.

- (a) All applications shall contain the address of the premises upon which the business is conducted and the ~~ZONING~~ Unified Development Code (UDC) and planning classification of the premises.

Chapter 13, Code of Ordinances is hereby amended by changes to Section 13.4.11 to read as follows:

Section 13.4.11 - Signs.

It shall be unlawful for any person hired by an owner of any private property, or his agent or employee, located within the territorial limits of the city to install or attach to any vehicle a vehicle immobilization device(s), boot(s), or other instrument(s) that is/are designed to, or have the effect of, restricting the normal movement of such vehicle or by any other means whatsoever to restrict the normal movement of such vehicle, unless the owner of the property, or his agent or employee, has complied with all applicable city ~~ZONING ordinances~~ Unified Development Code (UDC) regarding the posting of signs and the following requirements:

- (1) Signs shall be located at each designated entrance to a parking lot or parking area where parking prohibitions are to be effective. Where there is no designated entrance, such signs shall

be erected so as to be clearly visible from each and every parking space. Any such sign or signs to be erected upon historic property as defined in the ~~ZONING ordinance~~ shall be located as approved by the Historic Preservation Commission

Chapter 14, Code of Ordinances is hereby amended by changes to Sections 14.3.3 and 14.3.12 to read as follows:

Section 14.3.3 - ZONING Requirements.

Special event permits are available for events in the ~~H R, O P, C 1, C 2, C 3, I 1, and OCMS ZONING districts, or in the Parkway Village Overlay District NX, CX, SH, CC, PV, OR, OP, IX and IL~~ or Historic Properties Overlay District, ~~or in those certain areas within the FC-A ZONING district that carry an office or commercial ZONING classification or are approved for office or commercial uses via a special use permit or other ZONING provision of Fulton County, as made applicable by the city.~~ Permits for events in residentially zoned districts shall be issued on a limited basis for uses which will not create undue hardship on surrounding residences.

Section 14.3.12 - Other Permits Required.

(c) Signs. Permits for any signs advertising or relating to such special event shall be in accordance with the ~~City of Roswell ZONING Ordinance, Chapter 22, "Signs and Advertising."~~ Unified Development Code (UDC) Article 10.3 "Signs".

Chapter 19, Code of Ordinances is hereby amended by changes to Sections 19.2.1, 19.3.1, 19.4.1, 19.4.3 and 19.4.5 to read as follows:

Section 19.2.1 - Outline of Procedure for the Subdivider.

(b) Following approval of the preliminary plat the subdivider may submit six (6) copies of the proposed plans and two (2) copies of any required study, i.e. traffic, hydrology, etc., to the community development department for the applicable permits. Plans shall be in accordance with section 19.4.4, provided, however, if a proposed project is for a non-single-family residential development the applicable sections of ~~Article 31, City of Roswell ZONING Ordinance~~ Article 11.2 of the Unified Development Code (UDC) , must be complied with.

Section 19.3.1 - Design of Utilities and Other Improvements.

(2) All subdivisions shall meet the stormwater requirements of the City of Roswell. When serving more than three (3) lots, detention ponds, retention ponds and water quality features (including all required access easements, landscape strips and fences) shall be located on an individual lot of record where no home can be constructed. This parcel shall be owned and maintained by the homeowners' association or the lots of record being served by this facility. The parcel shall have a minimum twenty-foot wide continuous access to a public or private road in a manner that allows access and maintenance of this parcel. This lot will not be required to meet the normal lot standards for that ~~ZONING~~ Unified Development Code (UDC) district.

Section 19.4.1 - Preliminary Plat Specifications.

(15) Current ~~ZONING~~ Unified Development Code (UDC) classification and conditions (when applicable).

(20) Street tree plan and demonstrate compliance with tree density requirements as established in ~~Article 15 of the City of Roswell ZONING Ordinance~~ Article 10.2 of the Unified Development Code (UDC).

Section 19.4.3 - Submittal of Plans for Utilities and Streets.

