



# 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*

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Monday, July 11, 2011

7:00 PM

City Hall

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### 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

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Dwayne Orrick; Fire Chief Ricky Spencer; Director of Environmental/Public Works Director Stu Moring; Transportation Director Steve Acenbrak; Director of Community Development Alice Wakefield; Deputy Director of Transportation David Low; Planning and Zoning Director Brad Townsend; Planner Jackie Deibel; Transportation Land Development Manager Clyde Stricklin; Economic Development Director Bill Keir; Community Relations Coordinator Kimberly Johnson; City Traffic Engineer Muhammad Rauf; Building Operations Technician Doug Heieren; City Clerk Marlee Press.*

### Pledge of Allegiance - Judge Maurice Hilliard

### CONSENT AGENDA

1. **Approval of June 1, 2011 Special Called Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on June 13, 2011); Approval of June 13, 2011 Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on June 27, 2011); Approval of June 27, 2011 Council Meeting Brief.**

Approved

2. **Approval of a Resolution to apply for a 2011 Edward Byrne Memorial Justice Assistance Grant (JAG).**

Approved

### **Approval of the Consent Agenda**

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

In Favor: 6

## **REGULAR AGENDA**

### **Mayor's Report**

1. **Recognition of Judge Maurice Hilliard for receiving the 2011 Frost Ward Lifetime Achievement Award**

*Robby Barkley, Court Administrator came forward to speak on behalf of Judge Hilliard. He said over the last eighteen years he has worked with him he has found him to be one of the most respected jurists in the State of Georgia.*

*This lifetime achievement award was presented to Judge Hilliard in recognition of his many years of dedicated service to the Municipal Court Justice System. The award was presented by the Georgia Council of Municipal Court Judges at the 2011 Annual Training Conference. Judge Hilliard also received the Ogden Doremus Award of Excellence for 2010, presented by the Georgia Council of State Court Judges. That award is presented annually to the state court judge selected by his or her peers. He is the only Judge in Georgia to receive these awards from both the State and Municipal Councils.*

*On July 1, 1979, Judge Hilliard was appointed by the Mayor and Council to the newly created position of City Solicitor for the Municipal Court and held that position until 1980 when he resigned to run for Judge and was elected by overwhelming majority at that time and has been reelected since 1980. Judge Hilliard was Roswell's first full-time lawyer. Judge Hilliard served as a co-founder of the North Fulton Bar Association and was their charter President in 1980-1981*

*Mayor Wood thanked Judge Hilliard on behalf of the City of Roswell for his many years of service and said he is one of the few elected municipal court judges in the State of Georgia which shows the wisdom of an independent judiciary and he has served the city well. He said he has gotten to know a lot of people in the court and has maintained their respect because he is fair, impartial and independent and a just judge.*

*Judge Maurice Hilliard said it had been a pleasure serving the City of Roswell over the past 30 years.*

**Community Development - Councilmember Betty Price****2. CU11-02, Fellowship Christian Schools, Inc., 10965 Woodstock Road.**

***(This item was deferred from the May 9, 2011 Mayor and City Council meeting.)***

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

*Councilmember Orlans asked City Attorney, David Davidson to provide his comments on Mr. Orlans' position of recusing himself from this item. Mr. Davidson stated he had spoken with Councilmember Orlans and said he does not have a financial interest in this and has determined he has no ethical issues. He said he knows there have been some rumors about Mr. Orlans having a scholarship at the school and said that is not the case and it is his opinion that he is free to participate in this discussion.*

*Bradford D. Townsend, Planning and Zoning Director presented the item stating the applicant is requesting to remove conditions that were placed on this approval in 2007 that deal with the site plan that was originally approved and said the applicant would like to lift the condition relating to the lights and public address system on the football field and also approval of a 1500 seat stadium and press box on the home side as well as portable bleachers on the visitors side of the football stadium. He said the site plan did not show those items at that time. Mr. Townsend said the applicant would also like the removal of the following conditions: 1) no lighting on the baseball and softball fields, basketball and tennis courts located next to Barrington Manor subdivision; 2) no marching bands either from Fellowship or visiting schools or during outdoor activities; and 3) the condition that controls concerts on the property. The applicant would like to be allowed to have a public address system on the baseball and softball fields and the tennis courts.*

*Mr. Townsend said at the May 9th meeting there was discussion on numerous items of which the applicant was in non-compliance at that time dealing with transportation, grading and draining, landscaping and said those items have been brought into compliance at this time except for the planting of the major trees. The city has now received a landscape audit plan and the amount the applicant will be bonding will be \$400 per tree unit and that bond will be asked for within thirty (30) days if Mayor and Council approves this application and it is in the amount of \$15,732. The bond would control that they would be able to plant the trees prior to December 31, 2011. He said we have also received a landscaping plan showing where the trees will be relocated and planted so there is no conflict with the existing structures or future structures on the development.*

*Mr. Townsend said if this item is approved by Mayor and Council staff recommended the following conditions:*

- 1) All lighting, public address system, press box and type of seating must be approved by the Roswell Design Review Board.*
- 2) All landscaping referenced in previous phases which is either dead, dying or has not been planted must be installed and/or replanted along Woodstock Road and within the development prior to December 31, 2011. The City of Roswell will withhold issuing permits on the lighting and public address system on the baseball field, softball field, tennis courts and basketball court until all landscaping is completed. Should the Mayor and City Council choose not to approve these uses, all landscaping*

*must be installed prior to the issuance of the building permit for the press box for the football field.*

*3) The Landscape bond of \$15,732.00 for the trees shall be paid to the City of Roswell within 30 days of the Council approval.*

*Mayor Wood asked the applicant to come forward.*

*Donald Rolader, stated his address as 11660 Alpharetta Highway, Suite 630, Roswell, Georgia. He stated the names of everyone presenting tonight representing the school. Mr. Rolader said this is not a zoning application but an application to remove certain conditions from the current zoning of the property because those conditions do not permit lighted athletic fields, public address systems, marching bands or outdoor concerts. The applicant also seeks affirmative approval for additional permanent seating at the football field to accommodate 1500 people. He said Fellowship Christian Schools has filed with the City a petition of people in support or not objecting to this application that has 1,274 names and 758 of those are from the City of Roswell and 118 are from Devereux Downs and State Street. He said the applicant has constructed various school buildings and athletic facilities and it directly abuts including what is across the street, about twelve (12) or thirteen (13) single family homes. He said north of the property is the Fellowship Christian Bible Church on approximately thirty-one (31) acres and there is a cross parking easement with that church and there is a cross access easement for ingress and egress all the way to Crossville Road but other than that these two entities are not directly connected. He said Fellowship Christian School is its own corporation and operates independently. He said south of the property across Woodstock Road is Devereux Downs State Street subdivisions with a substantial berm along Woodstock Road and that subdivision has lighted swim and tennis amenities close to the road. He said immediately west of this property are two single family homes owned by the Church and further west is Broughton Park subdivision. He said to the east is Barrington Manor subdivision. He said the location to these athletic fields in relation to single family housing is similar to the location adjacent to other high schools in the City and other City recreational facilities such as the Roswell Area Park. He said the two closest examples are Blessed Trinity High School, a private high school just north on Woodstock Road and Roswell High School, a Fulton County public high school just north of Blessed Trinity where that road becomes King Road after crossing Highway 92. He said each of these has larger student bodies, larger athletic facilities with lighting and public address systems and are abutted by single family homes. He said he could not find any City of Roswell restrictions on lighting, public address systems, marching bands or outdoor concerts or hours of operation that specifically address schools whether they are public or private.*

*He said the proposal is to ask that Council remove certain conditions and said the high school presently has two-hundred-twenty-six (226) students and the high school has a Class Single A football team, a baseball team, softball team, tennis team, lacrosse team, boys and girls soccer teams which play competitive sports outdoors. Additionally, the school has wrestling, basketball and volleyball that play indoors. Varsity football is played in the fall and five (5) or six (6) home games may be played per year depending on whether or not they make the playoffs. He said those are played on Friday or Saturday nights. Varsity softball is played in the fall and baseball is a spring sport, lacrosse and soccer are seasonally played as in the other Fulton County schools nearby. He said in order for Fellowship School students to enjoy an educational experience as good as that offered by Roswell or Centennial public high schools or Blessed Trinity private high school, competitive athletics are offered. He said it is patently unfair, unreasonable and discriminatory to deny only Fellowship Christian School the lighting, public address systems or the participation by a marching band when every other high school with athletic teams in the City limits are*

permitted to have them without any restriction. He said there is nothing unique or distinct about the neighborhoods that surround this high school that are different from the other neighborhoods that are located close to the other high schools with athletic facilities. He said Roswell High School and Blessed Trinity are on the same street and have larger facilities and far more students and they operate without complaint. He said Fellowship Christian School should be entitled to the same treatment and the present situation is simply not fair. He said the school is small and doesn't have a band presently and cannot expand beyond two-hundred-seventy (270) students in its present facilities. Sporting events would be scheduled just like those of any other high school and they end in time to be covered on the 11:00 pm local news on television. There are three exit and access opportunities for this high school and said Blessed Trinity and Roswell High School have only one and there is less of a traffic problem here. He said Roswell High School has seating for six thousand people.

Mr. Rolader said Fellowship Christian School has filed a sound generation analysis that shows the sound levels generated are not excessive especially with the ambient noise level on Woodstock Road. He said baseball, lacrosse, softball, soccer and tennis do not draw crowds or spectators and they do not bring marching bands. He said the lighting expert will describe the state of the art lighting system design for this application and said it is better than anything that currently exists at other schools in the area. He said there are no significant or extraordinary lighting or sound issues and the traffic study which was recently updated and discussed with the Roswell Transportation Department shows there are no significant traffic impacts. He said the City Transportation staff concurs with Mr. Abdul Amer's updated report. He said a net has been proposed to collect fly balls from the softball or baseball fields if someone has had an issue with that. He said there have been complaints that people would park next to the AT&T service boxes on Woodstock Road in order to get to the softball field quicker and said a fence has been designed and will be erected behind those boxes to discourage people from doing that. He said there is more than adequate parking. He said the traffic signal arms for the intersection of Jones and Woodstock Roads are due in this week and as soon as they arrive, they will be installed and the Jones Road signalized access will be open and that provides the school with two entry/exits on Woodstock Road with one having a signal.

