



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 Orleans
Council Member Betty Price
Council Member Becky Wynn

Monday, October 10, 2011

7:00 PM

City Hall

WELCOME

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

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Director of Strategic Planning & Budgeting Keith Lee; Director of Environmental/Public Works Director Stu Moring; Deputy Director of Environmental/Public Works Marc Wolff; Environmental Programs Manager Janet Liberman; Transportation Director Steve Acenbrak; Transportation Land Development Manager Clyde Stricklin; Transportation City Traffic Engineer Muhammad Rauf; Transportation Engineering Coordinator Serge Osse; Transportation Administrative Assistant Kim Weber; Director of Community Development Alice Wakefield; Planner III Community Development/Planning and Zoning Jackie Deibel; Recreation and Parks Director Joe Glover; Historic & Cultural Affairs Manager Morgan Timmis; Economic Development Manager Bill Keir; Planning and Zoning Director Brad Townsend; Community Relations Coordinator Kimberly Johnson; Police Chief Dwayne Orrick; Transportation Deputy Director David Low; Convention and Visitors Bureau Executive Director Dotty Etris; Deputy City Clerk Betsy Branch.

Pledge of Allegiance

Students from Hillside Elementary, Lizzie Buchanan, Sarah Buchanan, Nathan Jacobi, Sam Neusner, Alyson Roberts.

CONSENT AGENDA

1. **Approval of September 12, 2011 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on September 26, 2011); Approval of September 26, 2011 Mayor and Council Meeting Brief.**
Administration
Approved

2. **Approval of a Resolution to accept an LCI Supplemental Study Grant in the amount of \$30,000 and Approval of Budget Amendment #7520G2-10-10-11 in the amount of \$30,000 for the Historic Gateway Master Plan.**
Community Development
Approved

3. **Approval for Mayor and/or City Administrator to sign a Memorandum of Agreement (MOA) between the City of Roswell and the Georgia Department of Transportation (GDOT) for roadway lighting for the "Finish the Connection" MARTA Offset project.**
Transportation
Approved

Approval of the Consent Agenda

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

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Recognition of the City of Roswell receiving the Georgia Planning Association (GPA) "2011 Great Places in Georgia - Great Street" Award for Canton Street.**

Mayor Wood called Director of Community Development Alice Wakefield forward for recognition on receiving this award. Ms. Wakefield wanted to savor this moment stating it is rare for Community Development to receive an award. She explained that on September 30, 2011 the City of Roswell received the Georgia Planning Association (GPA) Chapter Award for 2011 Great Places in Georgia – Great Street. Canton Street was selected as that street for 2011 with the “hottest scene OTP” (outside of the perimeter) for the dining craze, which is a walker’s dream, and the best experience, Alive After Five. Ms. Wakefield stated the Georgia Planning Association described Canton Street to a Virginia Highlands type experience. Ms. Wakefield said they were very pleased to be able to apply and receive this recognition from the GPA. Ms. Wakefield recognized Sally Johnson from the Merchant’s Association and said much of this award can be attributed to Ms. Johnson’s efforts.

Mayor Wood said there were many people to thank for this but Ms. Johnson and the Merchant’s Association deserved the biggest thanks. He noted that although Canton Street had been there for much of the life of Roswell and most of the buildings, as well, it was not until the merchants, under the leadership of Sally Johnson, initiated Alive After Five that it really took on life and exploded. Sally Johnson said this was a City award on behalf of Community Development, Historical Cultural Affairs, City Council, Mayor, businesses and everyone who attends Alive After Five and comes to the Canton Street area. Fifteen years ago, they had a wish that this area could be like Virginia Highlands. Ms. Johnson said, “We are there and all we can do is continue.” She noted that the Roswell DOT and the Police Department also deserve thanks because we are safe. She said we are a great town, and it is a great street and we will “keep the ball rolling” to keep it great. Mayor Wood expressed his appreciation to Ms. Johnson.

2. **Presentation by Robin McLaughlin of a poem read at the June 15, 2011 Neighborhood Stabilization Program (NSP) event.**

Mayor Wood welcomed Ms. McLaughlin and asked her to come forward to read the poem.

Ms. McLaughlin said she was a Habitat for Humanity homeowner and each homeowner has a different story that summarizes what has brought them into a relationship and partnership with Habitat for Humanity. She said her poem expressed a common feeling felt within each homeowner. Ms. McLaughlin read the poem “My Town.” She thanked the board and Habitat for Humanity for making Holcomb Crossing her new home and Roswell her town. Mayor Wood thanked Ms. McLaughlin.

3. **Reading of a Proclamation recognizing October 2011 as Roswell Arts and Humanities Month.**

Mayor Wood read the Proclamation proclaiming the month of October 2011 as Roswell Arts and Humanities Month. He said thousands of arts and cultural organizations, communities, and states across the country, as well as the White House and Congress have recognized the Arts and Humanities for more than two decades. He called upon all citizens of Roswell to celebrate and promote the arts and culture in our community by recognizing this special celebration through participation in the cultural events offered throughout the City.

Convention and Visitors Bureau Executive Director Doty Etris came forward and pointed out brochures placed at each of the seats, which included a partial list of 35 arts and cultural related events going on throughout the City during the month of October such as Smith Plantation's twentieth anniversary celebration on October 15, 2011, the Michael O'Neal Singers presenting the World Beloved: A Bluegrass Mass on October 21, and the Art Center West's Chili Cook-off on October 29. She introduced the newest Cultural Arts Board member, Lee Walker.

Lee Walker said they were proud to take part in this national celebration of the value of arts and culture in everyone's life and the recognition of the importance of it as a clean industry that contributes significantly to the economic health of our community. He said in 2007, the Cultural Arts Board conducted an economic impact study, which along with the Americans for the Arts, there was \$13.6 million in economic impact annually from arts and culture in Roswell. The figure includes admission costs, 418 full-time equivalent jobs at an average of \$16 per person spent over and above the cost of the event in restaurants and surrounding businesses. He said last year 27 arts and cultural organizations in Roswell posted just under four million in audience attendance and generated almost \$6 million in revenue from the participants. Last year, Roswell had lost two theatre companies, Kudzu Playhouse and Rosewater Theater. Without their event attendance, the \$6 million of direct revenue dropped by over \$1 million, which is a significant impact on our local economy and underscores the importance of supporting and nurturing all of our local arts and cultural organizations. He said the Cultural Arts Board will continue to work toward nurturing and growing our cultural landscape and with the ongoing support of the Mayor and Council, that declining number begin had begun to expand again.

Mayor Wood thanked Mr. Walker and asked if they could announce more of the upcoming events for this month. He added that he was proud the City of Roswell now has an App and asked Ms. Etris if she helped put together the list that for tis App. Ms. Etris replied yes. Mayor Wood said many things on the calendar of cultural events were not on the App. He asked Ms. Etris to come forward and explain how the Roswell's Events App works.

Ms. Etris said it had been difficult to coordinate because the organizations use various calendars. She said neither she nor Historic and Cultural Affairs Manager Morgan Timmis could visit and pull things from every calendar. She said if someone wished to have an event that was happening in Roswell listed on the App, they could email her at detris@roswellgov.com. Mayor Wood asked if a cultural non-profit event would be posted free. Ms. Etris said yes; the calendar had been on the CVB website for many years; fundraisers could also be loaded onto the App.

Ms. Etris said in addition to the other events she had already mentioned, the Roswell Fine Arts Alliance would be opening their Genesis juried art competition sponsored by Bank of North Georgia; the Metropolitan Ballet Theatre would be performing

Coppelia at the Cultural Arts Center on October 14 & 16; the Roswell Public Library would be sponsoring a Bollywood Dance Performance on October 16; there would be an ongoing Munch & Learn program called Barrington Hall: Edible Landscapes with Janet Rigsby the resident horticulturist; the North Fulton Drama Club would be hosting Beasties at Barrington on October 21 and 22; Halloween Hikes at Chattahoochee Nature Center on October 21 and 22; and also Moment of Love in Ancient Egypt a production at the Cultural Arts Center on October 22.

Mayor Wood noted all these events were listed on the brochure and on the App, but for more information, they could contact Ms. Etris.

Introduction of new Environmental/Public Works employee

Mayor Wood asked Stu Moring to come forward to introduce a new employee. Mr. Moring introduced Marc Wolff, the new Deputy Director of Environmental/Public Works. Mr. Wolff came to Roswell from Kansas City where he was in the consulting business for a dozen years, as well as a project manager for three and a half years on a number of environmental projects for Kansas City. Mr. Wolff holds a Master's degree in Engineering Management and was a registered professional engineer and a LEED credited professional. Mayor Wood welcomed Mr. Wolff to Georgia and Roswell.

Administration and Finance Department - Councilmember Jerry Orlans

4.

Approval of a public private partnership contract between the City of Roswell and the Convention and Visitor's Bureau (CVB) for the Roswell Business Alliance Initiative and Approval of Budget Amendment 7555-09-26-11 in the amount of \$175,000 to provide FY 2012 start up funding. (This item was deferred from the September 26, 2011 Mayor and City Council meeting)

Presented by Kay Love, City Administrator

City Administrator Kay Love said this was a continuation from the September 26, 2011 Mayor and Council meeting when this item was presented. Contract revisions were made per the discussion that occurred that night. This is a program or scope of work between the City of Roswell and the Convention and Visitors Bureau (CVB) for the Roswell Business Alliance program. The vision of the public private partnership between the City of Roswell and the CVB is to provide for an engaged citizenry and staff who leverage and promote Roswell's resources and reputation for excellence to attract and keep businesses that enhance the city. This is an annual contract; the funding is provided through Hotel Motel tax Funds. She said there is fund balance or reserves on hand. The budget amendment is for the initial fiscal year 2012 start-up funding. The anticipated start date should this be approved, would be January 1, 2012. This part of the contract would run until June 30, 2012. Considerations for renewal would be considered in the FY 2013 budget process. Ms. Love said she would answer any questions related to the administrative side; she introduced Steve Stroud from the CVB to discuss the scope of work details.

Mayor Wood asked if we would be approving this for six months. Ms. Love replied yes it is for six months; the budget amendment is \$175,000. Mayor Wood asked if in the next budget cycle we would consider a request for the first full year funding. Ms. Love replied that was correct, that would begin on July 1, 2012.

Council Comment:

Councilmember Orlans asked Ms. Love to read the goal of the Public Private Partnership into the record. Ms. Love conducted the reading stating: "Working with the resources established through an active Board that represents the breadth of City interests, the organization's staff, and members, emphasis would be devoted to attracting, promoting, marketing and giving a voice to business in Roswell."

Steve Stroud from the CVB came forward and recognized other CVB board members present. Mr. Stroud said that over the past twenty years, since October 8, 1991, when the CVB came into existence in the City of Roswell they had promoted and been the marketing arm and organization for Roswell. Tonight, the CVB board members had the revisions on the proposal for the contract as well as a current listing of the Board and Board of Directors members and positions.

Mayor Wood asked if we would be trying to attract new members for the organization. Mr. Stroud replied yes. He said our economic development study liaison pointed out there are 5,082 businesses registered in the City of Roswell and we currently have 321 members under the Find It All program, which will be extended through this funding. This was not just for the Roswell Business Alliance; this would be the funding and continuation of the Roswell Find It All program that was funded by Mayor and Council last year. He said of the 5,082 business licenses in the City of Roswell, we have just scratched the surface on the potential partnerships that could be gained through the City. Many businesses already want to and would engage with our organization continuing forward.

Mr. Stroud confirmed for Mayor Wood that the current dues for the Find It All Roswell program are \$50.00 per year. Mayor Wood asked what the dues would be for the Business Alliance. Mr. Stroud replied from \$50 to \$10,000 depending on the individuals. Mayor Wood said he presumed we would hope to begin with 321 members and convert them. Mr. Stroud replied absolutely. Mayor Wood said his understanding is that at this time that board selects and reappoints the board members. Mr. Stroud replied that was correct. Mayor Wood asked if they had considered making it a membership elected board. Mr. Stroud replied yes; with this, they would be changing their bylaws and it will be designed much like any other membership driven organization. Mayor Wood asked if we could anticipate, before the next cycle, to have a membership elected board. Mr. Stroud replied yes. Mayor Wood said from his experience an elected board helps in attracting membership and getting members more involved; not just on the dues side but also on the leadership and decision making side. Mayor Wood stated he appreciated their decision to move forward with this.

City Attorney David Davidson confirmed for Mayor Wood that he had reviewed the contract. Mayor Wood asked what changes were made to the contract. Mr. Davidson replied that changes were shown in red on the contract document. Mayor Wood asked Mr. Davidson to summarize those changes. Mr. Davidson stated changes included clarification of some of the terms; the contract would be subject to the annual budgetary review; the City will notify the CVB of new building permits and business licenses; dates were corrected; the agreement expiration was changed to end on June 30, 2012; added in that it may be renewed annually by agreement of both parties but the renewal should not require a vote of Council and may be authorized by the City Administrator unless there is a change in the terms to the

agreement; if Council wanted to make changes to the terms of the agreement, then it would come back to Council.

Mayor Wood asked if he understood correctly that the budget needed Council approval each year but the contract would not need approval. Mr. Davidson replied that was correct. Ms. Love added this would be like other City contracts of this type. Mayor Wood replied that Council may choose not to renew the contract or propose amendments to the contract. Ms. Love replied that was correct, and with the funding mechanism being the budget that would be driving the renewal, there would be no renewal contract should Council not fund it. Mayor Wood said he presumed this was a motion to approve the budget amendment and the contract. Councilmember Orleans said yes sir, the motion encompassed both approval of the public private partnership contract and the budget amendment for \$175,000.

Council Comment:

Councilmember Dippolito said he believed Council needs to do all we could to strengthen the local economy; he appreciated the business owners who had taken an interest in this and thanked Mr. Stroud for his leadership. Councilmember Dippolito expressed appreciation to Councilmember Diamond for all her efforts. The public partnership is an excellent way to help grow existing businesses and recruit new businesses. He said he fully supported this.

Councilmember Price said she would like to applaud the past, present and future work of the CVB. The CVB has done a remarkable job with a small amount of money over the years with a lot of energy and vitality and the Board as well, and this does represent a collaborative effort. Councilmember Price noted that she had concerns that she expressed leading to the deferral until today and most of those concerns had been addressed. She said she was still a little unclear as to the scope mainly because it had been reported in the papers in some fashions. She said she hoped it was clear what the plan was supposed to do and how it would be done; the amount of money is significant; in 4-1/2 years it would be \$1.114 million and that was a lot of money out of the public till to go into an entity that the City would then somewhat lose control over. She said it is of great concern to make sure we are getting it right. Clearly, we will have the opportunities as we go along to hold them accountable and assess the progress that has been made. She had concerns regarding renewal dates. She said noted that Ms. Love had just stated that the contract itself was not in the purview of Council once it was approved. The only recourse we would have at that point would be modifying any monies that were expended. Councilmember Price asked if that was correct. Ms. Love replied that Council could amend the contract on any Monday night. Mayor Wood asked Mr. Davidson how much notice would be required to cancel the contract. Mr. Davidson said it was a yearly contract. Mayor Wood said we do not have to renew it but it is not cancellable. Mr. Davidson said that was correct; Council could terminate the contract any year that the Council decides to.

Councilmember Price said she was concerned about item IV that states, "may be renewed annually by agreement of both parties. Annual renewal shall not require a vote of Council and may be authorized by the City Administrator unless there is a change in the terms of the Agreement contained herein." She noted that clearly it could not be renewed unless a budget was put forth as well. Ms. Love replied that was correct. Councilmember Price asked what happens first; when would the contract be renewed and when would the budget come in and would they be in sync. Ms. Love explained that Council would begin getting budget information in the March to April timeframe prior to a July 1 date. There would be discussions about funding through the budget process. Hopefully, Council would make a decision by July 1 each year, so the contract funding would not go into place until July 1 after the initial

funding of January 1. Council would be discussing budget and funding in advance so should there be a change in the budget that might alter the scope, then that would go hand in hand and the funding would go in place, and then we would make whatever contract revisions that might trigger.

Ms. Love said Councilmember Price had mentioned a \$1 million amount. Ms. Love stated that what is in this contract is just over \$800,000. Councilmember Price replied that if the lines of startup were added from left to right and add up the City of Roswell client fee, assuming its coming out of the same pot. Ms. Love asked if Councilmember Price was reading from Section II of the contract. Councilmember Price said she was reading from the chart. Ms. Love said that was the proposed budget, the contract moves from January 1, 2012 through June 30, 2016. Councilmember Price said the numbers were the same; they just add up to \$1.114 million. Mayor Wood wanted to be certain everyone was working on the same page. Ms. Love replied we are. Councilmember Orleans said he thought Councilmember Price was referring to the accumulation on the budget page for the multiple years. Councilmember Price said yes, it was over a four and a half year period and said she understood that, but it was odd that it states "startup" every year; we're starting it up now and anything subsequent to that really would not be a startup, it would be a continuation. She asked why the contract says startup for 2012, 2013 and 2014. Ms. Love replied that it is worded that way because that is before a membership kicks in. There would be startup or seed money that the City would be providing before we begin paying a membership fee. We would move out of that transition of starting the program up for the scope of work to become fully implemented and move over and begin paying a membership fee, which is a reduced amount, and would begin in 2015 and then remain in 2016, or for future years based on the membership fee schedule at that time. She said it was a different way to differentiate that the program needed some up front funding that was not necessarily based upon a membership fee or scale that the City would be providing for this scope of work. Councilmember Price said startup does not end until 2016 and that is a long time to be starting up. Ms. Love replied that it is a phased startup and perhaps startup was a wrong choice of words. She said she put those words in and it could be called something more appropriate but it stands to reason that if this begins on January 1, a director needs to be hired and two committees to setup, and their work begun. This is a big endeavor and certainly cannot begin at 100% on day one. The task and timeline of what the accomplishments were will be part of the reporting mechanism as they report out to the Mayor and Council.

Councilmember Price expressed her concern of what she called the "hard sale" of this effort; the numerous letters that were all dated the same and basically the same wording. She said they were all to people she know and respect and it seemed an odd way to advocate for this effort that should be able to sell itself on its merits. She said she found that odd and the insistence that this pass rapidly prior to the strategic economic development plans. All those things were of concern to her; and if it is such a great thing and there was no reason to think it was not but when the "hard sell" comes, it needs to be looked at more carefully. She reiterated her concerns about the total amount of money for the startup through 2015. She asked if we do not see some positive results, could this be dissolved with relative ease if we felt it did not merit continuation. She asked if the bid process for any entities that they would utilize be within the CVB's own bylaws. Ms. Love asked Mr. Stroud to respond to the question.

Mr. Stroud said he wanted to address the letters first. He said they were all dated August 17, before the initial work session, which Councilmember Price missed due to illness. He said that was from Judge Tom Campbell, Chick-fil-A owner Jim Waddel, Jeff Scroggins from Scroggins and Company, Slopes Barbeque, Don Howard from

Bank of North Georgia, and Randal Paulson Architect. The purpose of those letters was to give support to board members that were supporting our cause and why we were coming to Council in the work session.

Mr. Stroud said there would be a bid process for all items going out, just as they currently handle other City items.

Councilmember Price asked about the anticipated use of those reserves, which have fluctuated over the years, but are a significant amount at this point. Ms. Love replied there was no specific plan for the reserves; they were in the fund and could be appropriated for anything allowed under the law to levy the Hotel Motel lodging tax. Councilmember Price replied this could be disseminated in a number of ways; she asked if some of it could be brought back into the Economic Development Department of the City or distributed to perhaps the Chamber of Commerce or other entities that were doing similar activities. Ms. Love replied those were possibilities for certain parts; there is a restricted dollar amount and an unrestricted dollar amount within the total Hotel Motel tax fund. It is correct that they could be appropriated to a variety of organizations and entities.

Councilmember Orlans thanked the CVB Board in that business people had come forward and been working on this for a while and had been working with CVB for a long time; it is very positive and one of the main items of the contract reads, "promote economic development" and that's what the Board will be doing and that's what Council will be looking for in the future. He said Find It All Roswell had some dealings in keeping current businesses involved but one of the key elements would be promoting economic development and redevelopment for the City of Roswell. This is a good partnership moving forward and the responsibilities Council will be looking for at every budget time, as the CVB has dealt with in the past. He thanked everyone for their involvement and for everyone coming out to show their support.

Councilmember Diamond pointed out how the CVB has done amazing things with very little money and even at the highest point of this startup, it would be more than \$100,000 less than any one year the City has given to the CVB for their general operations for tourism. For money that is in a reserved place for business and used for promoting the City, she could not imagine a better use for it than for those people who invested their lives and professions in promoting business in this City. She said she thought it was fascinating that it even needed to be a sell; it seems like a no brainer. She said she was obviously behind this because she had been very involved from the beginning and we had tried to come across every eventuality but at some point, we must take a leap of faith and do something.

Councilmember Wynn said she wholeheartedly supported everything Councilmember Diamond said and wanted to add the reason she would support this was because it was a private sector and would be membership driven. The Roswell Business Alliance would be able to go out and "wine and dine" as Mr. Stroud had said. She said we could not and should not do that as a City. We need the CVB to sell our City; the CVB has been here doing a great job for thirty years and this was a fantastic step forward to do a true redevelopment of our City, and retaining our existing businesses, and bringing in new businesses and new residents. She said when you have a stake in the City, you have the enthusiasm and passion to get out there and sell it. She said she wholeheartedly supported this.

Councilmember Igleheart said in regards to clarifying some things about the contract, it was not about the concept nor the effort, but more about the nuts and bolts of the contract. He said after extensive discussions with Mr. Davidson and with some adaptations, there were now mechanisms that were clear that could be reviewed and

adapted as needed. He said his concern was mostly making sure everyone was on the same page throughout this and that we have ways to adapt that as we do, which he said he thought that had been done. He agreed it is critical to get ahead of the things that were happening about the national economy and certainly things here, but we need to do what we can to turn things around and get ahead of things and make things happen and this would be a great first step. He said he was obviously in support of this.

Mayor Wood asked for further discussion. There was none. There was no public comment. He thanked everyone and said we look forward to great things from the Roswell Business Alliance.

A motion was made by Councilmember Orlans, seconded by Councilmember Diamond for Approval of a public private partnership contract between the City of Roswell and the Convention and Visitor's Bureau (CVB) for the Roswell Business Alliance Initiative and Approval of Budget Amendment 7555-09-26-11 in the amount of \$175,000 for six months to provide FY 2012 start up funding. The motion carried by the following vote:

In Favor: 6

Community Development - Councilmember Betty Price

5. **RZ11-09 & CV11-02, 350 & 370 Rucker Rd., Ashton Atlanta Residential, LLC, Land Lot; 1240. (This item was deferred from the September 12, 2011 Mayor and Council meeting)**
Presented by Bradford D. Townsend, Planning & Zoning Director

Planning & Zoning Director Bradford D. Townsend, said this was a proposed application for a single family subdivision and required a rezoning from the existing designation of Fulton County Annexed single family homes to R-3A residential. The applicant is also requesting a concurrent variance to the required minimum lot width. The lot width requirement in the R-3A district is 80 feet and the applicant requested a reduction to 60 feet. The subject property is approximately 8.5 acres. It is a single two-parcel with two single family homes located north of Rucker Road and east of Houze Road. Mr. Townsend displayed an overhead slide and pointed out the current FC-A designation for this location. To the north and west of the subject property are existing single-family residences. There is an existing church to the east and single-family residences to the south across Rucker Road. The applicant submitted an initial site plan in June that identified a public access from the Crabapple Registry subdivision. That application included a cul-de-sac and a future connection to the church to the east. Following a neighborhood meeting and Planning Commission meeting, the applicant revised the application to include a single access to Rucker Road, which did not include connection to Crabapple Registry to the west, as well as 28 single-family lots. There are two proposed detention areas, one to the south and one to the north. The topography of the property has a slight crown in the middle, flowing to the north and south. The recommendation from the Planning Commission was to rezone the property and approve the concurrent variances with seven conditions. Those included connecting to the subdivision to the west and providing a 50-foot right-of-way for that connection as well as turn lanes on Rucker Road. There was a subsequent meeting with the applicant and Councilmember Price, as representatives. A list of conditions that the applicant concurred with was included in Council's packets with the recommended stricken changes indicated in red ink. Condition #3 had drastically changed dealing with the turn lanes and the applicant had requested taking an amount in the sum of \$50,000 to put towards future Rucker

Road improvements. Condition #7 dealing with providing the access to the property was removed; Conditions #1, 2, 4 and 5 were amended; Condition #3 is being replaced.

Staff Recommended Conditions are as follows:

It is recommended that this application for rezoning RZ11-09 be approved. It is recommended that the concurrent variance for the lot width reduction from 80' to 60' be approved. Should the Mayor and City Council approve this rezoning, it shall be approved with the following conditions:

- 1. The plan shall be developed in accordance with the site plan stamped "Received August 5, 2011 City of Roswell Community Development Department," and amended to comply with these conditions.*
- 2. There shall be street connectivity between the proposed subdivision with the existing Crabapple Registry subdivision to the west as required by the City of Roswell Transportation Department.*
- 3. The owner/developer shall install a left turn lane on Rucker Road and a right turn lane on Rucker Road into the proposed subdivision as required by the City of Roswell Transportation Department.*
- 4. The detention pond may need to be enlarged to meet the stormwater requirements as approved by the Public Works/Environmental Department.*
- 5. The owner/developer shall install a 40' foot landscape strip area along Rucker Road similar to the Crabapple Registry Subdivision. The landscape area must be located outside the detention area. All landscaping and signage shall be approved by the Roswell Design Review Board.*
- 6. The plat shall indicate a no access easement for the two lots along Rucker Road.*
- 7. The owner/developer shall provide 50' of right-of-way to allow for a connection between the proposed subdivision as required by the Roswell Department of Transportation.*

Planning Commission recommendations are as follows:

The Planning Commission recommended approval of the rezoning and concurrent variance to the lot width requirement from 80' to 60' during their August 16, 2011 hearing with the following conditions.

- 1. The plan shall be developed in accordance with the site plan stamped "Received August 5, 2011 City of Roswell Community Development Department," and amended to comply with these conditions.*
- 2. There shall be street connectivity between the proposed subdivision with the existing Crabapple Registry subdivision to the west as required by the City of Roswell Transportation Department.*
- 3. The owner/developer shall install a left turn lane on Rucker Road and a right turn lane on Rucker Road into the proposed subdivision as required by the City of Roswell Transportation Department.*
- 4. The detention pond may need to may need to be enlarged to meet the the stormwater requirements as approved by the Public Works/Environmental Department.*
- 5. The owner/developer shall install a 40' foot landscape strip area along Rucker Road similar to the Crabapple Registry Subdivision. The landscape area must be located outside the detention area. All landscaping and signage shall be approved by the Roswell Design Review Board.*
- 6. The plat shall indicate a no access easement for the two lots along Rucker Road.*
- 7. The owner/developer shall provide 50' of right-of-way to allow for a connection between the proposed subdivision as required by the Roswell Department of Transportation.*

Mayor Wood stated he was confused on the last item. He asked if the red line was what the applicant had requested. Mr. Townsend said that was what the applicant had brought to us. Mayor Wood asked for staff's recommendation. Mr. Townsend said staff was in agreement with those recommendations without connectivity to the subject property. Mayor Wood said they had talked about a pedestrian connectivity and asked if that was now out. Mr. Townsend replied there would be no connectivity. Mayor Wood asked if there was connectivity of any kind. Mr. Townsend replied the applicant is requesting no connectivity. Mayor Wood asked if the City was asking for any pedestrian connectivity. Mr. Townsend stated the Transportation Department should discuss that issue.

Mayor Wood said there had also been discussion about a shared detention pond. Mr. Townsend said that was part of the proposed plan. Mayor Wood asked if there was an easement to get to the detention pond. Mr. Townsend replied yes, Condition #4 addressed the connection with the stormwater management facility to the subdivision to the east. Mayor Wood said he did not see a reference to an easement to that facility. Mr. Townsend replied it was connected to the public right-of-way so no easement was needed. Mayor Wood asked if the detention pond to the rear of the property had frontage on a public right-of-way. Mr. Townsend replied yes. Mayor Wood said he was not familiar with that and apologized.

Council Comment:

Councilmember Igleheart asked what would be the number of lots if the variance was not granted and remained at 80 feet on the frontage. Mr. Townsend replied the number would reduce from "28 to the lower twenties, 22 or 23."

Councilmember Orlans said the minimum lot width for R-3A was 80 feet and the applicant had requested a reduction to 60 feet. He asked Mr. Townsend to explain why the reduction was necessary and staff's viewpoint. Mr. Townsend said the surrounding homes that were under construction have a 60 foot width that was approved as part of Fulton County at the time, and then annexed into the City. Councilmember Orlans asked if that was Fulton County's minimum. Mr. Townsend replied correct. Councilmember Orlans asked why they were not now meeting the minimum censor in the City of Roswell. Mr. Townsend said because they were asking for a variance from that requirement. Councilmember Orlans asked staff's viewpoint on that. Mr. Townsend replied, "To make it consistent with the surrounding areas we feel would be appropriate." Councilmember Orlans said the Planning Commission recommendation was for a 40-foot landscaping strip and the applicant was requesting that be reduced to 20 feet. He asked Mr. Townsend to explain the current codes for that. Mr. Townsend said the current codes does not require a landscaping strip along Rucker Road, and at the beginning of the process we were asking it to be consistent with that of Crabapple Registry's. In determining how many lots that would remove, staff felt it would be appropriate to be a minimum of 20 feet. Councilmember Orlans asked if the revised plot was approved without the street connection between the two neighborhoods and if there had been any discussion between the two developments about a walking pass so children in the new subdivision could also use the green space since the City was basically giving that area up for green space. Mr. Townsend replied there had been none. Councilmember Orlans said then there would be no way for them to be able to do that. Mr. Townsend said there was a six-foot wooden fence along Crabapple Registry's property line.

Councilmember Price said there was discussion about having an opening in the fence and perhaps a pedestrian path or different things. Clearly, the existing neighborhood is not interested in that particularly but they did not sound like they were averse to an opening in the fence that would not normally be traversable but

could be opened if needed especially since there would be some necessity for both subdivisions to access the detention pond. She said she did not know if Condition #4 adequately addressed that. For instance, there was a strike-through where it read "requirements as approved by the Public Works/Environmental Department." She asked why they did not have any say in that and why was it determined to remove that. Mr. Townsend replied the applicant should speak to why they requested that language be removed.

Councilmember Orlans asked if the applicant or staff asked that to be removed. Mr. Townsend confirmed it came from the applicant.

City Attorney David Davidson said there was an issue in that we require detention on a single lot of record. This pond was already in existence with an expansion of that pond. Without an agreement between the two parties or two homeowners, associations there might be an issue with the detention pond area being on both properties. Mr. Townsend asked if both parties agreed there would not be an issue with that. Mr. Davidson said that would be correct.

Councilmember Dippolito asked about the ability to require the stormwater facility. He asked Mr. Davidson if there was a way to amend that Condition to make it read in a way that would encourage both parties to work together for the facility but provide some latitude. Mr. Townsend displayed an overhead. Mayor Wood said if they cannot work out a deal with their neighbor, they are going to have to put their own detention pond on their property. Mr. Townsend said that was correct and they would have to meet the City requirements. Mayor Wood said he thought that was the only way it could be done.

Councilmember Wynn asked Mr. Townsend, if the parties came to an agreement, would it have to go through the Public Works/Environmental Department. Mr. Townsend said it would always go through Public Works /Environmental since in order to have a land disturbance permit issued Public Works/Environmental would have to sign off on it, as well the preliminary plat. Councilmember Wynn asked why it was struck out and if he thought it was redundant. Mr. Townsend replied yes.

Councilmember Igleheart asked Mr. Davidson if a private agreement aspect could actually be included into a condition from the City. Mr. Davidson says it provided an "out" because they have 30-days to enter into an agreement and if they do not, they will have to take one of their lots and use it for stormwater. Councilmember Igleheart asked again about a private agreement.

Mr. Davidson replied the City allows off-site detention at times, but usually the agreement was presented to Council at the time of the rezoning and it cannot be done without the agreement. He said he would agree if they were willing to go forward in this manner, knowing they could lose a lot.

Councilmember Orlans asked Mr. Davidson if the last item that was given would be a condition of zoning. Mr. Townsend said replacement for Condition #4. Councilmember Orlans said perhaps we could get some input from the homeowners of the existing subdivision but technically, the one lot belongs to the City of Roswell and was a street. He thought there should be some access for the new subdivision's children to have access to it and there should be a gate or something in the fence, in trying to meet their needs and make that available to them. As had been said many times, there were not a lot of places for children to play. Councilmember Orlans said if the Council chose to do so, the City of Roswell would basically donate this property, to remain as a park. He said there should be some type of access and perhaps Crabapple Registry's Homeowners Association President could comment on that.

Mayor Wood stated this involved some transportation issues so he wanted Transportation staff to provide their response to the changes in conditions and the potential street or pedestrian connection that had been given up.

Transportation Director Steve Acenbrak said the Transportation Department supports connectivity and believes the Crabapple Registry stub was City property and was intended to connect to a future parcel; when that was discussed in detail, the issue of the stormwater detention came up. In the course of the conversation, it appeared Crabapple Registry was in support of sharing their detention for land use to act as somewhat of a regional detention so both properties could share in one area. It was clear Crabapple Registry would withdraw their support for that if the City continued to push the issue of the inter-parcel connection. In discussions between staff and the applicant, both parties could not come to an agreement, and the stormwater issue trumped the inter-parcel connectivity issue. Mayor Wood asked Mr. Acenbrak if it is not that Transportation does not support connectivity you just believe it would not be available if the neighboring subdivision was not going to assist in regional detention if we insist upon this pedestrian connectivity. Mr. Acenbrak said that was correct; there was not great support on the part of Crabapple Registry to make this connection. Mr. Acenbrak said the City could pursue that issue but when the stormwater issue was layered on top of the connection issue, it became complicated and we felt it was best to work a land use and environmental connection. Mr. Acenbrak said there might be a later opportunity to make the connection but at this time, there has not been a good win-win compromise found.

Mayor Wood asked if Mr. Acenbrak was comfortable with the turn lane. Mr. Acenbrak said he felt very strongly about the left turn lane; it is fair to set aside the money for the turn lane and he supported the change in Condition #3.

Councilmember Igleheart said he and Mr. Acenbrak had talked about this earlier today and asked if he could give a short version as to why he supported this versus doing the actual turn lane work specifically. Mr. Acenbrak displayed a graphic, pointed out Rucker Road, and said the subdivision was oriented north-south; the main street goes north and south. He said the issue was that staff believed that Rucker Road currently being a two-lane road with an average daily traffic north of 15,000 cars per day that warrants under the criteria to have a left-turn lane but that it was quite expensive for the applicant to build the entire process and was beginning to teeter on whether it was financially viable for them. He said it was essentially a rural section which meant there was no curb and gutter to the south side of Rucker Road and it is not terribly difficult to build a by-pass lane there to get the cars out of the through movement and allow them to be safely off to the side as opposed to holding traffic up. He said looking at that particular situation and the low number of cars that are turning left, transportation staff felt that \$50,000 was a fair trade off for providing that as opposed to having them build the full lane. Councilmember Igleheart said for everyone else's benefit he had major concerns about that because of the blockage that could occur but said Mr. Acenbrak had convinced him it could actually be done to make this work for this amount, or hopefully, somewhere near that amount.

Mayor Wood asked Mr. Acenbrak if the City owns the right-of-way on the neighborhood's property for the pedestrian connection. Mr. Acenbrak said that was correct. Mayor Wood asked if it was essential to have the neighborhood's consent to keep that open for a pedestrian connection. Mr. Acenbrak replied yes. Mayor Wood said if the site plan were approved, it would almost block that street or the potential of making that pedestrian connection because a lot would be put adjacent to it. Mr. Acenbrak replied that was correct. Mayor Wood said then it was not a matter of trying to work something out in the future, it appeared we would lose that opportunity.

Mr. Acenbrak said if there are no adjustments to the current site plan that would be correct.

Councilmember Dippolito said on the graphic there appeared to be room north of lot #12 in a common area for perhaps a 5-foot pedestrian path on the north portion of the right-of-way adjacent to the right-of-way adjacent to the detention area. It would not impact the green space in the subdivision but would provide the connectivity and it could be pervious gravel much like the ones at Roswell Area Park and maneuvered around specimen trees. Mr. Acenbrak said that was correct and there were some specimen trees that would have been impacted if we had held to the 50-foot right-of-way section. Councilmember Dippolito asked if Mr. Acenbrak had walked that and if he thought it was possible to put in a path that would avoid eliminating trees. Mr. Acenbrak said he believed that was possible.

Mayor Wood asked if the standard multi-use path was 10 to 12 feet. Mr. Acenbrak replied at least 8 feet but we strive for 10 to 12 foot.

Councilmember Price asked regarding the detention ponds, if no agreement was reached, would there be any plus or minus in having two detention ponds from the City's point of view at the rear, not counting the one at Rucker. Director of Environmental/Public Works Director Stu Moring replied that in almost every situation we would favor regional detention, fewer detention ponds. He said it was best to have one pond to maintain that has one discharge and so on that obviously would depend on some joint maintenance agreement that would have to be approved prior to the subdivision. Mr. Moring said he could not imagine a circumstance where they would not recommend regional detention; i.e., one pond. Councilmember Price said she was not inclined to leave this up to a potential agreement for us to give up the connectivity rights since we have determined that we own that property. Councilmember Price said she would like to see a clear agreement before giving up the rights to that property.

Applicant:

Pete Hendricks, 685 Lake Forest Drive, Sandy Springs, attorney, said that Ashton Woods was one of the Roswell corporate citizens and said they appreciated all the effort that had gone into trying to get these issues worked through. He said they were at a point with perhaps some refinement this evening of being able to conclude something that everyone could live with. He said if Condition #4 were to move forward as is, he was fine with the language about Public Works/Environmental Department and thought it was entirely appropriate for that language to be on there. Mr. Hendricks said he put together a Condition #4 to direct itself to the situation of what would happen if Crabapple Registry and the applicant were unable to get together to define how they would take care of combining on the detention facility and clearly acknowledging that at that point that Ashton Woods would have to be subject to all the rules and regulations under the Public Works/Environmental Department as a stand-alone development as they would if that continuity of the detention facility were not there. He said if it were determined that a modest level of meandering pedestrian walkway along the lot that Mr. Townsend indicated, was something that some sense could be made, we could work with that. He said the idea of vehicles coming through there was soundly objectionable to both sides.

Mayor Wood said the City was not asking for a vehicular connection now. The Mayor said the City has a public right-of-way and the purpose was to have pedestrian and bicycle connectivity. He said no one was insisting on motor vehicle connectivity.

Mr. Hendricks responded the dialogue had started out there and if they need to lend themselves now to accommodating that, it could certainly be worked through.

Mayor Wood replied that it must be worked through before passing the zoning; he was uncomfortable in leaving these questions unresolved. He said connectivity was important to him and that he believed in regional detention ponds but he was hearing there may or may not be a regional detention pond. The Mayor noted that the City would be giving up what was designed as a connection between this property and the adjacent property. He emphasized that he did not want to give up a clear connection for a possible regional detention pond. He did not want to give up either one and would insist upon some plan for connectivity and not just 5 feet. Installation of a sidewalk would require an easement wider than that just to put it in even if it was 5 feet, and if it was a multi-purpose trail, it would be 10 to 12 feet. When the neighborhood argued to keep it open and not make it vehicular, they said it is a green space. The Mayor stated that it does not work as well as a green space the way it is drawn right now; the way the lot was currently laid out on the development, it is not lining up with that access on the other side. It should line up and not just be 5 feet of connection between the two. The Mayor clarified that a resolution is needed to move it forward.

Mr. Hendricks replied that was fine, but he could not speak for Crabapple Registry. He noted that Mike Busher was present and would be glad to give definition by lot number and specificity as to where an easement through a revised plat would have to run. Mayor Wood replied that Council had suggested some ideas and although he did not know where the majority of the Council was on this, but from his standpoint, there is a clear right-of-way on one side; and normally where there are extended right-of-ways, they would be extended the same width and line up, otherwise, they would not meet the City's minimum standards. Mayor Wood said there were many things to work out and he knew everyone wanted to move forward on this project and they could try to work it out tonight but he was not optimistic. The Mayor noted that they had done an excellent job working out every other detail but the biggest obstacle was the turn lane. The Mayor reiterated that a solution must be found regarding the connectivity, and something worked out with the other neighborhood; things could not be left unresolved.

Mike Busher, Ashton Woods Homes, 1455 Old Alabama Road, Roswell, stated the reason they were silent on the issue of pedestrian access was not that it was an oversight but due to what evolved during discussions over 90 days, which was competing interests and how to manage them. Mr. Busher said they started with a site plan, contemplating using that right-of-way and connecting, but that was an outgrowth of a conversation with City staff regarding how to envision this land connecting into Crabapple Registry. There was clear direction to use the proposed right-of-way; that was how site plan #1 or A, evolved. Soon thereafter, they held a meeting with Crabapple Registry and the HOA and it was clear that was not going to be supported and there were various reasons why but in any event, to be good neighbors, they looked at alternatives. Through that came the plan that was before Council tonight. Mr. Busher said there was never a direct quid pro quo that if you do not connect we would share detention, but there was the intent that "would work with us and we will certainly work towards something that may be important to you." Mr. Busher said all along they have tried to say if in the promotion of connectivity, a shared detention facility helps, then they would certainly endeavor to do that. He said he also understood the sensitivity of Crabapple Registry saying you cannot condition them to something that was a private agreement. Mr. Busher said he understood the risk would be his to bear to that end; if he could not get them to agree on a shared maintenance agreement, then he would still by law have to detain on site and that would come at the loss of a unit. He said that he cannot necessarily solve the location of the connectivity issue but what they presented in the meeting with staff was is this critically important to any entity either transportation, staff, Crabapple

Registry, or themselves. He asked if anyone really wanted this pedestrian access. Mayor Wood said it was critically important to him. Mr. Busher said for the participants in that meeting, he did not hear that and that was the only reason they had been silent on that issue. Mr. Busher said that they could by right, create a path inside of that right-of-way which would deviate around lot #12 and then connect into the cul-de-sac, whether or not defined right now on a site plan. He said his only concern with doing it tonight would be whether or not there is enough depth from lot #12 to get to 10 feet. He said he knew 5 feet was achievable because they had already looked at that but seemingly, there should be enough space. Mr. Busher repeated that was the only reason why it was silent. Mayor Wood said he understood that, but pedestrian connectivity between neighborhoods was of critical importance to him. The Mayor said he understood the opposition to vehicular connectivity but did not understand the opposition to pedestrian connectivity given the stated purpose of keeping this open for recreation. Mr. Busher replied that he did not know if there would be opposition but he heard there was concern about an impervious application. Mr. Busher said he was open to it but would let Crabapple Registry speak to that. He noted that it would be an installation at their expense.

Councilmember Dippolito thanked Ashton Woods for their hard work on the different site plans and working with the neighborhoods. He said if there is not enough room to squeeze the minimum 8-foot, multi-use path between the existing right-of-way and lot #12, it appears that to the north of that is actually the detention pond. He said perhaps it could be pushed a bit north on the Crabapple Registry side and preserve more of their flat green space and that could be done as part of the configuration of the detention facility and perhaps gain the additional width needed for the path. He said he thought that would be a winning situation for everyone and create additional green space for Crabapple Registry and enable a way to work through the agreement for the detention facility and provide latitude to move the path around.

Mayor Wood said he agreed with Councilmember Dippolito entirely; there is a lot of opportunity if the communities would work together to move the pedestrian pathway further north into what was the detention pond area. He said tonight it would be difficult to get a neighborhood vote on a resolution to make a commitment for their real estate without a Crabapple Registry board meeting, or more definition to reach an agreement. Mayor Wood reiterated that he thought Councilmember Dippolito was going in the right direction but questioned whether it could be put together tonight.

Councilmember Igleheart said there was an option for a deferral. He noted that he had been to the property. The detention pond could be adapted to create more space where the fence currently is. He said some of the area could be filled in and made into additional open space. Councilmember Igleheart agreed with Councilmember Dippolito but time is needed to work out a design.

Mayor Wood said we had heard from the applicant and he would like to hear from Crabapple Registry.

Anthony Russell, Crabapple Registry HOA President, thanked the Council members and staff for hearing from them tonight, for responding to their emails, visiting onsite, and meeting with them at City Hall. This past June Ashton Woods contacted them with this proposal, but they did not contact Crabapple Registry prior to making the proposal to the City. Ashton Woods provided them with a plan and said they would be connecting to their neighborhood, to the pond, and that was the way it was going to be and they wanted to meet to discuss this. He said Ashton Woods made it seem to them that Crabapple Registry had to allow them to connect to their pond and there was no choice. The Crabapple Registry HOA learned they do not have to allow Ashton Woods to connect to the Crabapple Registry pond. Mr. Russell said more

importantly Crabapple Registry did not want a road built there. He noted that there was no formal agreement to connect to the pond; Ashton Woods gave them a draft agreement last week that was unilateral and had no benefit to them other than the fact that there would be no road going in. Crabapple Registry neighbors met and were very unhappy with the draft agreement. They made a decision to negotiate the agreement. Mr. Russell said he had discussed Crabapple Registry's concerns it works well. Once Ashton Woods begins construction there it might not work or it could work fine now and have problems years later. That is not a risk that Crabapple Registry wants to assume or take on additional liability. Therefore, they asked Ashton Woods to draft an agreement, to be legally reviewed, to have the new subdivision assume the risk for the infrastructure of the pond. Mr. Russell noted that Crabapple Registry has paid to have the pond cut twice a year and would continue to do that, sharing that expense. Crabapple Registry will not accept additional risk to their residence. For that reason, they do not want the road to go in because that is also additional risk for the children. He noted that Crabapple Registry is willing to work with Ashton Woods although they have been discouraged by much of the negotiations so far. Mr. Russell said there has much discussion about the City owning the common area and having the right-of-way; they always paid to maintain the land, the City never maintained it. Mr. Russell stated that Crabapple Registry paid property tax for a certain period of time until a consultant had that land reclassified as common area. Mr. Russell said that it bothered him to hear all the discussion about the City owning this land. He noted the plat contains the notation: "Future street B to be constructed prior to the building permit being issued for lot 16." Lot 16 now has a house and is located next to where the road would go in. Mr. Russell said they believed all along that the right-of-way had expired and why they were shocked when Ashton Woods said they would be putting in a street there. Mr. Russell said Crabapple Registry has maintained that strip of land and paying liability insurance; it is not a Roswell city park. Crabapple Registry does not want to lose that strip of land that the neighborhood children use for play. He understood Mayor Wood's comments regarding pedestrian connectivity and the other neighborhood using it. Crabapple Registry would need to discuss how Ashton Woods could design some sort of opening in the fence that would be aesthetically pleasing. Crabapple Registry does not want a paved path because it is grass now; if a cut-through was installed they would want something impervious; stone columns similar to what they have now that would provide the same purpose versus putting down gravel or concrete. In their conversation this afternoon, Ashton Woods seemed willing to draw up a contract to share the detention. Although further negotiation is still needed, he believed an agreement could be reached and that both sides could live with this being open ended for the next 30 days in order to get it in place.

Mayor Wood thanked Mr. Russell for his comments. The Mayor noted that he was not comfortable leaving this open ended and having passed a resolution without knowing all the details. He thought Crabapple Registry was on the right tract with Ashton Woods regarding a contract to prevent Crabapple Registry from taking on any additional risk. There is an advantage for the two neighborhoods sharing one detention pond because sharing the cost would save both neighborhoods money. Mayor Wood said there was not any intention for the City to put a road in there. If the neighborhood wished to have the connection in grass, he would favor the connection being in grass. He said he is a big supporter of pocket parks and he hoped this could become a pocket park; his concept of pocket parks is that they are owned by the City and they are liable but the neighborhood would be responsible for the maintenance and policed. Mayor Wood stated that he liked Councilmember Dippolito's suggestion that perhaps this connection could be moved; abandon a portion of this right-of-way, and the path could remain grass and not paved. He said he would support a deferral to give Ashton Woods and Crabapple Registry an opportunity to work out the details. He noted that the neighborhoods had worked out many other things and were now

down to the last portion. Mayor Wood said he hoped the Council would support a deferral because it would be wiser for the neighborhood to get it worked out before Council voted.

Councilmember Price asked if the applicant wished to proceed.

Mayor Wood asked the applicant if they would be comfortable with a deferral. Mr. Busher said he would need to confer with the Spruill family regarding the answer. Mr. Busher quickly conferred with the Spruill family and confirmed that they were in agreement with a deferral. Mayor Wood asked if the applicant was requesting a deferral. Mr. Busher replied yes.

Public Comment:

Michael Harmon, Crabapple Registry resident, thanked Council and Mayor Wood for the tremendous job they have done looking at this issue. He said whatever the outcome is he would always treat it with respect because of the effort. Mr. Harmon said he was strongly against a deferral because this had taken a lot of time and the residents need to get on with their lives; a decision needs to be made but he would be fine with a six-month deferral. He was in agreement with walking trail connectivity. There has been much HOA money spent to keep this common area in good condition. If the connectivity is done and if the land belongs to Roswell, then there should be cost assistance for the ongoing maintenance. Mr. Harmon noted that sewer and storm drains currently exist there; he did not think anyone had considered those and the associated safety issues. Mayor Wood thanked Mr. Harmon and said that was the City's concern as well.

Council Comment:

Councilmember Igleheart said he understood the wish to move on, but for all the reasons mentioned, the issues need to be resolved and a final agreement reached by everyone.

Councilmember Wynn commented to Mr. Harmon that she understood and appreciated his position since she had previously been a community advocate herself. She explained that the City is trying to protect both sides but mostly Crabapple Registry because if the agreement is not reviewed by a legal consultant, and then this item was approved by Council, Crabapple Registry would not be covered.

Councilmember Dippolito said he appreciated both sides being willing to work on this. He suggested they walk the crush stone paths through Roswell Area Park that are pleasant walks and low maintenance. There might be a better alternative given the wooded nature of some of this area to go with the stone but said he was sure whatever the neighborhood felt comfortable with could be worked out.

Councilmember Price said she wanted to be absolutely clear about the discussion between the last person who spoke and the applicant. She asked if they were in agreement or not. Mayor Wood replied that the applicant was requesting a deferral. Mayor Wood said he would suggest a 30-day deferral to the next regular council meeting.

Mr. Busher clarified that the applicant was requesting a deferral.

Planning and Zoning Director Brad Townsend clarified that thirty day deferral would be the next zoning meeting of Mayor and Council on November 14, 2011.

Mr. Hendricks, attorney for Ashton Woods, said it would be helpful to do this fairly quickly since staff had been so helpful getting the parties together to discuss this.

Councilmember Price said to that point, in the Mayor and Council minutes of September 12, 2011, on page 5 of 14, apparently the meeting held last Tuesday was supposed to have involved Crabapple Registry. For whatever reason, they did not know about it or did not come so unfortunately we missed an opportunity to resolve all of that at that lengthy meeting when an important party was not there. Hopefully, we can do that within the next month.

A motion was made by Councilmember Price, seconded by Councilmember Igleheart to defer RZ11-09 & CV11-02, 350 & 370 Rucker Rd., Ashton Atlanta Residential, LLC, Land Lot; 1240 and this item be placed on the Mayor and City Council agenda for 11/14/2011. The motion carried by the following vote:

In Favor: 6

6. **RZ11-07 Text Amendment regarding the creation of a compact parking space size and allowance for a percentage of compact parking spaces. (Second Reading)**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Bradford D. Townsend said this was a text amendment to allow for compact parking spaces not to exceed 15% of the total area of the required spaces identified. At the first reading there was a discussion related to the aisle width for parking spaces. He displayed an overhead graph showing the current parking aisles at 60 feet that indicated that it should remain as a standard in our current code to maintain the 60 feet. It would allow for the proper turning radiuses needed when there is double parking for that location, as well as for maneuvering in and out of the parking space. He said staff recommends approval at second reading.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROSWELL, GEORGIA, CREATING A COMPACT PARKING SPACE SIZE AND ALLOWING FOR A PERCENTAGE OF COMPACT PARKING SPACES, stating: To accomplish the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following Ordinance:

1.

The Zoning Ordinance of the City of Roswell Chapter 17.3.7 "Parking Space and Aisle Specifications" to Article 17, Access, Parking and Loading is hereby amended to read as follows:

Section 17.3.7 Parking Space and Aisle Specifications

An off-street standard parking space shall be a minimum of nine (9) feet in width and twenty (20) feet in length, or ten (10) feet in width by eighteen (18) feet in length. Parking spaces for compact cars shall be a minimum of eight and one half (8.5) feet in width and sixteen (16) feet in length. Compact car parking spaces may be used in place of a standard size parking space. The total number of compact car parking spaces may not exceed 15% of the total number of required parking spaces and identified as compact spaces.

For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90) degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty (60) feet.

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

Mayor Wood asked what percentage is currently allowed to be compact spaces. Mr. Townsend replied the current percentage is a maximum of 15% of the total number required. Mayor Wood asked if staff has any discretion on this number, either plus or minus, or is this a hard number. Mr. Townsend replied, "not to exceed." Mayor Wood said there could be either no compact parking or up to 15%, but that amount could not be exceeded. Mr. Townsend replied that was correct. Mayor Wood asked what the percentages are for compact parking for instance a parking deck in downtown Atlanta. Mr. Townsend replied the analysis they found is between 10% to 20%. Mayor Wood asked why staff chose 15%. Mr. Townsend replied that it is in between. Mayor Wood said he would support 20% but he would also support eliminating all parking requirements.

Council Comment:

Councilmember Price asked if there were any changes from the first reading. Mr. Townsend replied no. Councilmember Price asked if Councilmember Dippolito had made a suggested change. Mr. Townsend replied Councilmember Dippolito had brought up the issue of the parking aisles and whether that should be amended to a 60' width. Mr. Townsend referred to the graphic he had previously shown which indicated it should remain at 60 feet. Councilmember Price said then there were no changes. Mr. Townsend replied that is correct.

Councilmember Dippolito asked if the 60 foot aisle width was a building standard and something the Transportation Department supports. Mr. Townsend said it is an Institute of Traffic Engineers (ITE) standard; this information was included in Council's backup material and taken from the book "Parking Geometrics" provided by the Transportation Department. Councilmember Dippolito said the compact parking does not save in the aisle width just in the parking and saves ½ foot. Mr. Townsend agreed that it saves ½ foot on the width; the literature provided indicates if there is a structured parking location that an odd size space could be worked into the many nooks and crannies.

Councilmember Orlans asked how this would be dealt with when an SUV pulled into a compact space and used two spaces. Mr. Townsend replied there would be many door scrapes.

Mayor Wood said he would request Council consider 20% instead of 15%. He said he was a compact car driver and has found he has no trouble parking his car. He said we are going to see more small cars in this country; when we look at land use, we are looking at long-term projects.

Councilmember Orlans said he disagreed and thought that 15% was a good compromise. He said the world may be going to smaller cars but he does not see it in our area. We would end up with small parking spaces that no one could use because they have a bigger car and there are not enough compacts using them. He thought it was best to be more conservative with 15%. He said we could always increase it to 20% later.

Councilmember Diamond asked what would be the availability to change it to 20% later on. She said Roswell is SUV haven at this time and although it would be nice for that to shift, we are not there yet.

Councilmember Price said she owns a small car with a lot of door dings and does not think the spaces are big enough now. She said we have a parking issue but this might not increase the number of spaces significantly; she said she was in favor of leaving the number at 15%.

There was no public comment.

A motion was made by Councilmember Price, seconded by Councilmember Orleans for Approval of RZ11-07 Text Amendment regarding the creation of a compact parking space size and allowance for a percentage of compact parking spaces on Second Reading. The motion carried by the following vote:

In Favor: 6

7. **RZ11-08 Text Amendment regarding the revision of the minimum requirements for used automobile sales establishments. (Second Reading)**
Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Bradford D. Townsend said this clarifies the used automobile sales establishments and makes sure the property asking for this proposed use is on a separate lot of record or parcel, so that this type of use is not requested for in an existing shopping center. Staff recommends approval of this proposed text amendment.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROSWELL, GEORGIA, REGARDING USED AUTOMOBILE ESTABLISHMENTS MINIMUM REQUIREMENTS, stating: To accomplish the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following Ordinance:

1.

The Zoning Ordinance of the City of Roswell is further amended by Chapter 10.38 "Used Automobile Sales Establishments" to Article 10, Specific Use Requirements to read as follows:

**CHAPTER 10.38
USED AUTOMOBILE SALES ESTABLISHMENT**

Any Used Automobile Sales Establishment shall have a separate lot of record or parcel with the following minimums:

1. *The separate lot of record or parcel shall have a minimum size of at least three-quarters (3/4) acre and a permanent structure used as a business or sales office.*
2. *The separate lot of record or parcel shall comply with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of Used Automobiles:*
 - a. *Striped parking spaces for inventory shall be painted on the pavement and not*

less than nine (9) feet by twenty (20) feet for each used automobile or the appropriate size for the type of vehicle being parked.

b. A lot shall contain a stabilized base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.

c. Two (2) driveways, one for ingress and one for egress, or one (1) driveway adequate to permit simultaneous ingress and egress.

3. The separate lot of record or parcel shall not allow any part of a used automobile to encroach upon any public right-of-way or sidewalk.

4. The separate lot of record or parcel shall not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment as controlled by Roswell City Code Article 8.8 Nuisances as amended from time to time.

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

There was no Council comment. There was no public comment.

A motion was made by Councilmember Price, seconded by Councilmember Diamond for Approval of RZ11-08 Text Amendment regarding the revision of the minimum requirements for used automobile sales establishments on Second Reading. The motion carried by the following vote:

In Favor: 6

8.

RZ11-10 Text Amendment to Section 10 of the Zoning Ordinance to include regulations for donation bins in the City of Roswell. (First Reading)

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Bradford D. Townsend said this proposed text amendment had been discussed at Committee, as well as during the initiation. Mr. Townsend, referring to the ordinance under permit requirements on page 1, explained there had been a request for clarification that this ordinance just address donation bin locations on private property. For clarification purposes, staff recommended the words "on private property" to be placed after the words "donation bin." He said staff recommends approval of the proposed text amendment with this change.

Mayor Wood asked where the bins could be located if this text amendment passed. Mr. Townsend replied bins could be located on private property; they cannot impede crosswalks or be located next to fire hydrants; cannot be seen from the public right-of-way; bin size will be controlled; a proper display of the phone number of the entity responsible for the bin will be required. There is also location and placement criteria, an application for permit, and renewal requirements included as part of the request.

Mayor Wood asked how many donation bins will be allowed on a single parcel. Mr. Townsend replied one bin per parcel. Mayor Wood asked if a ten-acre or half-acre site would be allowed to have the same number of bins. