



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council

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

Monday, October 14, 2013

7:00 PM

City Hall

WELCOME

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

City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Master Police Officer Zac Frommer; Fire Chief Ricky Spencer; Deputy Fire Chief Ricky Burnette; Deputy Fire Chief Tony Papoutsis; Deputy Fire Chief Paul Piccirilli; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Recreation and Parks Director Joe Glover; Transportation Director Steve Acenbrak; Budget Manager Ryan Luckett; Community Development City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Community Relation RCTV Producer/Director Amy Kargus; Community Relations Coordinator Karen Zitomer; Water Operations Manager Mike Leonard; Transportation Land Development Manager Clyde Stricklin; City Traffic Engineer Muhammad Rauf; Transportation Planning Manager Chris Chovan; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk

Pledge of Allegiance - Marc and Ruth Wegman - Owners of Adele's Cajun Restaurant

CONSENT AGENDA

- 1. Approval of the August 26, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on September 11, 2013); Approval of the September 11, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on September 23, 2013); Approval of the September 23, 2013 Mayor and Council Meeting Brief; Approval of the September 30, 2013 Special Called Mayor and Council Meeting Brief; Approval of the September 30,**

2013 Mayor and Council Open Forum Meeting Brief.*Administration*

Approved

2. **Approval of Budget Amendment 10015850-10-14-03 in the amount of \$10,673 for printing and mailing of Unified Development Code (UDC) postcards.**
Community Development
Approved
3. **Approval of a Resolution to submit the Midtown Roswell Livable Centers Initiative Plan (LCI) 5-Year Update to the Atlanta Regional Commission (ARC).**
Community Development
Approved
Enactment No: R2013-10-67
4. **Approval for the Mayor and/or City Administrator to sign a contract with Border Equipment Company for the purchase of a 2013 Compact Track Loader Case TV380 in the amount of \$57,340.**
Public Works/Environmental
Approved
5. **Approval for the Mayor and/or City Administrator to accept a Right of Way Agreement for the Eves Road Complete Street Project.**
Transportation
Approved

Approval of the Consent Agenda

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

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Recognition of Fire Chief Ricky Spencer being named the 2013 Fire Chief of the Year by the Georgia Association of Fire Chiefs.**

Councilmember Wynn introduced this item and noted this is one of the highlights of her service on Council. Councilmember Wynn stated, "Chief Spencer was recognized as the Fire Chief of the Year by the Georgia Association of Fire Chiefs. Chief Spencer started with us in 1975. He was appointed Fire Chief in 2004. I just want to say that we are just so honored and grateful to have you as our Fire Chief." Councilmember Wynn added that Chief Spencer is responsible for 7 fire stations. There is an average of 7,000 calls for the Fire Department per year. The Fire Department operates with a part-time staff. It is a daunting task to oversee the Fire Department. City Administrator Kay Love expressed her appreciation for Chief Spencer and congratulated him on this award. Ms. Love said, "Nominations were taken for Fire Chief of the Year. A committee or panel evaluated those nominations. One of the things that was required of the nominations, all four nominees, their biography and for folks to tell what Chief Spencer has done. It was very lengthy. Many of the things that we are most proud of in Roswell are things that Chief Spencer has been a part of not only as a part-time firefighter over the years, but certainly as our Chief. Congratulations to you." Chief Spencer thanked Ms. Love. Councilmember Orlans expressed his appreciation to Chief Spencer and noted that he has done a great job. Councilmember Orlans said the City is very proud to have Chief Spencer as Roswell's Fire Chief and the Chief of the Year for the State of Georgia. Mayor Wood expressed his appreciation of Chief Spencer.

2. **Recognition of the City of Roswell winning a Silver Circle award from the City County Communications and Marketing Association (3CMA) for the City's Police Recruitment Video.**

Community Relations received the Silver Circle award from the City County Communications and Marketing Association (3CMA) for the City's Police Recruitment video. Councilmember Wynn congratulated Community Relations Manager Julie Brechbill on this award. Councilmember Wynn expressed appreciation to Ms. Brechbill and noted that she has always done a fantastic job for the City. Ms. Brechbill asked that Amy Kargus and Zack Frommer come forward. Ms. Brechbill explained that this is a recruitment video that Community Relations produced for the Police Department in conjunction with the Community Relations Office of the Police Department, which includes Zack Frommer, Lisa Holland, Erin Johnson, and Lawanda Kornegay. The video was shown. Ms. Brechbill stated 3CMA is a great organization the City belongs to. Its members are government communicators from across the country. Government public relations and community relations are a little unique form of public relations as to other forms of that. Ms. Brechbill stated that Ms. Kargus shot the video and also edited. It was written by members of the Roswell PD Community Relations Office. Ms. Brechbill commended them on their effort winning the 3CMA Silver Circle Award.

3. Recognition of Marlee Press for receiving the Georgia Municipal Clerks Certification at the 2013 Annual Georgia Municipal Clerks Conference.

Councilmember Dippolito stated this is another well-deserved recognition for City Clerk Marlee Press, and congratulated Ms. Press for receiving her certification at the 2013 Annual Georgia Municipal Clerks Conference. Mayor Wood also congratulated Ms. Press and noted that she had previously worked ten years for Council. Deputy City Administrator Michael Fischer congratulated Ms. Press and explained that the Municipal Clerks certificate program that she just completed was put together by the Georgia Municipal Association, the Georgia Municipal Clerks, and the Carl Vinson Institute of Government at UGA. It is a course that is more than a one topic course; it goes through what it takes to be a clerk, but it also is very intense in management and different styles of management, and how to manage, sometimes a group of elected officials, if need be. He said Ms. Press was committed to going through this just as quickly as she could once she became the Clerk, excelled in those courses, and the City is very proud her. Mr. Fischer presented Ms. Press with the certificate that she received at their conference. Ms. Press stated that she enjoys her work as Roswell's City Clerk and has learned a lot. She noted that that every day she learns something new in this position, and looks forward to continuing her work as City Clerk. Ms. Press expressed her appreciation for this recognition, and for those she works for at the City of Roswell.

4. Recognition of the City of Roswell receiving the Outstanding Civil Engineering Award--Small Projects from the Georgia Section of the American Society of Civil Engineers (ASCE).

Councilmember Igleheart stated this award is for the Michael J. Leonard Ground Water Filtration Plant and noted that the water plant building was named in honor of Mr. Leonard. Environmental/Public Works Director Stu Moring said they are proud to have received this recognition from the American Society of Civil Engineers who holds a design competition in three categories and the City of Roswell won for Small Project of the Year. The design criteria included factors such as sustainability, uniqueness and aesthetic quality of the building and the complexity of the work that went into that and the award was for the building and the pump station. He said the project was about an entire concept that also included the idea that Mike Leonard brought forward which was that ground water could be found in the piedmont. He said it is uncommon to find a well adequate to supply a municipal system but because of Mr. Leonard's unique background and contacts, the City was able to hire geologists that found it. He said it is fitting that the building is named in honor of Mr. Leonard. Mr. Moring then presented the award to Mayor and Council.

Mayor Wood said that the City of Roswell has received so many awards that sometimes the importance of these are overlooked. He said this is a validation that this City has the best employees anywhere and he expressed appreciation to Kay Love and Stu Moring for bringing people to the City of Roswell and said they make the job for the Mayor and Council easy and make them look good. He congratulated the Public Works Department and Mike Leonard for receiving the award and all the great work they do. He said Roswell has the best water in the State.

Mr. Leonard said this was a team effort that included the staff and the Mayor and Councilmembers.