Mr. Rolader said the applicant is requesting that Conditions 1, 2, 3 (deleted in June, 2007), 15, 16, 26, 29 and 30 be revised. He said the Site Plan referred to in Condition 1 shall be the Site Plan by Paulson Mitchell Incorporated for Fellowship Christian School dated June 29, 2011 that has been filed with the staff, and As-Built Survey for Fellowship Christian School by Bates-Long & Associates dated October 18, 2007, last revised May 25, 2011. He said these plans cover all the issues that were previously concerns of staff. Condition 2 shall refer to this Amended Letter of Intent and the support materials referenced therein which have been filed with the application. He said both Conditions 1 and 2 are housekeeping matters. He said everyone has agreed that the old Condition 3 shall be deleted. Conditions 15 and 16 which were the City's main issues shall be deleted. Conditions 26, 29 and 30 shall be deleted. Conditions 5, 6 and 8 have been resolved with Transportation and are no longer an issue.

Fellowship Christian Schools wants to build a 1,500 permanent seat stadium on its football field and have lighting for that field and for the softball, baseball and tennis facilities and have a public address system to serve the needs of varsity sports and everyone agrees that they want to eliminate the gate that was in the earlier conditions that blocked the driveway between the school and the church. He said access works better for everyone if that gate is removed and provides free access to everyone in each direction and there is also an access easement in place. He said it would be nice to have the ability as the others schools do to have outdoor concerts. The

School is requesting relief from existing conditions. He said the staff has proposed three conditions that this application has approved. He said they are in agreement with and accept all three of those conditions. They have made arrangements to plant or have planted every plant and tree that they have been required by the City to plant and they have not been cited for any violations. He said the remaining trees to be located have been identified and the School will post a bond for those

Mr. Rolader said the conditions that they are asking for are fair and reasonable. The city is spending money to add additional lighting at the Hembree Road Park and Hembree Grove subdivision and other subdivisions are within five-hundred (500) feet of where those lighted fields are going to be. He said Fellowship Christian School cooperates with the City's recreation department with field use and provides fields for about forty (40) City programs under a reciprocal agreement with Roswell Recreation and Parks Department. He said recent real estate figures which were reviewed at the Planning Commission level indicate that properties located near this school and near Blessed Trinity held their value better and sold faster than those in other areas of the City. He said people moved to Roswell to be near good schools and they don't find any special circumstances that differentiate Fellowship Christian Schools from any other high schools in Roswell. He said there are no City ordinances that effect public or private schools with stricter limitations on sound, lighting or traffic and there is no legal reason to impose use restrictions on Fellowship that aren't imposed on any other high school in the City.

Rodney Hawthorne came forward and stated his address as 15303 Storm Drive in Austin, Texas and is with Techline Sports Lighting and said he will be discussing the lighting design work. Their only business at Techline Sports Lighting is the design of sports lighting fields and said they do photometric designs with professional software that can determine where the light will be distributed on the field as well as around the field. He said in addition to the lighting design, they also provide the structural and electrical design required to meet all the City and State codes. He said the critical issue on the Fellowship design project is the control of the lighting on the neighboring properties and said all their designs meet industry standard light levels on the playing surface but many projects like this one with surrounding residential areas must take into consideration light trespass and lighting that goes off the field. He said that Fellowship has evaluated the designs and they have chosen the ultimate spill light control design that has all the levels of spill glare control that are available. He said everything that they have done on this project is done properly as far as the light levels and the maximum spill glare control and the aiming angle so the light is controlled properly and minimizes any spill light or light trespass off of the ball fields. He showed an example of a football stadium that Techline installed and has the total spill light control that is being proposed for Fellowship and said the light trespass is well controlled. He said in addition, Fellowship is installing an eco-link energy management system which can be programmed to control the times when lights are not allowed to be on or during times that it would be inefficient such as daylight hours. It is designed to conserve energy and reduce environmental impact to neighboring properties.

**Council Comment:**

Councilmember Wynn asked in reference to the baseball and softball fields if the bleed off goes past the property line. Mr. Hawthorne replied it does and the spill light level goes out to zero foot candles and shows the bleed off all the way to zero. Ms. Wynn asked if that goes beyond the property line of Fellowship. Mr. Hawthorne replied that is correct. Ms. Wynn asked if in reference to the football field it stays within the boundaries of the property line. Mr. Hawthorne replied yes. Ms. Wynn asked if it is only the baseball/softball field that has bleed. Mr. Hawthorne replied correct.

Councilmember Diamond asked Mr. Hawthorne if he could explain the light spill in this case where the field ends and drops off into a neighbor's yard. She asked how that effects what is seen when standing in the yard. Mr. Hawthorne said one thing the study assumes is that there are no trees or foliage in that area. He said if you are standing in the yard looking up at the light bank, the lower you go the more light you will see. Mr. Hawthorne said you will not have any more spill light but if you look up at the light you will see more light. Ms. Diamond asked if he could state how far out that would go before you would not be able to look up and see the light. Mr. Hawthorne replied he was not sure he could explain but said it would depend on how many feet you were below the playing surface. He said if you go down a grade the spill light level will probably go down on the ground but if you are standing and actually staring at the light bank because of the way the louvers operate, the steeper the tilt angle of the blind, the more light they block.

Mayor Wood asked Mr. Rolader if the Council grants the removal of the lighting condition would Fellowship consider accepting a curfew and what time. Mr. Rolader said they would consider that.

Jesse Ehnert from Arpeggio Acoustic Consulting, LLC said they were asked to perform a sound study related to the potential community impact of the three fields. He said the study was intended to assess the existing baseline ambient sound level. They visited the site on June 9, 2011 between 7:15 and 9:30 p.m. to perform their site noise survey in order to establish the existing baseline ambient sound levels at a time of day that may be typical for events on the various fields. In order to establish the baseline in the vicinity of each neighborhood, they chose five (5) monitoring sites. He said the second part of the study was to estimate the impact of activities at the school upon the neighborhood and they developed a computer model in order to produce noise level contours in the vicinity of the school. He said the computer noise model included potential impacts of a marching band, public address system and crowd noise. He said for the public address system they used a design provided by an outside independent consultant, an audio visual designer. He said the results of the ambient survey showed the background sound level in the community was in the low 40 decibels. He said the results of the computer noise model showed the major potential impact upon the surrounding community would be due to marching band activities at the football field which had the potential of being audible at all of the neighborhoods and said the further into the neighborhoods and the further away from the football field, the less audible it became. He said the sound system was the second most prominent impact and the biggest being from the football field which would have the most impact on communities to the north specifically, Broughton Park, Glens of Crabapple and Greenway Hills. He said sound systems at the baseball field and the softball field would have little impact on those neighborhoods to the north but would have some impact particularly on the homes directly adjacent to those fields at Barrington Manor and Greenway Hills. He said crowd noise from the baseball field and the softball field would have minimal impact on any of the neighborhoods due largely to the small crowd sizes and crowd noise from the football field would have the potential to yield bigger impacts depending on the size of the crowd and said the noise contours and the results of the study assume worse case scenarios of full capacity at the football field and at the two other fields.

*Council Comment:*

Councilmember Igleheart asked if this information is new and said they had any of this information prior to tonight. He said they have the letter that states they will need to get information in order to put it into the model but said everything he just presented had never been seen by or told to the Council and asked if that was correct. Mr. Ehnert replied as far as he knew that was true. Mr. Igleheart asked if

*that was allowed and said are they talking about whether or not new information will be given and they have always said they have at least ten days before a hearing for receiving information.*

*City Attorney David Davidson responded he believed it had always been revisions to the site plan that are not allowed but it's up to Council if they want to accept this information. Mr. Igleheart said perhaps the question is not whether it is allowed but tonight they don't have anything written or anything other than what was just told to them that things are a minimal impact based on what and who decides what minimal is and all those things they have not heard until now.*

*Mr. Rolader replied the applicant had previously filed a complete sound study and there was concern at the Planning Commission meeting about that sound study and some neighbors questioned it, so this work is an update of the existing sound work.*

*Councilmember Wynn said what is in the packet is the revised baseline and said what she is hearing is audible minimal bigger impacts but said she is not hearing a decibel level and asked if the applicant has a decibel reading for each of these impacts. Mr. Ehnert replied yes. Ms. Wynn said she is assuming this is from the baseball field to the property line. Mr. Ehnert said this is the result of the baseball field independent and the softball independent and the football field independent. Ms. Wynn asked if he had the decibel readings. Mr. Ehnert said it varies. Ms. Wynn said she understood that but she would like to have the numbers. Mayor Wood asked if he could provide the location with a little context rather than just reading numbers.*

*Mr. Ehnert said at the baseball field the sound levels from the sound system could reach 55-60 decibels and the sound level now at the site is between 40-45 decibels. Mr. Ehnert said the baseball field sound system would have the biggest impact on the Barrington Manor subdivision with sound levels at the most adjacent homes reaching potentially up to 60-62 decibels. Mr. Ehnert said the sound levels at the most adjacent homes at the Greenway Hills subdivision could reach in the low 50's and sound levels are expected to be below 45 decibels at the other neighborhoods or would be inaudible at the other neighborhoods. He said crowd noise from the baseball field is expected to be down around the ambient and not really audible at the neighborhoods.*

*Mr. Ehnert said the softball field sound system will have the biggest impact on the Barrington Manor subdivision which is where the sound levels at the most adjacent homes could reach 50-55 decibels which is about 5-10 decibels above ambient. He said sound levels at the most adjacent homes at the Devereux Downs could reach 45-50 decibels but in most cases those home would be under 45 decibels and the further into Devereux Downs, the lower the sound levels. He said sound levels from the softball field sound system are expected to be below that at the other neighborhoods.*

*Mr. Ehnert said the football field sound levels have the potential to be audible at the nearest residences at all the communities with the biggest impact being at Broughton Park where sound levels could reach up to 65 decibels but most homes would be below 60. He said sound levels could reach 55-60 at the backs of the most adjacent homes at Glens of Crabapple and 45-60 at Greenway Hills and 50-55 at Barrington Manor. He said the crowd impact from the football field is significantly lower. At Broughton Park and Glens of Crabapple the most adjacent homes could be 50-60 and 50-55 at Greenway Hills and 45-55 at Barrington Manor and up to 55 at Devereux Downs. He said marching band sound levels have the potential for the most impact upon the most adjacent homes in the neighboring communities reaching 70-80 decibels at Glens of Crabapple, 70-75 at Broughton Park, up to 75 at Devereux*



*Downs, 70 at Greenway Hills and 60-70 at Barrington Manor.*

*Councilmember Price asked if there are differences between the types of sound being emitted proposed at the football versus the baseball fields. Is there a different output and is there variable volume and are there multiple speakers. Mr. Enhert replied yes saying that the football field has the potential to have a marching band and the sound system in general puts out more sound at the football field because it has more ground and there are more people to reach. He said the sound system was designed with highly directional loud speakers pointed directly at the bleachers. In the case of the football field, the sound system is designed to be at the back wall of the press box and point directly down at the bleachers and similarly at the baseball field where it is actually behind the bleachers pointed down at the bleachers. Ms. Price asked if they are comparable systems. Mr. Enhert said the football field has more loud speakers and is going to be louder by virtue of the fact it has more people to reach. He said the baseball and softball fields have similar systems but there are a more loud speakers designed for the baseball field because there are three sets of bleachers.*

*Mayor Wood asked Community Development to state the City's sound ordinance and the times and rules of that ordinance. He said he presumed Fellowship would have to comply with the sound ordinance. Mr. Enhert said his interpretation is that they are exempt from the noise ordinance. Mayor Wood asked to hear what the noise ordinance is then Council will decide if Fellowship is exempt.*

*Brad Townsend stated that the maximum allowable decibels is 70 for residential public institutional space from 7:00 a.m. to 7:00 pm, from 11:00 p.m. to 7:00 a.m. is 60 and office, commercial and businesses is 70-65 and industrial and manufacturing is 70. Exemptions from the sound level limits is noise resulting from activities or organized bands or sports leagues between the hours of 7:00 a.m. and 12:00 a.m.*

*Mr. Enhert said the estimate on crowd noise is during the loudest parts of the game. Mr. Enhert said the study assumes the worst case scenario or a full house of 1500 people at the football stadium although they typically draw no more than 500 and the study assumes 125 people for the baseball and softball fields.*

*Councilmember Dippolito asked for clarification from staff on the ordinance. He said there was one line in the ordinance dealing with the fact that schools are exempt and asked if there is noise at 1:00 a.m. is there any recourse or how is that dealt with. He said another line in the ordinance dealt with sporting events and asked if these are counted as sporting events or are they exempt under the school section. Mr. Townsend said in response to the first question, if the event goes past 12:00 a.m., they would have to come into compliance by making sure they would be within the decibel levels at 12:00am. He said there is a second section indicating noise from performance from bands and choirs and organized bands and sports leagues and said they would be considered as an activity for the sports league. Mr. Dippolito asked if sports would be exempt in their entirety. Mr. Townsend replied yes between the hours of 7:00 a.m. and 12:00 a.m.*

*Ms. Diamond stated she assumed at some point they would hear how much better this sound system is better than an average system. She asked how much of a difference that makes in what is being done here. Mr. Rolader replied that the theory is that if more and smaller sources of sound are used and they are directed at the people that are intended to reach, then the ambient sound level is reduced further out and the impact is gotten where it is directed. He said if it is directed to people at the sports event then there is less impact farther out. He said the system that Fellowship had designed which is state of the art, uses multiple speakers controlling systems*

directed at the people in the stands and not at the world and that is its intent. Ms. Diamond asked if that is reflected in the study that was modeled, this exact design. Mr. Ernherth replied yes it was and said basically they were handed the sound system design by the designer and implemented it into the model.

Councilmember Orlans said in reference to the number of speakers reducing the overall sound and the fact that Arpeggio did not put the sound system in, asked if six speakers is maximizing keeping the sound down or would there be a need for more than six speakers and also for the two on the baseball field. Mr. Ernherth replied the sound system design was done by somebody else but they designed the system in order to provide the coverage necessary to hit all the spots in all the bleacher areas that needed to be hit without too much spill over into adjacent areas and said the designer used the appropriate number of loud speakers and speakers are also more directive than other loud speakers. He said loud speakers can spill sound over great angles similar to the light and these loud speakers aim the sound a little bit more. Mr. Orlans asked if in his opinion did he think they have been maximized already. Mr. Ernherth replied, maximized as budget allows as far as he knows but said he does not know the budget numbers and does not know all the particulars of what drove the sound system beyond what he had already stated.

Councilmember Price asked if there is a way to limit the amplification manually or by some sort of limit on the output. Mr. Ernherth replied yes and there are systems that will notify when a sound level exceeds a certain preset limit and will either automatically or manually allow adjustment of the sound level.

Abdul Amer came forward and stated he is representing A&R Engineering, Inc. at 2160 Kington Court, Marietta, Georgia. He said he did the original traffic study for this project in 2010 and recently updated the study with the number of seats that the application proposes and specifically updated the impact on traffic in the surrounding area during the Friday night game time and coordinated with the City's Transportation staff extensively in terms of all the assumptions methodology. He said what was found is because of the drop in the traffic volume on the road as the game activity begins at 7:00-7:30pm, the roads essentially have the additional capacity to accommodate the additional traffic from the football game. He said they found the Levels of Service (LOS) at intersections during that game activity will be LOS of C or better at all intersections without any improvements. He said some of these intersections do operate at LOS of D or E during current AM and PM peak hours and said will be operating typical during a football game at substantially better levels of service, essentially C or better. Mayor Wood asked if there was a study in the event all three high schools in the area were playing at the same time. Mr. Amer replied they did not do such an event, however the study included two scenarios.

Mr. Amer said scenario number one assumed a typical game using current ticket sales of 552 fans (although they are asking for a capacity of 1500 seats) and current number of students at 670 (with the full student capacity of 1000). He said the scenario increased the number of fans proportionally to around 809 fans, also using the carpooling that typically occurs at football games, and assuming that there are only five home game nights for 2011, and then adding a typical growth pattern, and also using the assumption that Roswell High School as the higher capacity of the other two facilities in the area with a fully occupied football game that night. He said scenario number two took into account all traffic for a full capacity seating game, not a typical game but perhaps a state championship, and assumed the game would not coincide with another game along with one of the other area high schools.

Councilmember Wynn asked if Blessed Trinity was figured into any of these analyses. Mr. Amer replied yes and they looked at the capacity of both Blessed

Trinity and Roswell High School and said RHS has the higher of the two. He said the 2011 event calendars for all schools show there is only one incident where one of the five Friday night games that Fellowship will be playing coincides with one of the other schools and that was Blessed Trinity. He said for their study, they chose to use traffic based on RHS upon the advice of the City Transportation Department Director because it has a higher traffic volume.

Councilmember Dippolito asked also if a scenario was run with Blessed Trinity. Mr. Amer replied they did not because they felt RHS had the higher volume and said if RHS would work then Blessed Trinity would also work. Mr. Dippolito stated it was listed in the report that the traffic counts were done on May 4th and asked if that was correct for the existing conditions. Mr. Dippolito asked if in respect to the scenarios that were ran, the results the Council has are for 2012 and asked if Mr. Amer had any projections going out into 2017 and 2022. Mr. Amer replied yes there were scenarios for 2017 and 2022 included in the study for both the base condition as to what the traffic will be without an increase in traffic from this project versus what happens if this project is added during those years and all improvements that are necessary have been identified. Mr. Amer said for the Friday football game activity, they only evaluated 2012 but what was shown were that the levels of service (LOS) and the operations level are relatively speaking much better than the base 2012 traffic during peak hours. He said moving forward in the future in 2012 the traffic is better than the base LOS. Mr. Dippolito said just showing 2012 doesn't give the whole picture and he thought it was important to look at ten years out. Mr. Amer said he agreed it is important but the improvements identified were for the AM and PM peak hours. For it to work satisfactorily there is a certain list of improvements identified and those have to be in place for AM and PM peak hours. He said if you put the same improvements in place no matter how far out in the future you go, you should have a level of service that will work. Mr. Dippolito said but those improvements are not in place and to his knowledge there is not a plan for them to be put in place in the near future and said he thought it was very important to understand that.

Councilmember Igleheart said they like football here in Roswell and Roswell does very well in football amongst all of the sporting teams and said RHS has made the playoffs and has gone very far each year which puts their games even into December. He said Blessed Trinity has done well and it is a fairly likely scenario that they could have three games on the same night during that playoff season which moved into November and December. He said there is certainly a time when it is not going to be once every eight to ten years and said in fact for this coming year based on the schedules that are proposed, November 4th could be one of those if all things came into play. He said he understands and it is accepted principle that the rush hour is a certain period and 7:00 p.m. is that end window and the games start at 7:30 p.m. and it appears if they are saying that none of the game traffic is going to impact the rush hour that they are saying everyone is going to arrive at the game at 7:30 p.m. and given that the kickoff is at 7:30 p.m. he didn't see how that would work. He said it appears that many people if not most would arrive well before that time period and be in traffic during that rush hour.

Mr. Amer responded that the PM peak hour that was analyzed included from 4:00 p.m. to 6:00 p.m. He said if the game begins at 7:30 p.m., he agrees that not everyone arrives at that time but they may be arriving more in the window of 6:00 -7:30 p.m. which is a large window and still a bit out of the 4:00-6:00 p.m. typical PM peak hour.

Mr. Igleheart said he thinks anyone who actually experiences that area at that time would probably disagree. He said looking at that overall intersection, he understands that is the standard practice and once you pass that point you have the East/West

traffic that does decrease most likely, but when you look at the numbers on the study, the entire South part of Woodstock Road and traffic both North and South along that area South of Hwy. 92, is bad and has a much higher number or lower letter than the other cross streets and to say that it is better than the peak, it is still bad in that area that is being impacted. He said he is concerned that it is being said there is no significant traffic impacts when clearly there are and as Mr. Dippolito said if we don't have those improvements which are not scheduled anytime soon and there are many others far ahead of that, then is that not a major problem moving forward and should this be built.

Mr. Amer said if they look at the intersection of Jones Road and Woodstock Road where once the traffic signal is installed and the fourth leg approach to that is implemented, that will be a signalized access that can be utilized in a safe manner and operationally their study showed that intersection will work in good level of service and will accommodate left turns safely. Going north to the intersection of Hwy. 92, which is also a signalized intersection and the congestion level there during game time would be a lot less than the condition level between 4:00 p.m. and 6:00 p.m. He said it definitely would have more traffic especially if a second game is occurring at the same time but during the Friday game time, the traffic on Hwy. 92 east/west is significantly lower which creates capacity in the system to accommodate this.

Councilmember Price said she noticed in the study there are recommendations for the immediate future regarding some of the intersections and asked if those have been incorporated into recommendations specifically in the City staff recommendations that would be taken care of prior to any other approval.

City Traffic Engineer Muhammad Rauf came forward to address the questions and replied yes they still apply. He stated the 4 conditions/recommendations from the Transportation department and they are all at the Intersection of Woodstock Rd and Jones Rd.

1. The Developer to construct the separate left and shared through/right turn lane coming out of the new Church driveway as part of the project.
2. The Developer to construct the northbound right turn lane as part of the project.
3. The Developer to re-stripe the existing pavement to provide a southbound left turn lane.
4. The Developer to re-stripe the existing pavement to provide an eastbound left and a shared eastbound through/right turn lane.

Mr. Rauf stated that condition #1 is being done now. Condition #2 is also a project improvement and is being done or has already been done. He said the pavement already exists for condition #3 and he thinks the re-striping has already been done. He said for condition #4 the pavement already exists, the changes in the striping need to be made. He said all of these conditions are considered project improvements and the applicant is required to do those as part of the project and they were made conditions. He said there are several other improvements and those are all system improvements and means those improvements are needed regardless of the development happening or not. Ms. Price asked if those are costs are borne by the developer or are they costs or plans that the City has.

Mayor Wood asked for a list of the system improvements that are being recommended.

Mr. Rauf showed a graphic of the intersection of Hwy. 92 and Woodstock Road as it continues into King Road. There is an additional northbound shared through/right lane to be constructed on Woodstock Road approaching the intersection. He pointed

out the east/west road as Hwy. 92 and Woodstock Road as northbound continuing into King Road. He pointed out another future 2012 improvement that is needed is an eastbound left turn lane from Hwy. 92 to turn onto King Road going north. He indicated another future 2017 condition is going to need a receiving lane south of Hwy. 92 on Woodstock Road. Another future 2017 improvement is an additional southbound shared through/right turn lane on King Road.

Mayor Wood asked if the system improvements to the interchange of Hwy. 92 and Woodstock/King Roads would be necessary whether the Fellowship plan is implemented or not. Mr. Rauf replied yes they would be necessary to keep the level of service at acceptable levels but there are problems like this all around the City. Mayor Wood asked if these have been brought to Council for prioritization. Mr. Rauf replied they are low on prioritization. Mayor Wood asked if they are low on the priority list because there are places that are much worse. Mr. Acenbrak replied yes. Mr. Rauf said this intersection and this accident location is number 12 on the high accident locations in the City. He said if more traffic is added then more congestion adds more accidents and it could go higher but it is not being recommended to the Council as an improvement yet because there are eleven other intersections that need attention first and they are now looking at the first ten. Mayor Wood asked if long term they anticipate making these improvements. Mr. Rauf replied yes. Mayor Wood asked how the possibility of the construction of the Fellowship stadium plays into the need for this intersection and asked if there has been an analysis. Mr. Rauf said the way staff requires all traffic studies to be done is they look at future years without improvements and with improvements of their development. He said it would make a big difference if they do not make these improvements and the development proceeds. He said if the development proceeds and the City makes these improvements then the difference is really insignificant.

Councilmember Igleheart stated one point relative to that is that while it is true that ultimately it is a system improvement that is needed by adding this element it will likely increase the need for that and decrease the time of which that would move up the ladder and said it would make this worse sooner than what it would otherwise be and said he wanted to make sure that was understood.

Mr. Rolader said for the sake of clarity, the four conditions that Councilmember Price was concerned with at the intersection of Woodstock Road and Jones Road, the applicant is doing those as part of the intersection improvement and said all four of those are covered. He added that he can't see the traffic being destroyed by five football games a year at the intersection of Hwy. 92 and Woodstock Road.

Councilmember Orlans asked Rodney Hawthorne about the chart in the Council packet with diagrams of the fields and asked about the two lines drawn around the baseball field and asked what is the distance of those. Mr. Hawthorne replied that there is a number on the property line and then each additional number is 30' from the number to the left of it. Mr. Orlans said he was trying to get an idea of how far the distance is from the baseball field to the second line. Mr. Hawthorne said the typical design is a .1 foot candle which is considered full-moon light level and the typically considered impact on a property is a .5 foot candle light level. He said the first line closest to the field is the .5 foot candle and the next line is the .1 foot candle which represents a full-moon light level. He said there is approximately 75 feet between the two lines.

Councilmember Wynn asked Mr. Rolader what other night games for instance soccer and lacrosse the football field might be used for if the lighting is approved. Mr. Rolader replied lacrosse is commonly an afternoon sport. He said the same for soccer unless there were a tournament game or if it was late in the fall and said he

did not see it being an issue. Ms. Wynn asked about concerts or football practice or anything else because she is trying to get a feel of when the lights will be on and when the traffic is going to be high or is it only going to be on Friday or Saturdays nights for football games. Mr. Rolader said in respect to traffic, activity levels would mostly be on a Friday or Saturday in the evening. He said as far as practice particularly for football or sports that occur between late October and early March when the sun goes down early, there would be some lighting for a time during those practices. He said football would finish worst case November and best case December. He said for the other sports there might be practice early in the evening but doesn't see that occurring past 8:00pm at any time.

Councilmember Igleheart said there was another study done the first time around for the 2006 rezoning and that is what was brought through the supreme court and quoted something from that supreme court ruling "With each school having varsity football programs which typically compete on Friday evenings from mid-August to early December, there is potential for multiple athletic events occurring along Woodstock Road and King Road. One athletic event typically generates enough traffic to temporarily gridlock a system. Two or three simultaneous events occurring along a two lane road would certainly create capacity constraints immediately following a football game; however it is impractical to design a roadway system to accommodate such an isolated peak." Mr. Igleheart asked if this is still the case. Mr. Acenbrak replied yes. Mr. Igleheart asked if anything changed from what was said in that. Mr. Acenbrak said probably the only thing that has changed were a couple of their assumptions. They assumed a three percent growth rate and a twenty year time horizon. Mr. Amer assumed a more modest one percent growth with a ten percent time horizon and said this study was done in 2005. Due to some downturn in the economy that has caused some changes to traffic patterns and economic activity. He said the methodology used on this study identifying the peaks and the impacts of the traffic system are still fundamentally sound.

Councilmember Igleheart asked Brad Townsend from the time this new application for removal of conditions was applied for or turned into the City, how many conditions from that original effort in both 2006 and 2007 have not been met. Mr. Townsend replied there were four specific conditions in which the applicant was in non-compliance with Transportation which has been complied with. There were ten drainage and grading issues the applicant was not in compliance with that the applicant has now taken care of. He said there were twenty specific locations dealing with shrub and ground material and trees that the applicant has planted the shrub material in ground and the bond would take care of the trees at that time. Mr. Igleheart said his point here is that everything has been done and certainly when the application was put in, it was said that things had been done and there had been no citations; however, it is his understanding that there have been numerous meetings along this whole five year window trying to get these things done and it concerns him that they are moving as if everything is fine when actually the history has proven that isn't the case and asked if that is true. Mr. Townsend replied yes.

Councilmember Price asked about the condition of the gate and if this is a condition that they are placing on the school or would it be an internal matter between the school and the church. Mr. Rolader replied it is for the removal of the gate and that was an early condition that everyone has since determined was detrimental to the traffic flow on the property and that everyone including the Fire Department was better off if there wasn't a gate there and said he understands there is agreement among all parties that the gate should not be there and that is why they are asking for removal of that condition.

Councilmember Dippolito said he understands that church, school and games occur

at different times and it makes sense to not have enough parking for all uses at the same time but there is overlap and said he is assuming the stadium would use more parking than the balance of the uses and asked if that is correct. Mr. Townsend replied that is correct and said there is a cross parking agreement with the church that allows the utilization of 300 parking spaces. He said the site plan for the school shows 352 parking spaces and the analysis done on the original 2005-2006 approval identified a parking requirement of 622 so with the cross parking agreement, they show in excess of 20 spaces providing 642 parking spaces. Mr. Dippolito said in scenario two if they are looking at attracting 728 vehicles for a football game and that would differ from the 622 and asked which number is correct, is it 728 spaces that are required. Mr. Townsend stated that Mr. Amer has provided an analysis of what he feels if a stadium is actually packed and every seat is full and the analysis that they utilize is a minimum parking number requirement for the uses and it is based on building square footage with the actual additional 300 from the church. He said probably both numbers are right. Mr. Dippolito said it appears the stadium requires more parking and said he is more concerned about having enough parking when there is a ballgame.

Mr. Amer said that is the worst case scenario when the entire stadium is occupied for example a state championship game; in that scenario obviously his occupancy rate that was assumed was for a typical game activity. He said most studies around the country even for high school games show that on average the occupancy per car rate is 3 persons. He said during a championship game event they are looking at a lot more carpooling and bus activity. Mr. Dippolito said one of the concerns from the surrounding neighborhoods is people spilling out into their neighborhoods and parking on their streets and he wants to make sure they have that covered.

Councilmember Diamond asked Mr. Rolader how many people are generally at the Fellowship football games where they exist now. Mr. Rolader replied that he thinks Mr. Amer has that number. Mayor Wood asked what the biggest turn out has been. Mr. Amer said the average ticket sales information from the last football games was 542 fans in attendance. Ms. Diamond asked what is the rationale for the 1500 seat request and asked if that is a football state thing or a Fellowship thing. Mr. Amer said essentially that is for Class A high school football activity to meet the Georgia High School Association seating requirements in order to be classified. Mr. Rolader stated the Athletic Director says the highest attendance they have ever had is 650. Ms. Diamond asked if they are expecting to pack the stadium very often. Mr. Rolader said if you talk to the Athletic Director, they are going to win the state championship.

Councilmember Price stated that one of the conditions placed on the school five years ago was no outdoor concerts on the property. She asked should there be a public address system, would there be anything prohibiting graduation exercises or speeches or any other activities. Mr. Rolader said they don't foresee putting a rock and roll band at Fellowship Christian School but if they have a group of students that play together as a band and they want to perform one day for the football pep rally, they would be concerned that this condition might inadvertently trip that up. He said they are not planning on rock concerts since that is not what their school is all about, but if they do anything outdoors that includes amplified music they are trying to tread carefully. Ms. Price said she assumed that would not fall under organized sporting activities so it would be subject to the decibel limits.

*Public Comment:*

Lee Fleck, Martins Landing stated he considers himself very supportive of youth sports, high school sports and music. They had a similar incident dealing with the sound issues when Centennial High School was first built. They didn't need Roswell to solve the problems, they dealt with Fulton County which the City of Roswell has no

control over. The decibels levels exceeded the 70 decibels. The school administration and local citizens met and resolved the sound issues without City involvement. He said that is where these issues will eventually need to be resolved and not getting the City Council involved.

Richard Arena, 830 Jones Road said some mistakes have been made along the way and many have to do with traffic. He said this school is a private non-profit corporation, a business. He said they came to Roswell in 2005 with a business plan for doubling their number of students from 500 to 1,000 and their marketing strategy was to build competitive athletic venues on their campus. He said the impact area around the school is very typical of the sprawl model and one of the things that makes this area unusual in terms of the impact of sprawl is the fact that there are five schools in that area (3 high schools, an elementary school and a middle school). He said Fellowship Christian School came to the City of Roswell and the City compromised. He said Fellowship wanted the lights, stadium and an entrance on Jones Road. He said many nearby residents complained about this saying they had enough traffic, noise and litter and requested the entrance not be put in. He said the City compromised and said they could have everything but the stadium and by making that compromise, the integrity of the neighborhood would be protected. He said Fellowship wasn't satisfied with that decision and challenged it to the Georgia Supreme Court and that court upheld Roswell's position saying Fellowship's own traffic study stated it would create gridlock in the area and there were no practical remedial measures to be taken to relieve that consequence. He said the current situation is that Fellowship is back with a new traffic study concluding there is no adverse effect from the football traffic on Friday nights. He said in the traffic study, key intersection failure is masked and there are inconsistencies in the study. He said game night traffic from the most recent study done on 6/11/2010, which is some time after the school is closed when the traffic goes down dramatically, is unrepresentative of actual conditions during the fall when people are out doing other activities.

He said on the City's transportation master plan the only one scheduled is one that monitors traffic up and down Highway 92 which is scheduled for some time in the future. He said the impact on neighbors is arrogantly dismissed. The plan says that the intersection of Woodstock Road, Devereux Chase eastbound approach is operating at a loss or a failure. He said people have a hard time getting in and out of their neighborhoods. He said the school is not worried about the neighbors, residents, taxpayers, or voters getting in and out of their developments all they just want are their stadium, lights and PA. He said that game night traffic is grossly under projected and base game evening traffic is misrepresented and net gain in traffic from Fellowship's expansion is misrepresented, that the traffic impact on neighbors is dismissed and the their conclusions that the stadium will have no negative impact on the roads around there is based on improvements that are not scheduled to happen anywhere in the foreseeable future.

Rick McDonald, 1105 Allenbrook Lane, Roswell, Georgia said he is speaking on behalf of his neighbors in Barrington Manor who strongly oppose Fellowship's application. He said the subdivision directly abuts the Fellowship property and the light and sound from the proposed stadium would be inescapable in their neighborhood. He said if the lighting is adequate for illuminating the field and the public address system is loud enough to be heard in the stadium then that light and sound will penetrate the surrounding houses only hundreds of feet away even with the best mitigating technology. He said the City's June 30th staff report states that lighting and PA "may adversely affect the existing use or usability of adjacent or nearby property" and said that is commonsense. He is against a school administration that chose to break ground for its sports complex on a too small site even after the City denied permission for the stadium, lights and PA that it is seeking



again tonight. He said the administration claims it has been discriminated against because it can't have the same amenities as Roswell High or Blessed Trinity while ignoring the fact that those schools are situated on larger campuses and now the administration wants its neighbors to pay the price for its bad decision.

Joseph Baxter, 420 Allenbrook Court, Barrington Manor said his property directly abuts the FCS baseball fields. He said soon after moving to their current home in the year 2000, they had their first interaction with Fellowship Christian School and their relationship with them has been challenging and contentious ever since. He said he is asking in the interest of sustaining the quality of life for his neighborhood and all the surrounding neighborhoods that Council sustain the conditional use restrictions as was established by Council and upheld by Supreme Court in 2007. He said adding lights and sounds systems to the existing fields and permitting the creation of the 1,500 seat system with PA will make the situation completely unbearable for the our neighborhoods. He said he seldom uses his patio on nights or weekends from Spring to Fall because the peace and quiet he used to enjoy has been eliminated by the constant perpetual sound of the baseballs bats and the coaches and fans yelling. He said at the May Council meeting where this issue was last addressed, the school's attorney, Mr. Rolader was very clear on the point that the school cannot attract top athletic talent and grow according to their desires if they do not have a stadium with lights and sound, but he didn't make clear that by being able to rent a state of the arts sports facility, Fellowship would be missing a steady stream of revenue to help fund their planned high school building and other ventures. He said although this is about the students of FCS, the issue here is also about money, plain and simple. He said additionally, there is absolutely no way to prevent the proposed lighting systems from the baseball and tennis fields from invading the neighboring properties in Barrington Manor due to the simple fact that the fields are literally above the houses. He said his last point is nothing can control the amount of noise coming off a football field. He said if the Council lifts the conditional use restrictions, it will adversely affect the community's quality of life and damage their right to the quiet enjoyment of our homes. He said it would be unseemly for the Council to reverse its prior decision when there are no new facts and the Council would be sending a message that its decisions can be reversed if enough pressure or outright threats are brought to bear. He said he doesn't think good policy is made at the point of a gun and he thinks it is genuinely unfortunate that the Council has been put in this situation and said the Council needs to stand firm.

Mayor Wood adjourned the meeting for a break at 9:37pm and it resumed at 9:50pm.

*Public Comment:*

Alison Vrolijk, 210 Devereux Downs, Roswell, Georgia stated she is Chairperson of the Woodstock Road Neighborhood Coalition, a group of neighbors interested in preserving the integrity of our homes along the Woodstock Road corridor. She implored Council to deny the application for the conditional use permit submitted by Fellowship Christian School. She presented 294 signed petitions representing 207 homes that were obtained by going door to door. She said all were signed by Roswell residents with their addresses included and contains no signers who are anonymous or children or who have listed only their first names or who were neutral. She said there is overwhelming opposition from homes most closely bordering Fellowship's property. She said the overriding feeling of the coalition is that nothing has changed. They were all here five or six years ago dealing with a much broader application dealing with the build out of Fellowship's property and the expansion was granted but the stadium was not and that decision was upheld by the Georgia Supreme Court because of the traffic gridlock after a football game. She said all the conditions that existed five years ago including the traffic situation, light and noise have not changed. Therefore, the City of Roswell's decision regarding the lights and

amplifying of Fellowship's athletic fields should not change. She said Fellowship is here again trying to get what they want and will keep asking until they have everything they want. She pointed out that Fellowship submitted this application before they satisfied all the conditions from the first conditional use permit and they are still not fully in compliant so this type of entity should not be trusted to comply with any compromise. She said there are many families who are already sending their children to Fellowship and there is no stadium and that hasn't stopped these families from sending their children there and it isn't going to stop others. She said Fellowship created this dilemma because they knew five years ago they could not build the stadium on their land and could have chosen to develop their campus somewhere else but they built it anyway. She said all they really want is the football stadium and their only overriding argument is that other schools have it so they should be able to have it. She said Fellowship is not similarly situated to Roswell High School. She said Blessed Trinity was built prior to the 2003 amendments to the City code when the conditional use permit requirement for developing a non-residential use on residential property was passed, therefore Blessed Trinity was not subjected to all of this. She said the conditional use requirement was passed for a reason to protect neighborhoods. She said if Fellowship is allowed to build the stadium, you will never be able to deny any other private school a big stadium in a residential neighborhood because they will then claim discrimination and they might actually have a valid discrimination case because Fellowship set the precedent.