Upon approval of the preliminary plat, plans and specifications for the improvements required under the provisions of this chapter shall be submitted, provided, however, if a proposed project is for a non-single-family residential development, or any subdivision within the historic district (including single-family residential) the applicable sections of ~~Article 31, City of Roswell ZONING Ordinance~~ Article 13, Unified Development Code (UDC) must be complied with.

Section 19.4.5 - Final Plat Specifications.

(1) The engineers or surveyors certificate of accuracy signed by the engineer or surveyor.
CERTIFICATE OF SURVEYOR/ENGINEER

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property made by me or under my supervision; that all monuments shown hereon actually exist or are marked as "Future", and their location, size, type and material are correctly shown; and that all engineering requirements of the "Land Subdivision Ordinance of the City of Roswell" and the requirements of the "~~ZONING Ordinance~~ Unified Development Code (UDC) of the City of Roswell, Georgia" have been fully complied with.

By: Registered Civil Engineer No.

By: Registered Georgia Land Surveyor No.

(E) (b) A subdivider's performance bond, in an amount equal to one hundred twenty-five (125) percent of the cost of the infrastructure improvements not yet in compliance, shall have been filed by the subdivider in the office of the ZONING administrator, said performance bond shall:

(5) Be approved by the ZONING administrator or the city attorney.

Chapter 21, Code of Ordinances is hereby amended by changes to Sections 21.1.18, 21.2.4, 21.2.5 and 21.2.6 to read as follows:

Section 21.1.18 - Protection of Trees.

Trimming of trees and shrubbery within the public right-of-way to prevent contact with grantee's facilities shall be done only in accordance with the standards approved by the city arborist in accordance with the ordinances of the city. Grantee shall comply in all respects with ~~Section 19.00 of the City of Roswell ZONING Ordinance~~ Design Guidelines. Removal or pruning of any tree or shrub or such tree or shrub's roots shall only be done upon issuance of a permit by the arborist. When trees or shrubs in the public right-of-way are damaged as a result of work undertaken by or on behalf of grantee, grantee shall pay the city within thirty (30) days of submission of a statement by the city, the cost of any treatment required to preserve the tree or shrub and/or cost for removal and replacement of the tree or shrub with landscaping of equal value and/or the value of the tree or shrub prior to the damage or removal, as determined by the arborist or other authorized agent of the city.

Section 21.2.4 - General Requirements.

- (1) The scaled site plan shall clearly indicate the location, type and height of the proposed tower or accessory structure to be utilized, on-site land uses and ZONING, adjacent land uses and ZONING including proximity to historic or scenic view corridors, adjacent roadways, proposed means of access, setbacks for property lines, elevation drawings of the proposed

tower, accessory structure and any other structures, topography, parking, and other information deemed necessary by council to assess compliance with this ordinance.

Section 21.2.5 - Development Requirements for Towers.

(a) Towers may be located only in the following ZONING districts subject to the restrictions and standards contained herein:

~~I-1 Office and Business Distribution District~~

~~C-3 Highway Commercial~~

AG-1, CX, CC, CH, OP, IX, IL or CIV

Wireless transmission facilities in the ~~OCMS (Office Commercial Multi-Story Mixed Use)~~, and any other districts shall be alternative tower structures only; provided however, towers may be allowed on publicly owned property regardless of ZONING Unified Development Code (UDC) district.

(1) All transmission facilities, except buried portions, shall be set back from all adjoining properties zoned non-residential a distance equal to the underlying setback requirement in the applicable ZONING district.

MAXIMUM TELECOMMUNICATIONS TOWER HEIGHTS
ZONING District

Section 21.2.6 - Approval Process.

(6) Installing any antenna or tower not to exceed the limitations contained in subsection 21.2.5(f) in any area zoned ~~I-1(light industrial) or C-3~~ AG-1, CX, CC, CH, OP, IX, IL or CIV and provided accessory structures are located underground, where technically feasible, or shielded to the satisfaction of the design review board.

(b) If the proposed tower or antenna is not included under the above described expedited approval uses, or the application does not on its face satisfy the development standards and other criteria specified herein, then a public hearing before the mayor and council shall be required for the approval of the construction of a wireless transmission facility in all ZONING Unified Development Code (UDC) districts. Applicants shall apply for a public hearing through the community development department and pay the required \$500.00 fee at such time. Applications, when complete, shall be placed on the next available agenda of the mayor and council at which ZONING Unified Development Code (UDC) matters are considered. At least thirty (30) days prior to any scheduled hearing, the community development department shall cause a sign to be posted on the property and the publication of a public notice in a newspaper of general circulation and notice sent to surrounding property owners as shown on the county tax records within one thousand (1,000) feet of the proposed tower or antenna. Said notice shall state the nature of the application, street location of the proposal and height of the proposed structure.

Before approving an application for an "other use," the governing authority may impose ZONING Unified Development Code (UDC) conditions to the extent necessary to buffer or otherwise minimize any adverse effect of the proposed tower on adjoining properties. The factors considered in granting such a permit include those enumerated in sections 21.2.4 and 21.2.5. The mayor and council may waive one (1) or more of these criteria, if, in their discretion doing so will

advance the goals of this article as stated in section 21.2.1. Approved applications shall be valid for one (1) year from the date of the approval by the mayor and council.

Chapter 22, Code of Ordinances is hereby amended by changes to Section 22.4.4 to read as follows:

Section 22.4.4 - Declared to be Unlawful and a Nuisance.

(3) Any motor vehicle on property occupied and used for repair, reconditioning and remodeling of motor vehicles in conformance with the ~~ZONING ordinance~~ Unified Development Code (UDC) of the city.

Chapter 24, Code of Ordinances is hereby amended by changes to Section 24.4.1 to read as follows:

Section 24.4.1 - Definition.

For purposes of this article, the term "multi-family complex" shall have the meaning ascribed in sections 410.2 ("apartment building"), 410.11 ("condominium"), and 410.40 ("townhouse") of the ~~ZONING Ordinance~~ Unified Development Code (UDC). This ordinance shall apply to condominiums and townhomes not presently receiving curbside service.

Mr. Davidson said if approved this would be the second reading.

Mayor Wood asked if this is dependent upon the motion for the previous item. Mr. Davidson replied yes.

Councilmember Wynn said her motion is to defer this to coincide with the UDC text on 2/24/14.

Motion: Councilmember Wynn made a motion to defer Approval of Text Amendments to the City of Roswell Zoning Ordinance required for adoption of the Unified Development Code (UDC) on Second Reading to coincide with the UDC text and be placed on the Mayor and City Council agenda for 2/24/2014. Councilmember Dippolito seconded. Councilmembers Diamond, Dippolito, Orlans and Wynn voted in favor. Councilmember Price opposed. Councilmember Igleheart abstained. The motion carried 4:1.

******The following Regular agenda Item #6 was heard out of order, prior to agenda Item #4******

6. Final Plat 201400143, 1580 Old Alabama Rd, Roswell Manor, Old Alabama Holdings, LLC/Jim Jacobi, Land Lot 612.

Planning and Zoning Director Brad Townsend presented this item stating this is a final plat approval for a subdivision off of Old Alabama Road. The approval was originally for townhomes before the downturn in the economy and it is now being built into single family homes that are attached by a breezeway between. He said the final plat is in conformance with the City requirements and staff recommends approval.

Council Comment:

Councilmember Wynn asked if the private streets were built to City standards. Mr. Townsend replied that was correct.

Motion: Councilmember Wynn made a motion for **Approval of Final Plat 201400143, 1580 Old Alabama Rd, Roswell Manor, Old Alabama Holdings, LLC/Jim Jacobi, Land Lot 612.** Councilmember Dippolito seconded. The motion passed unanimously.

******The following Regular agenda Item #7 was heard first on the meeting agenda******

Transportation Department - Councilmember Nancy Diamond

7. Approval for the Mayor and/or City Administrator to sign the updated Intergovernmental Agreement (IGA) with John's Creek for the intersection improvements at Nesbit Ferry and Brumbelow Roads.

Mayor Pro-Tem Diamond stated Emergency Management staff is in attendance at this meeting but is also needed with storm preparations, this item would be heard first on the meeting agenda.

Transportation Director Steve Acenbrak noted that the City was operating an active Emergency Operations Center (EOC) and monitoring the weather very closely; he appreciated being moved up on the agenda so he could return to the EOC.

Mr. Acenbrak referring to the IGA with Johns Creek, displayed a graphic covering the eastern porting of the City, noting Nesbit Ferry Road and Brumbelow Road. Nesbit Ferry Road represents a City boundary between the two cities. Johns Creek has expressed an interest to improve this intersection. Mr. Acenbrak stated, "The way that can be done is through the use of a traffic signal. It does warrant for traffic signals. Johns Creek has expressed such a strong interest that they are willing to pay for this improvement. They will be paying for the improvement of this intersection within the City limits of Roswell." We have stipulated within this IGA, basically it is a contract between us and our "joint sister city on sort of the mechanics on how this will be done, the standards that we expect because at the end of the day, this improvement will reside within the City of Roswell." He noted that this had been discussed at Committee and thought that Council had likely had a chance to review the IGA. Mr. Acenbrak noted that the City of Johns Creek had already approved this IGA on their side and was waiting on the City of Roswell's approval. He said if Council approved, he would notify Johns Creek. He thought they would be interested in beginning the construction immediately. Mr. Acenbrak displayed a graphic which he described as a concept; it involves a left turn lane from Nesbit Ferry Road into Brumbelow Road; a left turn from Brumbelow Road onto southbound Nesbit Ferry Road; some other road improvements to improve the sight distance to the south; mast arm intersection with a crosswalk; it is a fairly simple intersection improvement. Mr. Acenbrak noted that he discussed with the City of Johns Creek the concept of one day turning this into a roundabout; it was agreed that both cities would pursue a joint venture with GDOT for a roundabout but Johns Creek did not want to wait for that process to go forward, they wanted to see this intersection signalized as "an interim improvement until such time as we can get funding and then revert this signalized intersection into a roundabout."

Council questions:

Councilmember Price noted that she knew Council had approved this once before and had entered into this arrangement. She asked, "What is different about this MOU compared to the previous one?"

Mayor Wood replied that he was not sure the City had a Memorandum of Understanding at the time it came to Council. He stated, "At that point in time it went to Committee but now we have

a formal written agreement. That is probably the only significant difference.” Mr. Acenbrak agreed; he explained that the City did not previously have a formal agreement; there was a set of plans.

Councilmember Price replied, “So, is there anything in this that makes us think that we will not come to a better conclusion than the past, the last time?” Mr. Acenbrak replied, “I am very confident that if they honor the terms of the agreement as we will honor the terms of the agreement that the City of Roswell will be well served by this agreement.” Mayor Wood noted that the City of Roswell got their attention the last time. Councilmember Price stated she was satisfied.

Motion: Councilmember Diamond moved for **Approval for the Mayor and/or City Administrator to sign the updated Intergovernmental Agreement (IGA) with John's Creek for the intersection improvements at Nesbit Ferry and Brumbelow Roads.** Councilmember Price seconded. Public comments invited. No public comments were made. No further Council discussion. Councilmembers Diamond, Dippolito, Igleheart, Price and Orlans voted in favor. Councilmember Wynn abstained. The motion passed 5:1.

City Attorney's Report

8. Recommendation for closure to discuss personnel and real estate.

Motion: Councilmember Wynn moved for **closure to discuss personnel and real estate.** Councilmember Dippolito seconded. The motion passed unanimously.

Adjournment:

After no further business, the Mayor and Council Regular meeting of **Monday, February 10, 2014** adjourned at 9:25 p.m.

Date Approved: _____

Marlee Press, City Clerk

Jere Wood, Mayor