*****Mayor Wood recognized several Boy Scouts that were in attendance and invited them to come forward. The Boy Scouts introduced themselves and said they represented Troops 985 and 1134.**

5. Roswell Business Alliance (RBA) Update

Executive Director Steve Stroud said two years ago tonight, the City had the foresight to give life to the Roswell Business Alliance (RBA). This organization was founded under the umbrella of the Convention and Visitors Bureau (CVB) Board of Directors and was the official organization as of October 2011 to market businesses within the City. The organization officially launched in January 2012 and the RBA began to expand its mission in October 2012. They developed the Economic Development program that exists today. In February 2013, the CVB and the RBA Board of Directors presented the Strategic Economic Development Plan (SEDP) to Mayor and Council, a 122 page document that took six months to consolidate into a 17 page four-year plan that they are enacting now. The four-year plan started July 1, 2013 and they contracted to perform the economic development activities that were guided by the SEDP. He said this is the end of their first quarter and there has been significant growth. Based on the checks and balances within the City, 163 new businesses were licensed and operating in July, August and September increasing the total number of licensed businesses in the City to over 5,700. A monumental event occurred in September when they went over the top with 100 certified opportunity zoned businesses and have added 69 businesses to that certification in the last nine months. In this quarter alone, that added 664 jobs to the City of Roswell. September was a record breaking month for the RBA with renewing partners and total new partnerships. They had 51 new partners and over 540 paid partners. In addition to producing significant economic activity, a crucial part of the 2014 goal was to grow up and be a real deal. Hundreds of hours were poured in by volunteers, staff and invested people in the community to establish what the CVB Board of Directors guided them to in order to establish a fresh and new professional brand for their entity.

Mr. Stroud presented a video that he said reveals the future of the RBA.

Mayor Wood thanked Mr. Stroud for a great job and said he continues to exceed all expectations and the organization is phenomenal.

Mr. Stroud said the new logo, Roswell Inc, and tag line, Building Business, Connecting Community, showcases and demonstrates the organization that they represent today and allows them to better communicate who they are, what their mission is and where their organization is headed. The tag line emphasizes on the focus of business retention and the expansion of current business as well as a connection between a strong business environment and a healthy thriving community. The new look will be implemented over the course of the next few months and will be in full effect when the organization launches its new website in the spring of 2014. He said they are here to serve the citizens of Roswell and was proud to say the team is all Roswell citizens. He said one key component to their organization is their team of volunteers and he recognized Jason Bates, Michael and Debbie Martino, Keller Williams, Kevin Bamford, and Karen Price and said they are the community connectors that would meet and greet new businesses and tell them about the opportunities and great environment of Roswell. He introduced the new Roswell Inc team: Doreen Scascitelli with Partnership and Business Development, Beckie Hawkins with Communication and Business Strategy, Darrell Weaver with Economic and Community Outreach and Karin Gryder and Stephanie Robertson with Partnership and Business Outreach. He also recognized their mentor Tom LaDow,

Ken Davis and Paula Addala from the Board of Directors and their intern Jessica Diamond.

Mr. Stroud expressed appreciation for the support from Mayor and Council and said they also could not do this without the City of Roswell staff that goes above and beyond. He said one of the leading economic developments in this town is the Fire Department who constantly gives them tips and opportunities about what is happening with space.

Mayor Wood said Councilmember Diamond was the champion for the organization and asked if she would like to speak.

Councilmember Diamond said this is awesome and said she was excited about the branding of Roswell in general, something she is very passionate about. This is beyond anything they could have dreamed. She thanked them all for their long hours of work and said this is wonderful. She thanked Henderson Shapiro Peck and said this is an impressive piece of art that she was very excited about.

Councilmember Orlans said, "Getting from inception and your concept really to talking about an inception and volunteering originally, some of the people, and then actually working at it and being hired and the organization kicking off. You have come a long way and you have done above and beyond what we even thought might be happening. I just want to say I appreciate everything you are doing for us. Thank you very much."

Councilmember Dippolito said he loved the new logo and tag line and they had done a great job. He said he liked the new focus on community which is exactly where they need to be. From a business standpoint and being very involved in the business community, he said there was a huge ground swell in Roswell about a year and a half ago when the business community realized that Roswell was open for business and that is what they were hoping to accomplish and they have done that. He said now when they go out into the community, people realize this is a great place to do business and they are embraced by the local community and the City government and they know there is an organization promoting and helping them and they know they are wanted. He said every time they go out into the community, people are saying this is a great place and there is an organization that is reaching out to them and helping them grow their business. He said that is great and they have done a good job.

Councilmember Price thanked Mr. Stroud and all of his team for what they have brought to Roswell. It has been an interesting ride as they have moved forward and done things that they never thought could happen this quickly. She said that is absolutely great. She asked for clarification if RBA still exists. Mr. Stroud replied no longer as of tonight; the organization is now Roswell Inc. Councilmember Price asked if "Inc" stood for anything. Mayor Wood said it stands for connecting community and building business. Mr. Stroud said absolutely, that is what it stands for.

Mayor Wood thanked everyone again and for the new name, Roswell Inc.

Administration and Finance Department - Councilmember Rich Dippolito**6. Approval of a Resolution to amend the appointment list of the stand-by Judges for the City of Roswell Municipal Court.**

Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer said the last time they looked at the list of stand-by Judges another name had been brought, Judge Roy Roberts. It was decided that staff would first check to make sure he was amiable to being put on the list. Judge Roberts said he was. Since then, there has been a great challenge finding judges that could sit on particular days because of their schedules and caseloads. The City has contacted other judges that could also be placed on the list that Council must approve by resolution that includes a total of nine people including Judge Roy Roberts that qualified and are willing to be on the list. He said staff requests that this resolution be approved so there will be a bigger database of judges who could be contacted.

Council Comment:

Councilmember Price said that means in addition to our previous six, this is an additional nine. Mr. Fischer replied that is correct. Councilmember Price said that is a total of fifteen stand-by judges. Mr. Fischer said that is correct. Councilmember Price asked how they were selected and what are the qualifications. Mr. Fischer said they all fell within the qualifications of what the City needs for a municipal judge and he asked City Attorney David Davidson to provide the qualifications.

Mr. Davidson said they are all currently sitting judges for other jurisdictions.

There was no further Council discussion. Public comment invited. No comments were made.

A motion was made by Council Member Dippolito, seconded by Council Member Price, that this Resolution to amend the appointment list of the stand-by judges be approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-10-68

7. Approval for the Mayor and/or City Administrator to sign a contract with the Center for Priority-Based Budgeting (CPBB) to provide consultative services for the creation and implementation of a priority-based budgeting (PBB) program for the City of Roswell in the amount of \$36,500 plus reimbursable expenses.

Presented by Ryan Luckett, Budget Manager

Budget Manager Ryan Luckett presented this item stating this is a request for approval to contract with the Center for Priority-Based Budgeting to assist the City in implementing a priority-based budgeting program, a process that seeks to align the City services and programs with the priorities of the Mayor and City Council as well as the community. Priority-based budgeting is recognized as a best practice for local governments by both the Government Finance Officers Association (GFOA) as well as the International City/County Management Association (ICMA). The CPBB has

implemented this approach in over forty communities across the country in all sizes of communities some who share characteristics with the City of Roswell such as being an AAA bond rated city. Priority-based budgeting begins with the priorities as established by the Mayor and City Council and that is their vision, mission and strategies. Priority-based budgeting is comprehensive in nature that looks at all programs and services of the City and asks the question of why are we in the business of providing this particular service and tries to make sure that those services that are being provided are best aligned with the priorities that were established by the Mayor and City Council. By aligning the City programs and services with the overall strategic direction of the City, priority-based budgeting allows for comparisons of programs across departments. Whereas, it might have been challenging in the past to compare a program within the Fire Department to a program in Community Development, this approach allows the ability to evaluate those two programs on an equal playing field and provides the best information possible. Priority-based budgeting also ensures that the City is achieving the intended results. One of the first steps in the process is determining the results that are intended to be achieved as a City and then following with those programs and services that best achieve those results. Implementation of the process is about a five to six month process and would be completed in time for the next budget. The contract would allow City staff to work with the CPBB. Their role would be to provide facilitation, training, guidance and overall expertise in implementing a program in Roswell. The contract is an amount not to exceed \$36,500 as well as some reimbursable expenses.

Council Comment:

Councilmember Price asked, "Do we have a cap on these reimbursable expenses?" Mr. Lockett replied that the contract would have a two trip, basically on site visits, so it would be the travel related expenses for those visits. Councilmember Price asked, "From where?" Mr. Lockett replied they are headquartered in Denver, Colorado. Councilmember Price asked, "How many people would it be?" Mr. Lockett replied, most likely no more than three individuals. Councilmember Price said, "So in addition to this \$36,500, we would have two trips for three people from Denver to Atlanta and expenses while they are here." Mr. Lockett replied that is correct. Councilmember Price said, "At an undetermined amount." Mr. Lockett replied it would just be reimbursable for whatever the travel expenses would be.

Mayor Wood asked Kay Love for her comments on this.

Ms. Love said depending on when they come, the exact amount could not be determined. If there is a desire to put a cap on the reimbursable, that could be done but not knowing what the airfare or hotel rates might be and there might be three people for one trip and two for the second trip. If they were coming from another assignment location, the airfare could be reduced somewhat but there was no way to know that. She said again if there is a desire to cap it, that could certainly be looked at. They are reimbursable and would be paid out by the company and then reimbursed by the City.

Councilmember Diamond said she assumed this would give a lot more information going through the budgeting process and asked if it is anticipated that this would increase the time in doing the budget process. She said if there would be more information to consider or would it clarify it in such a way that it might actually reduce the time.

Mr. Lockett replied it provides better analytical capabilities for the information that staff has provided to Council. In terms of the overall timeline, he said he did not think it would increase at all; it would be about the same. Through some of the tools and

the exercises they would go through with the implementation, they would be able to provide more information such as a complete inventory of City services and programs and the cost of that and a ranking of how well each of those align with the City's vision and mission.

Councilmember Diamond said she appreciated all of this and thought it was a very interesting concept. She said she has talked to a number of leaders from other cities and a couple of state officials who championed the zero based budgeting and think this is a good companion piece for making good decisions on that. She thanked Mr. Luckett for bringing this forward.

Mayor Wood called for a motion.

Councilmember Dippolito said he would first like to ask a question. He asked Mr. Luckett if it is correct that this is a one-time expense. Mr. Luckett replied that is correct. Councilmember Dippolito said then this program is put together this year and then it is used continually thereafter. Mr. Luckett replied, yes it would be a one-time implementation in terms of the work that must be done through the initial implementation and then they would be able to utilize the tools annually while going through the budget process to evaluate new proposals and existing proposals to bring a recommendation forward. Councilmember Dippolito asked if it is anticipated that the staff would be fully trained in this methodology at the end of this. Mr. Luckett replied, yes. Councilmember Dippolito said he thought this was a very good idea and he especially liked the approach of focusing on the individual services and understanding the cost of them because sometimes services could get buried within a department and they are not isolated to find out what individual things cost. This is a great approach.

Motion: Councilmember Dippolito made a motion for Approval for the Mayor and/or City Administrator to sign a contract with the Center for Priority-Based Budgeting (CPBB) to provide consultative services for the creation and implementation of a priority-based budgeting (PBB) program for the City of Roswell in the amount of \$36,500 plus reimbursable expenses. Councilmember Wynn seconded.

Further Council Discussion:

Councilmember Price said, "It appears that we already have the money in the budget for this." She asked, "Does that mean that we approved this in concept in our previous budget or how does there happen to be money available for this?"

Mayor Wood asked Kay Love to respond to Councilmember Price's question.

Ms. Love said within the Finance budget there are contractual services funding for items that may come up for outside consultants or contracts. She said she did not know the total amount on that line item for this year.

Mr. Luckett said he did not have the total with him tonight. He said Ms. Love was exactly right that it is basically for any outside consultants that the City might need on an as needed basis.

Ms. Love said to augment the resources; it is a line item in different years. The money is used in different ways depending on the initiatives or projects. She said they did not contemplate priority-based budgeting per se at the beginning of the fiscal year when the budget was adopted; they did anticipate the possibility of needing contractual service dollars.

Councilmember Price said, "To piggy back on a comment that was made earlier

about this dovetailing with zero based budgeting; I know we have talked about doing zero based budgeting in the past which was completely shot down.” She asked, “Are we now embracing zero based budgeting or is that what this is going to lead us to?”

Mr. Luckett said it shares some of the same concepts as zero based budgeting but it is not exactly the same. It is similar in nature in that we look at justifications for programs and services and looking at past patterns of spending. He said it differs from zero based budgeting in that it connects city services and programs with the strategic planning of the city. As opposed to just accepting what was last year as continuing into next year, it looks at should the City be providing the service to begin with. He said that is the main difference between priority-based budgeting and zero based budgeting.

Mayor Wood said the answer is that Council is not voting on zero based budgeting but voting on priority-based budgeting.

Councilmember Price said, “Thank you. I think that distinction was just made. If I were to talk about a priority in my budgeting approach, it would be not to waste money in this fashion and that we should be able to come up with this on our own. I know I have advocated for a budget committee among our citizens locally. I don’t know that we need to bring in someone from Denver to tell us the priorities of Roswell because we are Roswell and we have our own priorities. So I would not be in favor of this at all.”

Mayor Wood said it is his understanding that they are not setting priorities; they are using this as a system to recognize the priorities and use that to influence the budget. He asked Ms. Love if she would like to add to that.

Ms. Love said these are specific techniques and tools and strategies that in no way dictate or even suggest what priorities. They are mechanisms and tools that allow the City to be able to analyze very objectively by ranking and scoring. It is more of a three dimensional way of looking at it and laying over that, the priorities that Mayor and Council have already set through a vision and strategies and then within departments there are goals and within those goals are objectives of how to achieve the goals. Many times at the beginning of the budget year, Mayor and Council give staff general guidance or budget principles and this takes those and adds another dimension to them so they can be looked at. If the priority is a program that is inefficient, then that is fine and it can be continued to be funded and there may be a very good reason. Unlike the whole zero based budgeting thing, it is not driven only by the dollars and the amount of money; sometimes there is a very good reason for spending more money on something because it is the priority of the City as compared to a lesser program or a lesser robust program.

Mayor Wood invited public comment.

Public Comment:

Janet Russell said she has been a professional travel planner for 35 years and she agrees with Councilmember Price. She said she not only sells travel for leisure but also helps corporations set up their travel and entertainment guidelines. The City of Roswell has no travel and entertainment guidelines for their employees as far as she knows. There doesn’t seem to be any control. In this case, the City is not giving these people any guidelines or controls at all. She gave an example of the president of a company who lives in New Mexico that purchased his ticket on line and then called her from Charlotte because the flight was cancelled and he was stranded for a day and a half. She said she was able to get him out within two hours to his destination but the cost was \$1,500 one way for a two hour flight but he bought it

because he had to be there. She said the City needs to set firm guidelines about how much the people could spend and how much in advance they have to pay for it, their per diem costs. If they exceed that, then they would have to pay for it themselves. She said the City needs to examine how they spend the money because it is called priority basing.

No further public comments. The public hearing was closed.

Further Council Comment:

Councilmember Dippolito said Ms. Russell raised a good point. He asked Ms. Love how the City determines how consultants are reimbursed and asked if a specific policy was in place.

Ms. Love replied there was not a policy like the City has for employees. She said the City has a practice and when the project plan is developed, they look at travel dates based on schedules and staff availability and part of the contract provides for that scheduling to be agreed upon. Therefore they would not be deciding two days in advance of coming here unless it was something that the City requested and were agreeable for reimbursable. Some companies have a per diem and some reimburse up to certain amounts per meal and all of that is worked out with each consultant and they are all different. The details have not yet been worked out with the PBB people. That is part of the contract that they would work out should this be approved tonight.

Mayor Wood said then the contract would include the provisions for compensation. Ms. Love replied that is correct. It would be worked out based on the schedules because those are not known yet. Councilmember Dippolito said then the dollar amount would certainly be within the capacity for Ms. Love to approve. Ms. Love replied that is correct and they would ultimately be approved by Finance Director Keith Lee.

There was no further Council discussion.

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this contract with CPBB be approved. Council Members Dippolito, Wynn, Igleheart, Orlans and Diamond approved the motion. Council Member Price opposed the motion. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Community Development - Councilmember Nancy Diamond

- 8. RZ 201301671, 1270 Strickland Rd., Larry Strickland, Land Lot 428. (This item was deferred at the September 11, 2013 Mayor and Council Meeting)**
Presented by Bradford D. Townsend, Planning & Zoning Director
Councilmember Diamond said she was in a business relationship with the applicant and asked to be recused.

City Administrator Kay Love introduced this item on behalf of Councilmember Diamond.

Planning & Zoning Director Brad Townsend stated that a request from the applicant was received today to defer this item to the November 13, 2013 Mayor and Council

Meeting.

Mayor Wood asked if any Councilmembers would like to hear a presentation of this item. There were no comments.

Motion: Councilmember Wynn made a motion for Deferral of RZ 201301671, 1270 Strickland Rd., Larry Strickland, Land Lot 428 and it be placed on the Mayor and City Council agenda for 11/13/2013. Councilmember Dippolito seconded.

Mayor Wood said there would be a public hearing when this item comes back to Mayor and Council if the motion to defer is passed. He then invited public comment for anyone present tonight who wanted to speak on this item.

Public Comment:

Lars Lind stated his home address as 205 Alpine Drive in Roswell and said that the newly published City of Roswell 100 year flood plain map places his home within a few feet of the flood plain. He said it was his understanding that this project would be placing a partial dam downstream.

Councilmember Price asked for a map to show the location of Mr. Lind's home in relation to this property. She asked if staff had a map. Mayor Wood said this is not a full public hearing and asked Mr. Lind for a description of where he lives. Mr. Lind said he lives across from Hog Waller Creek. Mayor Wood said for clarification that he was not aware that a dam across Hog Waller Creek was being proposed. Mr. Lind said his understanding was that a partial fill would be placed on this property. Mayor Wood said there has been discussion of a fill but that would not be damming the creek. Mr. Lind said it would not but it would restrict the flow of any flood down Hog Waller Creek. Mayor Wood said yes sir.

Mr. Lind said he was a former member of the American Society of Civil Engineers and the American Society of Military Engineers. He was also an officer with the U. S. Army Corp of Engineers and said he understands floods and was well known for having prevented floods at Fort Stewart near Savannah, Georgia. He asked if there was any consideration for realigning the flood risk maps upstream from the partial dam that would be put in place. He said as far as solving the upstream, he was known for solving that problem at Fort Stewart and knows what restricted flows of floods would do to an area and was available if Council would like to discuss that with him.

Mayor Wood thanked Mr. Lind for his input.

Council Comment:

Councilmember Orlans said he has heard questions about Mr. Lind's comments about "filling in the flood plain". He asked if anyone was present at the meeting that are prepared to outline how that may or may not happen to clarify some of the questions.

Mayor Wood said tonight he was entertaining questions but as far as the applicant's presentation, it was not his intention to go into the full presentation.

Councilmember Orlans said he didn't mean that. He meant if staff could talk about...(the remainder of his comment was inaudible).

Mayor Wood said staff was not prepared at this time and they would not be going into a full hearing but he wanted to make sure that anyone who came tonight would have a chance to make their comments. He said unless Council chooses to go forward

with a full hearing, he would not ask to hear from the applicant.

Councilmember Price asked that prior to the next hearing on this subject that they have some information in their packets regarding flood plains and build ability, etc. She said she tried to do some research on that and was not successful in finding information. She said Alice Wakefield mentioned it the other day. She said she does not know exactly what can and cannot be done both federally and within the state.

Public Comment Continued:

Richard Maze stated his home address as 285 Alpine Drive in Roswell. He displayed a flood plain map and pointed out Hog Waller Creek and the houses on Alpine Drive. He said all of the flood plain could be seen on the south side of the Creek close to his house and most of the flooding that comes toward his house comes in below his house. He said he has looked up impervious surfaces and water qualities according to how many houses are built on a piece of land and what it does to the water and the quality of water. He said more impervious surfaces such as the houses and asphalt would increase the amount of impervious water flow and runoff and Hog Waller Creek gets a lot of water now from heavy rains and it really cannot handle any more. He said the flood plain should be left alone because if part was filled in on the west side that would slow the water coming downstream and push the water another way. He said he wanted to point that out to make sure this all of works out. He added he was glad the land was being developed but he thought they were going a little overboard.

Shelly MacArthur stated that she lives in the same neighborhood and asked why this was being deferred because this would be the second time and the second time people have attended the meeting to state their case. If this was going to be deferred again which was a possibility, she asked why that could not have been posted on the City website so the public would know not to come.

Mayor Wood said it would be posted once a request was received. He said they could not post that it would be deferred until Council had taken action and he would not know if it was being deferred until Council made a decision. He said as far as why it was being deferred, he presumed there was an effort to try to resolve current issues so the developer could come back with changes. He said his comment to the neighborhood would be that this property will be developed at some point in time because it is a vacant piece of property. He said to the extent that something could be worked out that would be acceptable to the community; if it was not deferred and it was denied tonight, it would probably be back again for another round of hearings which would be even more meetings. He said until this issue is resolved, there are going to be meetings. Trying to work it out at this go round would be better than trying to deny it and have it come back for another round of meetings. He said he thought it was being deferred because there are efforts to make some changes that might make it more acceptable to the City and the neighborhood.

Councilmember Wynn added that this would be the last time they could defer because of the timelines. If they wanted another deferral, they would have to start over again.

Ms. MacArthur thanked Mayor and Council and said that answered her question.

Councilmember Wynn noted that the deadline for a deferral is 65 days.

No further public comments. The public hearing was closed.

Further Council Comment:

Councilmember Price said, "If they come back with something totally different than what we have seen this time; is that part of this process or are we discussing only a conservation easement?"

Brad Townsend replied that the application is for a conservation subdivision so the parameters of that would be what Council is approving with the relief of the variances in dealing with that application.

Councilmember Price said, "So, there is not a whole lot of leeway in different types of proposals that might come back."

Mr. Townsend said it would not come in for apartments and it can't come in for commercial. It is a residential single family home subdivision in some manner.

Councilmember Price asked, "Can a proposal be made with utilizing the entire parcel of land?" Mr. Townsend replied yes. Councilmember Price thanked Mr. Townsend. There was no further Council discussion.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this rezoning be deferred and be placed on the Mayor and City Council agenda for 11/13/2013. The motion passed unanimously. After the vote, Mayor Wood noted that this item would be deferred to Wednesday, November 13, 2013. Councilmember Price said there were some hands up. Mayor Wood said Council has taken a vote and he did not see hands up the last time he called for public comment. He apologized if he missed anyone but said Council had made a decision.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-11-75

9. RZ 201301672, CV 201301673, 2000 Holcomb Bridge Rd., Land Lots 712, 713, Bryan Musolf/JW Homes, LLC. (This item was deferred at the September 11, 2013 Mayor and Council Meeting)

Presented by Bradford D. Townsend, Planning & Zoning Director

Councilmember Dippolito said his company was in a business relationship with the applicant on the next two items and asked to be recused.

Councilmember Diamond introduced the item on behalf of Councilmember Dippolito.

Planning & Zoning Director Brad Townsend presented this item and stated this is a site plan amendment for the Master Planned Mixed-Use District (MPMUD) zoning. The application is requesting variances to the setback and numerous variances to the MPMUD requirements. He displayed an aerial view of the subject property and said it is 27.9 acres adjacent to Holcomb Bridge, Scott, and Eves Roads as well as Centennial High School, the elementary school, the Walton development and the Kroger shopping center on Holcomb Bridge Road. He then displayed a map of the current zoning of the MPMUD section and the FC-A around that. He said this application was originally approved in 2006 for 80 single family homes and 29 townhomes and 17,590 square feet of retail. He displayed a chart showing the comparison from the 2006 development to the proposed 2013 development and pointed out the tremendous reduction in square footage of office and retail. He said

the original development did not have any single family homes, only townhomes and condominiums developed at a density of six units per acre. A development density of 3.9 units per acre is being proposed today. He displayed the proposed site plan showing layouts for the access points, roads, parking space areas, open space and meeting the stream buffer requirements for the development. He displayed a cross section of the road sections dealing with the setbacks and heights. He said the application was brought to the Planning Commission and they recommended approval of the site plan and concurrent variances. He said staff recommends approval of the site plan amendment with the concurrent variances. He displayed a list of the concurrent variances related to the commercial development as well as the residential development and the variances to the MPMUD to meet the actual code requirements. Mr. Townsend displayed the list of 22 staff recommended conditions and said he would talk about proposed changes to condition #13 that had been discussed with the applicant.

****Condition #13 states: The owner/developer shall provide 10,000 square feet of right-of-way for the future pedestrian bridge as required by the Roswell Transportation Department. The right-of-way shall be shown on the preliminary plat, the Land Development Permit, and dedicated at the time of the final plat for any portion of the development.*

Mr. Townsend said staff originally proposed that the developer provide a landing space for a pedestrian bridge that would cross Holcomb Bridge Road and staff's recommendation with Transportation Department concurrence is that they not provide right-of-way but reserve right-of-way. Therefore, the word "provide" in the first line would be changed to "reserve" and the words, "shall be reserved" would be added after the word "right-of-way" on the second line. These two changes are consistent with what the Transportation Department requires for them to be able to have this in the future. Mr. Townsend completed his presentation.

Mayor Wood made an inaudible comment. Mr. Townsend replied he would have Mr. Acenbrak address that. Transportation Director Steve Acenbrak said, "I'm fine with that Mayor." Further inaudible comments were made by Mayor Wood. Mr. Townsend said, "We will collect the taxes until we purchase it or get it dedicated." Further inaudible comments were made by Mayor Wood.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Wynn said she was concerned about condition #13 stating "future pedestrian bridge" because that would lock them into a future pedestrian bridge. She asked Mr. Acenbrak if there was other wording, perhaps pedestrian crossing, because if it stated pedestrian bridge and then they decided to do a tunnel or something else, they would be locked in.

Mr. Acenbrak said in talking to the City Administrator and David Davidson, they were going to say public facility or public amenity because it could be a variety of things. Mayor Wood said he thought it should say pedestrian crossing. Mr. Acenbrak said it doesn't have to be locked into a bridge; it could be just that there is a public purpose for the City to request to reserve that space with the idea that it would not surprise someone in the future. He said his understanding from speaking to Mr. Rolader today was that it didn't have any commercial value anyway so it was not of any detriment to them to set a small area aside. He said there obviously would be some future negotiations but it does not have to say bridge; it could say public facility.

Councilmember Wynn said she would like to get the wording before taking a vote to

be sure of what she was voting on. She would not vote for something that says future pedestrian bridge because that is too restrictive. Mr. Acenbrak replied that was fine.

Mayor Wood said that was a good point.

Councilmember Diamond said she did not see condition #9 of the Planning Commission recommendations, "The owner/developer shall remove the proposed Private Drive 'D'" on the final recommendations. Mr. Townsend replied they removed it from the plan being approved tonight. Councilmember Diamond asked who removed it. Mr. Townsend replied the applicant. Councilmember Diamond said so it came out after September 20th. Mr. Townsend replied that was correct.

Councilmember Diamond said she had a couple more questions. She said, "On the application, it Shows Fulton County Water and Sewer shows the demand of water and sewer. It doesn't really speak to, is that sufficient, it doesn't make a judgment on whether that is sufficient. It just says it will use this much." Mr. Townsend replied that is all Fulton County provides to the City. He said when the site plan is provided to them, they give an impact of what would be required for water and sewer for any type of development and if there was an issue, the City would usually find out then if there was no more capacity of water or sewer. He said if the county doesn't do that then it is understood there is going to be that availability for water and sewer for this project within their system.

Councilmember Diamond referred to one of the staff recommended conditions and said she thought there had been discussion that 50% of the light and intersection improvements would come from the applicant. She said it seems that has changed to 15% and asked how that happened. Mr. Acenbrak replied there is already a left turn bay on Holcomb Bridge Road and the Transportation Department analysis determined it is too narrow and too short. They did a staff analysis of a fair division of the actual cost and said it would be unfair for the applicant to pay 100% and unfair for the City to pay 100% so they scaled it off based on the percentage of traffic from the traffic study and 15% ended up being a quantitative way to value a share. Councilmember Diamond said, "So everybody understood that. I wasn't sure where 50% came from at Planning Commission." Mr. Townsend said that was a starting point.

Councilmember Diamond said, "Along that same line. I know we had this conversation a couple of weeks ago about that intersection. I am hearing that it is not warranting and I understand that consciously. It just feels like this really needs assistance." She asked, "How close are we to that tipping point?" Mr. Acenbrak replied, "I'm afraid we are not very close at all. Muhammad and I have had long discussions. The whole staff and I have gotten together on this. But, maybe just to help you understand. It's based on turning movements and volumes and if you really force me to sort of quantify that for you; we are about 10% of the way there, even with this." Councilmember Diamond said, "And obviously this is a lot less stuff on that piece than it would have been under what is presently zoned but it seems counter intuitive that all those units and all those schools and all of that stuff. And maybe that is just a rush hour issue. We measure it at peak times, do we not?" Mr. Acenbrak replied yes. Councilmember Diamond thanked Mr. Acenbrak.

Mayor Wood asked to hear from the applicant.

Applicant:

Don Rolader stated his address as 11660 Alpharetta Highway, Suite 630 in Roswell. He said he is speaking on behalf of JW Homes, LLC which is the John Wieland entity

that proposes to develop this property. He said this development is practical and substantially less than what is approved for this project. They are not asking that Council rezone this property in any manner. They are asking Council to approve a new site plan and the Wieland entity is then ready to go into action and provide single family homes, townhomes and one retail tract on this property. The staff has done an excellent job of the conditions and there are no quarrels left with those. He said he wanted to address the condition about the 10,000 square feet for the proposed crossover bridge. He said after their discussions with Mr. Acenbrak today, they are in accord. The developer would not convey any of the property to the City or put a building or something hard on top of that particular area. If and when the City decides to go forward with that project, they would then come to the developer and tell them what they definitely want and that would be discussed and they would do a deal. He said their only concerns are first that whatever improvement is proposed there in the future does not block the view or the access to the retail building that is going to be on that corner and second that it not block or restrict the signage or the view of the signage to that particular piece of property. Other than that, their interpretation is that they have not committed to any particular square footage or sold the City anything and they will be paying the taxes on that property until the City and the state Department of Transportation decides they are ready to manage pedestrian traffic in some manner over that bridge.

Mayor Wood said they would then negotiate a price for that. Mr. Rolader replied that was correct. Mayor Wood asked Mr. Rolader to identify on the property where this would be located and said 10,000 square feet needs to be identified specifically because it may not be in the right place. Mr. Townsend pointed out the area. Mayor Wood asked if that corner is identified adequately in the application. Mr. Townsend replied yes they identified that corner. Mayor Wood said and this site plan is approved so that is good enough. Mr. Townsend replied right.

Mr. Rolader said that the Transportation Department provided a general footprint to fit within that area which was important to them.

Mayor Wood said not blocking signage and not blocking visibility should be included in the conditions. Mr. Townsend replied, "But not knowing the design, I can't..." (The remainder of his comment was inaudible). Mayor Wood said Councilmember Wynn talked about any public amenity and there needs to be a clear understanding. He then asked Mr. Rolader if they were comfortable with those conditions not being included at this time. Mr. Rolader said he was comfortable with not including that language because they have an understanding with the staff and an understanding with the Transportation Department about what they are getting into there.

Mr. Rolader said they are soliciting Council's questions and input and said they have reviewed staff's rendition of the necessary conditions and those with the change in #13 regarding the pedestrian area make those conditions acceptable to the applicant. He said they are encouraged about the development and are glad to see something go on that corner and are proud to be the ones that do it. He completed his presentation and said they would reserve time for rebuttal and Council questions.

Mayor Wood asked for Council questions for the applicant.

Council Questions for Applicant:

Councilmember Diamond asked if they would be approving the actual site plan of the retail part and asked if that was being removed. Mr. Townsend said they are approving the square footage as well as the layout that they are showing with the two access points but not approving what would actually be going in it or what the building looks like. He said that would be a Design Review Board approval.

Councilmember Diamond said, "I thought I saw they would bring in a site plan that removed that piece of it. I'll look it up."

Councilmember Orlans said his understanding was that they would be approving a maximum 17,000 square foot building but the applicant could bring in a smaller one without having to come back with a site plan change in the future but they could not come back with a larger one. Mr. Townsend replied that was correct.

Councilmember Igleheart said he normally would not be happy with this many variances but these are good because they actually reduce everything because there is always a concern about the impact and this reduces the impact. He thanked Mr. Rolader and said that was good. He then asked about the sidewalk that would be put on Holcomb Bridge Road with all of the schools and a lot of walking and asked why they would put only a five foot sidewalk on the largest road in the City. He asked if there would be a way to expand that and had they looked into that. He said he couldn't tell from the plan if there was any space to increase it more than five feet. Mr. Townsend said it is a five foot sidewalk. Councilmember Igleheart said that is what is required but he was asking if...(he did not complete his comment.) Mr. Rolader asked Mr. Acenbrak to address that.

Mr. Acenbrak said a multi-use trail goes along Eves Road. Councilmember Igleheart said he understood that but he was talking about on Holcomb Bridge Road as well. Mr. Acenbrak said this is part of an eventual extension of the Roswell loop that goes across and up to Scott. Councilmember Igleheart said he understood that. Mr. Acenbrak said pedestrians going up Eves to the two schools are what they had envisioned. Councilmember Igleheart said he does not disagree with that but if they are trying to do so much on Holcomb Bridge as well and then just put the wide multi-use trail on the south side but then only five foot sidewalks on Holcomb Bridge. Mr. Acenbrak said they do not have any long term plans to put a multi-use trail along Holcomb Bridge right there. Councilmember Igleheart said he knows that but in general trying to squeeze more than five feet because it is such a large road there with children on all sides and the new library and all of that. He said he could not tell on the site plan exactly where that is and if there is any more space but if there is not then it was just a question.

There was no further Council questions for the applicant.

Public comment was invited.

Public Comment:

Janet Russell said she does not live near this project but it sounds interesting. She expressed concern about the little piece of land that is 10,000 square feet that the applicant is going to get to keep and then sell back to the City when they want it. She asked what would restrict them from charging whatever they want at that point because after developing the land it would probably increase in value exponentially and the City would be held hostage by the developers. She recalled a John Wieland project in the historic district where the City approved a certain amount of building for a much smaller scale project and John Wieland acknowledged it then and said yes they would do it but within two months said they can't because it was much too expensive and they would need to add more lots to the property. The City came back and did exactly what John Wieland said. She said a friend who was a Vice President of John Wieland at the time told her that John Wieland Homes never intended to build the project as they presented it. She said she has a very bad taste for John Wieland Homes. She advised the City to set a limit on the value of that piece of property.

No further public comments. The public hearing was closed.

Mayor Wood asked for applicant rebuttal. There was none. He called for a motion.

Motion: Councilmember Diamond made a motion for Approval of RZ 201301672, CV 201301673, 2000 Holcomb Bridge Rd., Land Lots 712, 713, Bryan Musolf/JW Homes, LLC with the four concurrent variances as presented by staff and with staff recommended conditions 1-22 with a change to condition #13 to read, "The owner/developer shall reserve 10,000 square feet of right-of-way for the future public amenity as required by the Roswell Transportation Department. The reserved right-of-way shall be shown on the preliminary plat, the Land Development Permit, and reserved at the time of the final plat for any portion of the development."

Staff recommended conditions are as follows:

- 1. The owner/developer shall develop the subject property in substantial accordance with the site plan stamped "Received September 20, 2013 City of Roswell Community Development Department."*
- 2. The owner/developer shall comply with all Stormwater Management regulations as required by the Environmental/Public Works Department.*
- 3. A preliminary and final plat shall be required for the development.*
- 4. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat.*
- 5. The number of lots within the subdivision is not guaranteed with the approval of the zoning, due to other city standards that may affect the number of lots.*
- 6. A traffic study shall be completed prior to a land disturbance permit for review by the Roswell Transportation Department. The phasing schedule of the development shall be submitted and approved by the Transportation Department prior to the Land Development Permit.*
- 7. The owner/developer shall include a traffic signal warrant analysis for the intersection of Holcomb Bridge Road at Scott Road in the traffic study that is required per the Roswell Zoning Ordinance. (This has been completed and a traffic signal is not warranted.)*
- 8. The owner/developer shall install 5' wide sidewalk with a 2' grass strip along Holcomb Bridge Road as required by the Roswell Transportation Department.*
- 9. The owner/developer shall install 5' wide sidewalk with a 5' grass strip along Scott Road as required by the Roswell Transportation Department.*
- 10. The owner/developer shall install 10' wide multi-use sidewalk with a 2' grass strip along Eves Road as required by the Roswell Transportation Department.*
- 11. The owner/developer shall install 5' wide sidewalks with a minimum 2' grass strip along the interior roads within the development.*
- 12. The Holcomb Bridge Road entrance into the retail parcel shall be right-in/right-out only.*
- 13. The owner/developer shall reserve 10,000 square feet of right-of-way for the future public amenity as required by the Roswell Transportation Department. The right-of-way shall be reserved on the preliminary plat, the Land Development Permit, and reserved at the time of the final plat for any portion of the development.*
- 14. All of the interior roads within the development shall be built to the City of Roswell public street standards and width requirements.*
- 15. The sidewalk shown on site plan within the 75' stream buffer shall be removed.*
- 16. All accessory structures shall have a minimum of ten (10) feet between all other buildings.*
- 17. On the preliminary and final plats, all building setbacks must be labeled for all residential and commercial buildings.*
- 18. The owner/developer shall extend and widen the eastbound turn lane on Holcomb Bridge Road at Scott Road per the City of Roswell Transportation Department and Georgia Department of Transportation. The owner/developer shall*

be required to pay an amount of 15% (\$16,920.00) of the cost of the future extension, prior to the issuance of the first certificate of occupancy for the development.

19. The owner/developer shall show all driveways and intersections on the opposite side of Scott and Eves Road and align all proposed driveways with existing driveways where feasible or meet the City of Roswell minimum driveway offsite standards.

20. The owner/developer shall verify sight distance is adequate for each proposed driveway and provide sketches.

21. The owner/developer shall modify existing striping (no additional asphalt) to create a 100 foot long left turn storage bay with a 50 foot taper at the site entrance on Eves Road prior to the issuance of a certificate of occupancy for the development.

22. The owner/developer shall modify existing striping (no additional asphalt) to create a 100 foot long left turn storage bay with a 50 foot taper at the site entrance on Scott Road prior to the issuance of a certificate of occupancy for the development.

Second to Motion: Councilmember Wynn.

Further Council Comment:

Councilmember Igleheart said, "Just one thought along those lines. I don't know if the applicant would have an interest but if we did set a price based on this what it is; if we exercise that within five years to be paid this amount. Because it is correct that property value is probably going to go straight up as soon as it is built. So is that something that we could look at?"

Mayor Wood said that is something they could look at.

Councilmember Igleheart asked if that is something that could be put in there.

Mayor Wood said that would require an amendment to the motion.

Amendment to Motion: Councilmember Igleheart proposed an amendment to set the price based on current valuation which would require a survey and a valuation and have the ability to exercise that appraisal.

Mayor Wood asked Councilmember Igleheart if the site plan would be conditioned upon a negotiation and a price set under his motion. He said there is a motion to approve a site plan and Councilmember Igleheart has placed a condition upon it. He presumed because they have not negotiated anything and they are voting on it tonight then it would have to be a condition that would say if they did not agree upon a price then they would not have a deal.

Councilmember Igleheart said that was why he did not want to throw that in for sure but it is something to look at to try and determine that. It is reasonable to consider that. It could be ten years before having an opportunity to do anything.

Mayor Wood said there are a lot of ifs. Looking at it is different from making it a condition. (There were inaudible comments.) Councilmember Igleheart said he hated throwing things in at the last second but it was a valid point. Mayor Wood called for a second to the motion. Councilmember Igleheart said he did not really make a full motion.

Councilmember Diamond said it was her understanding that this project is about thirteen years out on the City's plan and the cost is about \$2 million that has not been appropriated. She said she understood where he was going but not sure how to get there especially if a time limit was put in.

Councilmember Igleheart said he agreed. He withdrew the motion to amend.

Mayor Wood noted that the motion was withdrawn.

Further Council Comment:

Councilmember Orlans said if he understood correctly, there would be an appraisal at whatever time the City would buy it and if the developer did not agree to the appraisal and they wanted to hold the City hostage, the City could revert to imminent domain which they do not like to use but it could be done on an appraisal at that point in time. He asked City Attorney David Davidson if he thought that was logical.

Mr. Davidson replied that would be correct.

Councilmember Orlans said he thought it would work out either way without trying to come up with something now.

There was no further Council discussion.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this site plan amendment with the four concurrent variances and staff recommended conditions be approved. The staff recommended conditions are:

1. The owner/developer shall develop the subject property in substantial accordance with the site plan stamped "Received September 20, 2013 City of Roswell Community Development Department."
2. The owner/developer shall comply with all Stormwater Management regulations as required by the Environmental/Public Works Department.
3. A preliminary and final plat shall be required for the development.
4. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat.
5. The number of lots within the subdivision is not guaranteed with the approval of the zoning, due to other city standards that may affect the number of lots.
6. A traffic study shall be completed prior to a land disturbance permit for review by the Roswell Transportation Department. The phasing schedule of the development shall be submitted and approved by the Transportation Department prior to the Land Development Permit.
7. The owner/developer shall include a traffic signal warrant analysis for the intersection of Holcomb Bridge Road at Scott Road in the traffic study that is required per the Roswell Zoning Ordinance. (This has been completed and a traffic signal is not warranted.)
8. The owner/developer shall install 5' wide sidewalk with a 2' grass strip along Holcomb Bridge Road as required by the Roswell Transportation Department.
9. The owner/developer shall install 5' wide sidewalk with a 5' grass strip along Scott Road as required by the Roswell Transportation Department.
10. The owner/developer shall install 10' wide multi-use sidewalk with a 2' grass strip along Eves Road as required by the Roswell Transportation Department.
11. The owner/developer shall install 5' wide sidewalks with a minimum 2' grass strip along the interior roads within the development.
12. The Holcomb Bridge Road entrance into the retail parcel shall be right-in/right-out only.
13. The owner/developer shall reserve 10,000 square feet of right-of-way for the future public amenity as required by the Roswell Transportation

Department. The right-of-way shall be reserved on the preliminary plat, the Land Development Permit, and reserved at the time of the final plat for any portion of the development.

14. All of the interior roads within the development shall be built to the City of Roswell public street standards and width requirements.

15. The sidewalk shown on site plan within the 75' stream buffer shall be removed.

16. All accessory structures shall have a minimum of ten (10) feet between all other buildings.

17. On the preliminary and final plats, all building setbacks must be labeled for all residential and commercial buildings.

18. The owner/developer shall extend and widen the eastbound turn lane on Holcomb Bridge Road at Scott Road per the City of Roswell Transportation Department and Georgia Department of Transportation. The owner/developer shall be required to pay an amount of 15% (\$16,920.00) of the cost of the future extension, prior to the issuance of the first certificate of occupancy for the development.

19. The owner/developer shall show all driveways and intersections on the opposite side of Scott and Eves Road and align all proposed driveways with existing driveways where feasible or meet the City of Roswell minimum driveway offsite standards.

20. The owner/developer shall verify sight distance is adequate for each proposed driveway and provide sketches.

21. The owner/developer shall modify existing striping (no additional asphalt) to create a 100 foot long left turn storage bay with a 50 foot taper at the site entrance on Eves Road prior to the issuance of a certificate of occupancy for the development.

22. The owner/developer shall modify existing striping (no additional asphalt) to create a 100 foot long left turn storage bay with a 50 foot taper at the site entrance on Scott Road prior to the issuance of a certificate of occupancy for the development.

Council Member Dippolito recused himself due to having a business relationship with the applicant. Council Members Diamond, Wynn, Igleheart, Orlans and Price voted in favor of the motion. The motion carried by the following vote:

In Favor: 5

Recuse: 1

Enactment No: R2013-10-69

10.

RZ 201302434, 2550 Holcomb Bridge Rd., The Providence Group of Georgia, LLC, Mike Smith, Land Lot 782.

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Diamond introduced this item on behalf of Councilmember Dippolito.

Planning & Zoning Director Brad Townsend presented this item stating this is an application in MPMUD zoning on Holcomb Bridge Road. The applicant is requesting changes to conditions #1 and #38 that relate to the site plan and the square footage of the townhomes that are being proposed. The action that is really taking place is that the site plan was originally approved for 50 townhomes and what is being

proposed tonight includes a retail building that was not built which was about an acre in size. Mr. Townsend displayed the zoning map on the overhead and said it is the existing zoning under the MPMUD for the townhome location. The applicant is looking to increase the 50 units to 62 units and change from the 2,400 square feet of living space to 2,400 square feet of living total including the garage. That is a clarification of an existing condition that was placed when they were rezoned. He displayed the proposed site plan for the development and said the majority is rear loaded garages that would face out of the development and there are interior ones that have front loaded garages. He said staff recommends approval of the proposed change and the Planning Commission recommended approval.

The proposed four conditions are:

1. To the site plan stamped "Received August 12, 2013 City of Roswell Community Development Department," for the residential parcel.
2. The townhomes shall be a minimum of 2,400 SF of living space, with at least 2,000 SF of that space to be heated and cooled.
3. All of the remaining conditions from the RZ06-39 approval which have not already been completed.
4. A revision to the commercial plat shall be completed showing the removal of the commercial building prior to the first certificate of occupancy.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Orlans said there has been discussion on previous occasions about a direction for townhomes to have the garages recessed five feet from the front plain of the house. He asked if that comes up in this discussion or should the applicant address that.

Mr. Townsend replied that the garages were with single family homes that were detached and there has never been a discussion to recess the garage on a townhouse. It was usually when they were being rezoned to RS-9 and they were detached units in which they did not want the garage forward of the development. He said this development has eight or nine buildings that are attached together. The exterior of the development has no garages facing that. The only garages that are facing the street are those interior to the development. Councilmember Orlans said right, he knows it was just the ones interior. Mr. Townsend said to his knowledge they had never discussed recessing townhouse garages. Councilmember Orlans thanked Mr. Townsend.

Councilmember Igleheart asked if they should assume that visitors would park in the sea of parking. Mr. Townsend replied there are three or four spots that have parking. Councilmember Igleheart said he did not see that.

Mayor Wood said the question was parking. Councilmember Igleheart said particularly for visitors. An unidentified speaker said, "Two parking spaces in each driveway and two parking spaces in each garage." Mr. Townsend said there are no additional required parking spaces. There are two in the garages and two in the driveways. Councilmember Igleheart thanked Mr. Townsend.

Councilmember Price said, "In the proposed UDC, what is this designated as and what would be allowed there? Would this project be allowed under that?"

Mr. Townsend replied he believed that section was going to be neighborhood mixed and townhomes would be an approved use under that designation. He said he thought all of the MPMUD sections were proposed for neighborhood mixed but since

Council has adopted and approved a site plan for the other site earlier this evening; they probably are going to set that designation as a residential and make the retail section neighborhood mixed and make it consistent with what Council approved tonight.

Councilmember Orlans said the village atmosphere was being lost from the original site plan along the left side of the road looking at the map. Mr. Townsend said they are losing a commercial component along that portion of the 16,000 two-story retail office, yes. Councilmember Orlans said which loses the village atmosphere for that street with the roundabout and everything. Mr. Townsend said actually he thought the townhomes create a better village because it has activity of people coming in and out their front door. Councilmember Orlans thanked Mr. Townsend.

Councilmember Diamond said, "Again on the Fulton County Water Resources, it just says not applicable. Is that because the development...(remainder of comment inaudible)." Mr. Townsend said he believed they already had them reserved as part of the last approval.

Councilmember Diamond said she noticed on the Planning Commission, there was no call for public comment. Mr. Townsend said he did not think there was anybody there.

Councilmember Diamond said, "And to the point about the UDC, I know there are some green space requirements and we have talked about. Well, maybe there's not in townhomes. That's what we have been talking about adding." She asked, "Can you give me a sense of that part in the middle, how much of that, is that community green space?" Mr. Townsend said he would let the applicant address that in his presentation.

There was no further Council comment.

Mayor Wood asked to hear from the applicant.

Applicant:

Mike Smith representing The Providence Group of GA LLC displayed the original approved site plan that he said would further clarify their changes. The commercial component on the northwest corner of Champions Green Circle was originally a mixture of office and retail with approximately 25,000 square feet and split about 13 and 12. When they first became involved with this project, they ran through several site plans and they did not like having an identity for the residential component of the project. They have some rear entry product with a nice look to front the parkway and they feel they ended up with a more prominent look fronting the parkway and therefore giving the residential piece an identity within this mix. He displayed a perspective to give an idea of the view from Champions Green Circle and said that is like their front door to the residential piece of the mixed use project. It is a rear entry three-story product with a mix of brick...(he did not complete the statement). All these products have a 2-4 foot offset and they stagger back and forth to give an additional depth perception which is one of the things the City is trying to accomplish with the UDC. He said they are doing the same thing with the frontage product internal to the project. Additional depth always makes a better looking product. He said they feel the change is an enhancement and they have been through both Planning Commission and Design Review Board and both like this product better as an overall mixed use development.

Mayor Wood asked for Council comment. There were none. Public comment was invited. None were made.

Mr. Smith noted that the 2,400 square foot living space is just a clarification.

Council Comment:

Councilmember Diamond said she does not see the usual clause about the number of lots not being guaranteed given stormwater, etc. Mr. Townsend replied that stormwater was handled as a whole of the development in the complex and the part for the commercial and the townhomes included that so there should not be any other stormwater issues. Councilmember Diamond asked if staff was comfortable with that number. Mr. Townsend replied yes.

A motion was made by Council Member Diamond, seconded by Council Member Igleheart, that this rezoning at 2550 Holcomb Bridge Road be approved with the four staff recommended conditions:

- 1. To the site plan stamped "Received August 12, 2013 City of Roswell Community Development Department," for the residential parcel.**
- 2. The townhomes shall be a minimum of 2,400 SF of living space, with at least 2,000 SF of that space to be heated and cooled.**
- 3. All of the remaining conditions from the RZ06-39 approval which have not already been completed.**
- 4. A revision to the commercial plat shall be completed showing the removal of the commercial building prior to the first certificate of occupancy.**

Council Member Dippolito recused himself due to having a business relationship with the applicant. Council Members Diamond, Wynn, Igleheart, Orlans and Price voted in favor of the motion. The motion carried by the following vote:

In Favor: 5

Recuse: 1

Enactment No: R2013-10-70

11.

Approval for the Mayor and/or City Administrator to sign a contract with Winter and Company to develop the Unified Development Code (UDC) Design Guidelines in the amount of \$79,855.

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield presented this item stating it was for the City to contract with Winter and Company to complete the UDC design guidelines. This is the second part of the UDC process. Three companies bid on this project and Winter and Company was the most responsible bidder at a cost of \$79,855 and in addition to the design guidelines it includes illustrations, photographs and diagrams. It also takes into consideration streetscapes, landscaping and stormwater. It would be a very comprehensive set of design guidelines. She said staff recommends approval.

Mayor Wood asked for Council comment. None were made. Public comment was invited. None were made.

Mayor Wood called for a motion.

Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a contract with Winter and Company to develop the Unified Development Code (UDC) Design Guidelines in the amount of \$79,855. Councilmember Dippolito seconded.

Council Comment:

Councilmember Igleheart asked Ms. Wakefield for the record for the public meeting to go over the timeline that would follow for getting the guidelines in place.

Ms. Wakefield said they would finalize the schedule for the design guidelines after tonight when they would be in a position to talk to Winter and Company and would make sure the schedule coincided with the UDC.

Councilmember Igleheart thanked Ms. Wakefield.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this contract with Winter and Company be approved. Vote: Councilmembers Diamond, Dippolito, Igleheart, Orlans, Price and Wynn voted in favor. Councilmember Price abstained.

In Favor: 5

Abstain: 1

12.

Approval of an Amendment to Chapter 10.3, Occupation Taxes, Article 10.3.4(a)(1) of the City of Roswell Code of Ordinances. (First Reading)

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield presented this item stating this is the first reading to amend Chapter 10.3 of the Occupation Taxes that clarifies the payment for the business renewal. The current regulations require that a business pay \$100 for one employee and \$5 for each additional employee thereafter. That often creates confusion and a lot of time is spent during the year chasing \$5 and they either get \$5 less or \$5 more. She said they believe this amendment to change the renewal to \$95 plus \$5 for each employee would make it clearer for the businesses when they renew their license. She said staff recommends approval of the first reading.

Mayor Wood asked for Council comment. None were made.

Mayor Wood called for the first reading of the ordinance.

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND CHAPTER 10, OCCUPATION TAXES, ARTICLE 10.3.4(a) (1) OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

The Code of Ordinances of the City of Roswell, Chapter 10, Occupation Taxes, Article 10.3.4.(a)(1), shall be amended by deleting said Section in its entirety and replacing said Section with a new Section 10.3.4.(a)(1) which shall read as follows:

Section 10.3.4 (a) Occupation Tax Levied: Limitations.

(1) Ninety-five (95) dollars plus five (5) dollars for each employee.

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

Mayor Wood called for a motion.

Motion: Councilmember Diamond made a motion for Approval of an Amendment to Chapter 10.3, Occupation Taxes, Article 10.3.4(a)(1) of the City of Roswell Code of Ordinances on First Reading and be placed on the Mayor and City Council agenda for 10/28/2013 for Second Reading. Councilmember Orlans seconded.

Public comments were invited. No comments were made.

Mayor Wood asked for further Council comment.

Council Comment:

Councilmember Orlans said to Ms. Wakefield that he believes this wording is clearer than what they talked about at the committee meeting and thanked her for adjusting. Ms. Wakefield said yes sir.

There was no further Council comment.

A motion was made by Council Member Diamond, seconded by Council Member Orlans, that the proposed amendment to Chapter 10.3 of the Code of Ordinances be approved on First Reading and be placed on the Mayor and City Council agenda for 10/28/2013 for Second Reading. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2013-10-11

Transportation Department - Councilmember Betty Price

13.

Approval to adopt the update to the Transportation Master Plan. (This item was deferred at the September 23, 2013 Mayor and Council meeting)

Presented by Steve Acenbrak, Director of Transportation

Councilmember Price introduced this item stating, "Due to some ongoing questions in this and I have spoken with the department Director, Mr. Acenbrak today in that there are some things that are not up on the website for people to look at and a few items that apparently some councilmembers had questions about. So, when I review all of that information, I will be back with a recommendation on this item. So, I would move to defer.

Motion: Councilmember Price made a motion to Defer Approval to adopt the update to the Transportation Master Plan. Councilmember Orlans seconded.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Dippolito asked for the date of the deferral.

Mayor Wood noted that Councilmember Price had said once she was prepared to bring it forward. I don't think we had a date. Councilmember Dippolito said, "No date at this point. Thank you."

Councilmember Price said, "This is not particularly time sensitive. So, we will not tarry but we will get it back soon. Thank you."

Mayor Wood said the motion is to defer to a date to be determined by Councilmember Price and seconded by Councilmember Orlans. He asked for further Council discussion. There was none.

A motion was made by Council Member Price, seconded by Council Member Orlans, that the adoption of the update to the Transportation Master Plan be deferred. A date for this to come back to a Mayor and City Council meeting is yet to be determined. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

14. Approval of a Resolution to Ratify the Previous Approval of the Mayor signing the Distribution Certificate for the Local Option Sales Tax (LOST).

*****This item (LOST) was added during the meeting.*****

City Attorney David Davidson presented this item noting that he had a conference call with the City's attorney representing them in the LOST negotiations and lawsuit and as some may have read in the newspaper, that the Georgia Supreme Court issued a ruling that declared the baseball arbitration provision of the Local Options Sales Tax unconstitutional because it allowed a judge to decide on the distribution of taxes which is a legislative action. GMA along with several city and county attorneys have been in discussions with the Attorney General's office and with the Revenue Commissioner on the application to entities that have already filed a certificate through negotiations that finished after the actual deadline for the LOST expiration. The Revenue Commissioner has requested that each county and the cities within the counties that have reached an agreement, re-file a new certificate with them prior to the order of the Supreme Court becoming final which would be Thursday. He said he received this resolution at 6:45 p.m. tonight and apologized for the lateness. He asked that Council ratify their previous approval of the Mayor signing the Distribution Certificate with the exact same distribution that was approved in September. Therefore, if necessary, they would be able to submit that to the Revenue Commissioner per his request.

Mayor Wood asked for Council comment. There was none.

A motion was made by Council Member Igleheart, seconded by Council Member Wynn, that this Resolution to ratify the previous approval of the Mayor signing the Distribution Certificate be approved. This is the exact same distribution that was approved on September 16th. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-10-71

15. Recommendation for closure to discuss personnel, real estate and litigation.

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

In Favor: 6

Adjournment - Meeting adjourned at 8:55 p.m.