She said there are currently two competing traffic reports - the traffic report from the last time around is still valid and the new traffic report supports the conclusion that the first traffic report came to which is that following a football game traffic is going to be gridlocked on Woodstock Road. She asked that Council continue to accept the conclusion from the first time around that traffic following a football game will be unacceptable. She added they are not only talking about Fellowship's home games because they rent their fields out to about forty entities and they continue to build their revenue from the utilization of their fields and other leagues will be playing at night on these fields with increased night time activity closely bordering neighborhoods particularly Barrington Manor that will hear all of it regardless of PA or not. She said in conclusion Fellowship is a fine school and will attract students even without a stadium on their property.

Tom Rowsey, 215 Devereux Circle stated he grew up in Roswell and graduated from Roswell High School and has been practicing law for 20 years. He said he is speaking on behalf of Fellowship Christian School. He thanked the Mayor and Council for the job they do for the citizens and pointed out there have been many well-spoken speakers tonight that spoke with emotion. He said his house is in the neighborhood that abuts Blessed Trinity High School. He said they hear the football games, bands and church functions from their back patio and it doesn't disturb us. There are only five to seven home football games per year which is a minimal intrusion. He is in favor of lights and wants the school to continue to thrive. He said he loves seeing the kids walking to the restaurants and other establishments. He said it is time for Roswell to accept and grant the lifting of these conditions.

Joal Bear, 140 Calais Court stated he lives in the Greenway Hills subdivision. He said this is a wonderful community and he is here to ensure the continued peaceful enjoyment of the property and family life of many hundreds of homeowners. He said a small private high school with an enrollment with less than 250 peoples feels it is entitled to intrude with lights, noise and traffic on the lives of a community numbering several hundred home

**A motion was made by Council Member Price, seconded by Council Member Orlands, that this Item be Approved with the following conditions:**

**1) It will be developed in accordance with the site plan prepared by Paulson**

Mitchell received on June 29, 2011.

2) The gate that is presently there on the current internal road between the school and church that was to discourage cut through traffic between Jones Road and West Crossville Road will be removed.

3) It will be developed with the conditions proposed the Community Development:

a. All lighting, public address system, press box and type of seating must be approved by the Roswell Design Board (DRB).

b. All landscaping referenced in previous phases which is either dead, dying or has not been planted must be installed and/or replanted along Woodstock Road and within the development prior to December 31, 2011.

c. The landscape bond of \$15,732 for the trees shall be paid to the City within 30 days of the Council approval.

d. There will be no lighting on the baseball field, softball field, basketball court and tennis courts located near the Barrington Manor Subdivision.

e. There will be no public address system used at the baseball, softball fields and tennis courts.

f. There shall be no marching bands, either from Fellowship Christian School or the visiting school, during outdoor athletic events.

g. There shall be no outdoor concerts on the property.

4) It will be developed with the conditions proposed by Transportation:

a. Intersection of Woodstock Rd. and Jones Rd.: The Developer to construct the separate left and shared through/right turn lane coming out of the new church driveway as part of the project.

b. Intersection of Woodstock Rd. and Jones Rd.: The Developer to construct the northbound right turn lane as part of the project.

c. Intersection of Woodstock Rd. and Jones Rd.: The Developer to re-stripe the existing pavement to provide a southbound left turn lane.

d. Intersection of Woodstock Rd. and Jones Rd.: The Developer to re-stripe the existing pavement to provide an eastbound left and a shared eastbound through/right turn lane.

e. Fellowship is to hire police officers to direct all major event traffic.

5) The sound system would have a limiting system as approved by the DRB.

The motion carried by the following vote:

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

Mayor Wood said "Before closing, you have set a record. In my administration this is the longest Council meeting we have had and we are not even over yet." He said he appreciated their attention, respect and participation. The Mayor announced a ten minute break.

In Favor: 4

Opposed: 2

3.

**Approval of a Resolution to Transmit the 2030 Comprehensive Plan "Community Agenda" including Short Term Work Program and Capital Improvement Element.**

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

*Councilmember Price introduced the item and said in view of the time of the evening this discussion might be better left to another time depending upon the will of Council.*

Mayor Wood asked Alice Wakefield for the deadline to have the plan to the State. Ms. Wakefield replied the deadline is October 31, 2011; the State is allowed to have up to 120 days for their review; they normally take about 60 days and they are closely approaching the 60-day period. If it is deferred then they would ask that it be deferred to the next meeting which is July 25th. Mayor Wood said whether it is voted on tonight or at the next Council meeting he suggested that even after it goes to the State that discussion continue; this vote would be for the State to review but not for a final approval by Council. Ms. Wakefield said you do not have to do a final review, minor changes can be made but if things are rearranged and changed then you might have to go all the way back to the State, but some minor changes can be made between transmittal and actual approval.

Councilmember Wynn said it has been suggested that there be a special called work session to hammer out everything so when it returns to Council there will not be another three hour meeting. She asked Mayor Wood and the Council to consider whether that is possible to do before July 25th.

Councilmember Orlans referring to adding to or tweaking things on the Comp Plan, stated that it doesn't appear there will be major changes. He asked if Council could vote to send it to the State and still have a work session and make changes after the fact. Ms. Wakefield said Council can vote to submit it with the changes that have already been incorporated, and then make additional changes in between. She said it would be difficult to send to the State with all the various strikeouts in the current draft document. Mr. Orlans said he is thinking to send it for review with the changes that have been added to it over the last month or so. Ms. Wakefield said yes they could do that. Mayor Wood stated that what we have are changes one group of three made, changes another group of three made, and changes that he had suggested. He suggested some coordination either submitted as is without any changes or have some coordination on those changes. To submit it with changes without discussion would be inappropriate. Mr. Orlans said he understood that and said he didn't think the members had a big problem with what was already put in between the red, green and blue and he said there had been some suggestions from the Eastside Forum that he doesn't see any problems with possibly incorporating and said he thought the Mayor only had a list of a few items. He said none of the changes are major if the Council is in agreement with what was in there on the last version of the red, green and blue additions. Mayor Wood said they either need to have a discussion to discuss them all or just submit what we've got and go back and amend.

Councilmember Price asked if once the Comp Plan goes to the State, does that mean we would amend it if there are changes Council would want to make. Ms. Wakefield replied you would amend it. Ms. Price asked if when it comes back from them the State and that is their final document whether anything we change after that is an amendment. Ms. Wakefield replied no once it is adopted, it becomes an amendment. Mayor Wood said the vote would not be an adoption but the vote would be to submit something for their review and then when it comes back there would be a vote for adoption. He said if there were substantial changes, you would have to resubmit it but if they are not substantial changes and they are language changes or just tweaking, then it would not have to be resubmitted; that is a judgment call Council must make. Councilmember Price asked if it is subjective regarding how much is a change that requires a resubmittal. Ms. Wakefield replied a resubmittal would be if changes are made that would alter the basic requirements for the State, such as the quality community objectives. If changes are made such that would have to be amended, those would probably have to go back to the State.

**A motion was made by Council Member Price, seconded by Council Member Wynn, that the Approval of a Resolution to Transmit the 2030 Comprehensive Plan "Community Agenda" including Short Term Work Program and Capital**

Improvement Element be Deferred and be placed on the Mayor and City Council agenda for 7/25/2011. A Special Called Work Session to discuss the Comp Plan will be scheduled before the July 25th Mayor and Council meeting. The motion carried by the following vote:

In Favor: 6

4.

**RZ11-06, CV11-01, 913 Forrest St., Land Lot, 425, Assurance Property Holdings/Robert Legg.**

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

*Planning and Zoning Director Bradford D. Townsend stated this is a request to rezone a property from the current R-2 zoning to O-P; there are two concurrent variances included that would allow for the existing building to remain in its current location and be compliant with the O-P zoning designation. He said the variances are needed because the adjoining properties are remaining R-2. Staff recommended one condition that the parking space in the front of the building be moved to the rear of the building. Staff recommends approval of the rezoning and it would be consistent with the comprehensive plan with the one condition that "the old curb cut must be closed, re-graded and sodded and the parking space shown must be moved to the rear parking area."*

*Council Comment:*

*Councilmember Wynn said her understanding is that if the old curb cut is closed as specified by the Transportation department, it would be moved to the back. She said there are a couple of trees that might be damaged. Mr. Townsend said their root zone might be impacted. Councilmember Wynn said there is a forest back there and that she understands the trees that could be impacted are pines; no specimen trees would be impacted if the space is moved to the back. Mr. Townsend said that is correct.*

*Applicant:*

*Don Rolader, 11660 Alpharetta Highway, Suite 630 said he is here on behalf of the applicant and owner of this property. He said this area is designated in the future for O-P. This house has been restored and made to look nice. He said the variance is the minimum and was drawn to make it fit so the house fits on the lot; there is nothing extra or special beyond that. He said he thinks the applicant is in accord with staff on almost everything. The owner is requesting to continue to park in the concrete space up front and the remainder would be made into a berm.*

*Mayor Wood asked Mr. Townsend why staff is requesting to eliminate this parking space. Mr. Townsend said it eliminates a curb cut along that street. Mayor Wood asked if he would have two curb cuts. Mr. Townsend replied he would have two, currently there is only one. Mayor Wood stated this is for one single lot; he asked what the frontage is. Mr. Townsend replied there is 100' frontage.*

*Councilmember Dippolito said one of the things the city has been trying to do with the Groveway zoning ordinance is working on a form base code is to try to limit parking spaces out front and get everything in the back in order to hide parking as much as possible.*

**Motion: Councilmember Price made a motion to approve RZ11-06, CV11-01, 913 Forrest St., Land Lot, 425, Assurance Property Holdings/Robert Legg as requested without the staff recommended condition to eliminate the front parking space to be moved to the rear of the lot. Councilmember Dippolito**

seconded for discussion.

**Amendment:** Councilmember Dippolito made an amendment to eliminate the parking space out front and second curb cut. The amendment to amend the motion passed 5-1. Councilmembers Diamond, Dippolito, Igleheart, Orlans, and Wynn voted in favor. Councilmember Price opposed. The motion to amend passed.

**Main Motion:** Mayor Wood stated they would vote to approve the rezoning of R-2 to O-P with concurrent variance for buffer and side setbacks for an office use with the condition that the parking place be eliminated. The motion passed unanimously.

In Favor: 6

5. **Preliminary Plat - Taimen on the River Subdivision, Riverside Rd., Land Lots: 493 & 494.**

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

*Planning and Zoning Director Brad Townsend stated this is a vacant subdivision. Mr. Townsend displayed an overhead slide and said this was existing as approved and indicated it was divided into five single family homes; ten single family lots are being proposed still in conformance with the R-1 zoning district. He explained that the difficulty is that the original design was for a driveway that does not meet the City standards for road surface. He said the sub grade is supposed to be at least six inches and is only four-and-a-half inches and the average binder is supposed to be one-and-a-half inches and it is two inches. He said the simple explanation is the paving width is supposed to be 24 feet and they currently only have 20 feet. He said the staff recommends that the substandard base be topped with two inches of topping that gives the full depth of a standard road. He said the applicant's other request is to eliminate curb and gutter and there has been conversation to put flat curbs on either side of the roads for water to sheet flow off into swells and then runoff. The street dedication was originally required to become a public road so the City would be required to do maintenance. The Planning Commission recommended it be maintained as a private drive and they will install sidewalks on one side of the street and the City code would normally require two sides but there are no homes on the east side of the street so the sidewalk would not serve a home. There is currently a gate built for the road and that would make it a private road. The applicant would like to reduce the minimum front setback of the lots from 40 feet to 30 feet. The eighth condition newly brought up by staff is to provide a public access pedestrian and bike trail from Riverside to the northern property line. This has been discussed with the property owner at the northern end and there is a possibility of being able to get to a cul-de-sac street through that next door person's property. He said this would be within the conservation easement not on private property and the location will be determined prior to LDP after walking the property and making sure both sides agree.*

*Mayor Wood asked Mr. Acenbrak how much it would cost the developer to tear out the road and put in the base not including the extra sidewalk in order to bring this street up to current standards. Mr. Acenbrak replied around \$100,000 given the length and width and said staff is satisfied if they use the existing base plus the binder which includes aggregate. Mr. Orlans asked if it meets the City codes for a public street. Mr. Acenbrak stated it does not. Mr. Orlans asked if staff is suggesting we go ahead with it because it is close to it meeting codes. Mr. Acenbrak said he understands it is actually considered a driveway. Mr. Orlans said he thought it was*

being recommended that it be taken in as a public road. Mr. Acenbrak stated this is a way for the applicant to not have to spend \$100,000 to dig it all up and to accept what is there. He said he had walked the site and did core samples and it does not meet the minimum base requirements because there is not enough gravel underneath. The only way to solve that is to dig it up and add gravel; however by adding the binder that has aggregate in there to what already exists helps strengthen the entire thing. Mr. Orlans confirmed that Mr. Acenbrak is talking about keeping it private and to do that to make it a better road for them as a private road. Mr. Acenbrak replied yes sir.

Councilmember Wynn asked if Mr. Acenbrak still advocates the gutter on both sides of the street to help with the life of the street. Mr. Acenbrak said what happens in the rural sections that don't have curb and gutter often times a car gets too close to the edge and breaks off the edge which causes pavement failure. He said what can be done to keep the rural section is to add just the gutter pan that is flush with the surface of the road that has a gravel base and concrete but doesn't have a vertical section so it doesn't keep the water on the road. The water sheets off but the concrete gutter will support the edge of the road and make the pavement life last significantly longer. Ms. Wynn asked what would be the minimum width. Mr. Acenbrak replied 18 inches would be more than enough. Ms. Wynn asked if a 12 inch would work. Mr. Acenbrak replied that would be fine for ten houses on a cul-de-sac road like this.

Councilmember Diamond asked for clarification of public access easement and if that is meant to be a trail. Mr. Acenbrak replied yes. Ms. Diamond said people on a private street with a gated neighborhood are going to have people walking through their neighborhood. Mayor Wood said in the City's comprehensive plan that is something we specifically put in to create these connections. Mr. Acenbrak said this condition is acceptable to the applicant.

Mr. Acenbrak displayed an overhead graphic and pointed out Riverside Road, the driveway for Taimen, Grimes Bridge Road and Grimes Bridge Landing and said Mr. Stricklin had spoken with the owner of the property today and said they are very excited about this. He said it gives them access to the river that they didn't have before and said it is important at this stage of these developments to lock this in and the details can be discussed in the future. Mayor Wood said you always get property owners that say they never knew there was a trail there and asked if the applicant can at least grade and clear the area even if they don't put the trail in now. He said they should at least clear the land so there is something on the ground people can see. He said if it can't be seen and people say they didn't know it was there then later there can be an objection to the trail.

Paul McKitchrick, 245 Lake Summit View, Atlanta, Georgia stated he is representing Archway Custom Homes for the applicant. He said some of these things are a bit new to them and said the subdivision was in the River Corridor. They have been working with staff to meet sustainable growth. He said the curb issue was addressed and they are trying to use sheet flow off the road and also trying to reduce the impervious surface within the subdivision. He said the right side of the road will have no construction on it whatsoever and there is a creek running down it and there would be a problem with clearing there based on how you clear inside a creek other than just a footpath. He said if the road is made bigger with the curb added, it will affect the sheet flow that is designed to dump into the four-acre easement. In reference to the topography, he said there is a steep hillside at a fairly severe angle going through there. Mayor Wood asked if it is practical to put a trail there. Mr. Acenbrak replied yes and it could be soft surface or just crusher run. Mayor Wood said they are only talking about possibly four feet wide, just a foot path.

Councilmember Dippolito asked if the proposed path will be four feet wide. Mr. Acenbrak replied or six feet, basically a sidewalk, enough for a trail. Mr. Dippolito confirmed that they are not talking about a paved asphalt multi-use trail, but more like a five foot sidewalk type of thing. Mr. Acenbrak said he would like to have a paved asphalt multi-use trail and said he would also love to be able to get a fire truck in there or use this same model for the river walk. Mr. Dippolito asked for clarification that Mr. Stricklin had talked to the property owner just to the north and they are in agreement with this. Mr. Acenbrak replied yes they are very excited about it. He said they want us to do the work but they will give us the land. Mr. Dippolito said we could then put a five foot wide mulch trail through their property. Mr. Acenbrak replied yes. He said he would like to get as much as he can but will take what he can get and said this is a great first start and the City needs more of these. Mr. Dippolito said then staff need to convince the applicant that they really need to have a multi-use trail.

Motion: Councilmember Price moved to approve the Preliminary Plat - Taimen on the River Subdivision, Riverside Rd., Land Lots: 493 & 494 and approve the plat for a private road with one variance to Zoning (as restated by Councilmember Price):

1) Front setback from 40' to 30'.

Four variances under Standard Construction Specification and Subdivision Regulations including:

1) Reduce street paving width from minimum of 24' to 20' (from Section 2.1.3)

2) Eliminate curb and gutter (from Section 2.2.2.c)

3) Installation of sidewalks on only one side of street (from Section 18.1.7)

4) Variance from the paving standards (from section 2.2.1.c) – will have substandard base and 2" top coat to be applied and road edges stabilized as per exhibit draw by Transportation Director. (from Standard Construction Specification and Subdivision Regulations)

5) Require public access easement from Riverside Drive to the northern property line located in conservation area location to be determined by staff prior to Land Disturbance Permit.

6) A reduction of street frontage to be 125' for 10 houses.

7) Be a gated community (use within public ROW and access (from Standard Construction Specification and Subdivision Regulations)

Council Discussion:

Councilmember Wynn said we also discussed eliminating the curb but still have a 12 inch gutter on each side of the road for stabilization. She stated to Mr. Townsend that since this is a private road they need a 250' road frontage and they only have 125' and asked if that is also a variance that needs to be put in. Mr. Townsend said yes now that it has become a private road it doesn't meet the requirement for each lot having a minimum of a 25' access to the public right-of-way so that now needs to be a variance for each of the ten individual lots. Ms. Wynn asked if Councilmember Price can say "to accept the 125' road frontage." Mr. Townsend replied "for the ten individual private properties, yes." Ms. Wynn said those are her only two is to add the gutters back at 12" on both sides and then the 125' road frontage. Mayor Wood asked if that was acceptable to Councilmember Price. Councilmember Price stated "acceptable."

Mr. McKitchrick stated they originally spoke with staff about instead of doing a one foot curb on both sides of the road to make it one foot of GAB six inches deep and the objective of doing just GAB and not curb on each side of the road was to provide some stabilization but not impact the impervious surface for the ARC calculation. Mr. Acenbrak replied that this is the first time he has heard about this. He asked if it could be pervious concrete. Mr. McKitchrick stated he did not know if that qualifies in



the ARC.

Chris Patterson, 5082 Running Doe Drive, Suwannee, Georgia stated he is a Civil Engineer and said the pervious concrete does not meet the qualifications and is still considered an impervious surface.

Councilmember Wynn asked what if we amend it to say use the GAB and said she wanted to make sure that we didn't have to look at the ARC again. Mayor Wood asked Mr. Acenbrak if they would run into the ARC problems if we required the 12" concrete and is the 12" concrete better than the graded aggregate base. Mr. Acenbrak replied that the graded aggregate base is great for the pervious requirements that they are looking for and said in his opinion it is still a flexible surface and it will move. He said a concrete cap over that is needed to provide the stability for the edge of the pavement. He said he was thinking that because the City usually requires a 24' wide road and he was only doing 20', that adding a foot to each side is still 22' and is less than the 24'. It is a compromise but doesn't get the applicant where they want to go from an environmental standpoint. Councilmember Wynn said when they were doing the five houses there were sidewalks on both sides of the road and now they are doing ten houses with sidewalks only on one side of the road. Mr. McKitchrick said the five houses were planned as 10,000 square foot houses, they planned the ten houses and the single sidewalk on the one side of the road and the reason to go to one side sidewalk is there are no houses on the other side of the road and that calculation then was still under the ARC limit but met the first ARC calculations that were submitted the first time. He said after discussions with staff it was decided rather than have a pool of ARC extra square feet, that each lot should have some extra ARC square footage so if the people who buy those homes want to add a patio or pool they don't have to buy it from the HOA or bargain with their neighbors to get an adequate amount. He said they sized the houses and worked the whole subdivision in a sustainable way and said one of the things they have done instead of doing solid driveways all the way up to the houses, there are two three foot strips up to the houses and have tried to pull the houses from 40' to 30' to again reduce some of the concrete. He said they are tight on the ARC numbers.

Councilmember Wynn said her concerns are that there is a substandard road, it is 24' to 20', they are going to eliminate curb and gutter which means that road might start deteriorating sooner than if it had curb and gutter, and fourth it is a private road which means those ten home owners will probably have to start repairing that road a lot sooner because there is no stabilization on the outer edges of the street.

Mr. McKitchrick said he recognizes her concern and said the applicant's position and the position of the engineers is that since it is only a ten unit subdivision the traffic will be minimal and the wearing will not be as excessive as on a higher traffic road.

Councilmember Wynn said they are going to build ten houses on a substandard road with construction trucks coming in and out and garbage trucks coming in and out and said she understands it is only ten houses but there will still be a lot of wear and tear on that street for perhaps the first couple of years.

Councilmember Dippolito asked Mr. Acenbrak if adding the additional 2" of asphalt would provide enough stabilization for Councilmember Wynn to be comfortable with the fact that the additional materials is not needed on the sides. Mr. Acenbrak replied the additional topping is going to be the wearing course for the road; he is confident the road itself will withstand normal wear and tear. The problem is that at the end of the road there is no support and tires that go close to the edge or go off the edge break off those edges and that is the root cause for a lot of pavement failure. He said there is probably a higher chance that a road next to the edge is going to break it off

than any type of damage that is going to occur in the center and said the edges are the issue; he didn't believe that gravel or GAB rock without any type of a top is really going to provide any type of structural side stability. The fact that the road is also narrow means that the chance the tires are going to be close to the edges is a lot more likely. Mr. Dippolito said roads without gutters are built all over the country and people just deal with it. Mr. Acenbrak agreed but added as they learn that is the cause of the accelerated pavement failure then they think about ways to prevent that; if they built the street 24' wide, they would have more surface to run on. He said this is already a narrow road and although it is just a 10-unit subdivision, from a structural standpoint he thinks Councilmember Wynn is correct that we should have this. Councilmember Dippolito said most curbs are 6" and asked if it would be sufficient if they were 6" on either side. Mr. Acenbrak replied that isn't very wide and doesn't provide much of a base and said it would be better than nothing. He said if a GAB base is put there with 6" of concrete on top that would be a reasonable compromise.

Councilmember Igleheart said "Ultimately it is a private road and ten households are responsible for it so while normally I would say we should care, in this case I don't because we just screwed 250 people so why do we care about 10. That can be for the record." He then said "It is their property and they are responsible for it, who cares."

Mayor Wood said he does care about sustainable development and we are trying to support sustainable development.

Mr. Acenbrak stated he thinks we have reached a compromise. He said the applicant will put a graded aggregate base 12" wide against the base of the toe of the road and cap it with a 6" concrete curb that is flush with the top of the asphalt and then backfill and that will give them both the stability for the edge of the road and some impervious area for the rainwater to get into and said that is reasonable.

Councilmember Price stated she made a motion earlier and the only thing that would be different is combining the topping and the gutter. She said perhaps she should start over. Mayor Wood said given the late hour perhaps she should start over. (Re-stated motion is in its entirety as written above)

**Final Motion:**

**A motion was made by Council Member Price, seconded by Council Member Wynn, that this Item be Approved with the following variances:**

- 1) Reduce minimum front setback from 40' to 30'. (variance from the Zoning Ordinance)**
- 2) Reduce street paving width from minimum of 24' to 20' .(from Standard Construction Specification and Subdivision Regulations)**
- 3) Variance from the paving standards - will have substandard base and 2" top coat to be applied and road edges stabilized as per exhibit drawn by Transportation Director. (from Standard Construction Specification and Subdivision Regulations)**
- 4) Install sidewalks on one side of street. (from Standard Construction Specification and Subdivision Regulations)**
- 5) Be a gated community. (use within public ROW and access) (from Standard Construction Specification and Subdivision Regulations)**
- 6) Require public access easement from Riverside Drive to the northern property line located in conservation area location to be determined by staff prior to Land Disturbance Permit.**
- 7) Street frontage to be 125' for 10 houses.**

**The motion carried by the following vote:**

**In Favor: 6**

6. **RZ11-05 Text Amendment for active recreational facilities in residential zoning districts. (Second Reading)**  
*Presented by Bradford D. Townsend, Planning and Zoning Director*

City Attorney David Davidson read AN ORDINANCE TO AMEND THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE ALLOWANCE OF PRINCIPAL USE OF ACTIVE RECREATIONAL FACILITIES IN ALL RESIDENTIAL ZONING DISTRICTS WITHIN THE CITY LIMITS OF ROSWELL, stating, pursuant to their authority, the Mayor and Council adopt the following ordinance:

1.

*The Zoning Ordinance of the City of Roswell is hereby amended by deleting in Article 10 of the City of Roswell Zoning Ordinance, Chapter 10.5 Active Recreational Facilities as Principal Uses, as follows and Section 10.5 being reserved for future text amendments:*

**CHAPTER 10.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*In districts where permitted, playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty foot setback required alongside and rear property lines, a minimum twenty-five foot wide natural buffer shall be provided.*

2.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.1 E-1, Single-Family Estate Residential District, adding Section 5.1.5 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.1.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

3.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.2 E-2, Single-Family Estate Residential District, adding Section 5.2.5 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.2.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

4.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.3 R-1, Single-Family Suburban Residential District, adding Section 5.3.5 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.3.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

5.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.4 R-2, Single-Family Medium Density Residential District, adding Section 5.4.5 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.4.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

6.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.5 R-TH, Fee-Simple Townhouse District, adding Section 5.5.5 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.5.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

7.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.6 R-THA, Fee-Simple Townhouse Medium Density District, adding Section 5.6.4 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.6.4 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

8.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.7 R-3, Multi-Family Residential District, adding Section 5.7.6 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.7.6 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50)*

*feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

9.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.8 R-3A, Multi-Family Medium Residential District, adding Section 5.8.4 Active Recreational Facilities as Principal Uses, as follows:*

#### **SECTION 5.8.4 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

10.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.9 R-4, Multi-Family Residential District, adding Section 5.9.5 Active Recreational Facilities as Principal Uses, as follows:*

#### **SECTION 5.9.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

11.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.10 R-4A, Multi-Family Residential District, adding Section 5.10.5 Active Recreational Facilities as Principal Uses, as follows:*

#### **SECTION 5.10.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

12.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.11 R-5, Multi-Family Residential District, adding Section 5.11.5 Active Recreational Facilities as Principal Uses, as follows:*

#### **SECTION 5.11.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

13.

*The Zoning Ordinance of the City of Roswell is hereby amending Article 5 of the City of Roswell Zoning Ordinance, Chapter 5.12 R-PUD, Planned Residential Development District, adding Section 5.12.5 Active Recreational Facilities as Principal Uses, as follows:*

**SECTION 5.12.5 ACTIVE RECREATIONAL FACILITIES AS PRINCIPAL USES**

*The location of playgrounds, community centers, swimming pools, tennis courts, and other active recreational buildings and structures shall be set back at least fifty (50) feet from any property line, and within the fifty-foot setback required alongside and rear property lines, a minimum twenty-five-foot wide natural buffer shall be provided.*

*Mr. Davidson stated if approved, this would be the 2nd Reading. Planning and Zoning Director Brad Townsend stated staff recommended approval.*

**A motion was made by Council Member Price, seconded by Council Member Wynn, that this Text Amendment for active recreational facilities in residential zoning districts (Second Reading) be approved. The motion carried by the following vote:**

**In Favor: 6**

7.

**Approval of a Resolution to accept a 2011 Community Development Block Grant (CDBG) for the Arts Village Infrastructure Project.**

*Presented by Alice Wakefield, Director of Community Development*

*Community Development Director Alice Wakefield presented the item stating this is a request to accept the CDBG funding for the demolition of the Oxbo Apartments and for site work related to infrastructure improvements. Ms. Wakefield stated the recommendation is for approval.*

*Councilmember Dippolito asked Ms. Wakefield when the building could be taken down. Ms. Wakefield replied it is currently going through the bid process for a contractor to do the demolition which will take approximately 45 days and the building should come down around the last of August.*

**A motion was made by Council Member Price, seconded by Council Member Wynn, that this Resolution to accept a 2011 Community Development Block Grant (CDBG) for the Arts Village Infrastructure Project be approved. The motion carried by the following vote:**

**In Favor: 6**

**Administration and Finance Department - Councilmember Jerry Orlans**

8. **Approval for the Mayor and/or City Administrator to sign a contract for the purchase of twenty-eight (28) Police pursuit vehicles from L.G.S LaPrade Government Sales in the amount of \$641,900.**

*Presented by Michael Fischer, Deputy City Administrator*

*Councilmember Orlans stated they want to purchase these vehicles while they are still available for purchase; to be used for police vehicles.*

**A motion was made by Council Member Orlans, seconded by Council Member Diamond, that this contract for the purchase of twenty-eight (28) Police pursuit vehicles from L.G.S LaPrade Government Sales in the amount of \$641,900 be approved. The motion carried by the following vote:**

**In Favor: 6**

**City Attorney's Report**

9. **Recommendation for closure to discuss personnel.**

**Mayor Wood stated there would be no closure tonight due to the time. No action was taken.**

**Adjournment**

*After no further business, the Regular Meeting adjourned at 2:03 a.m. on June 12, 2011.*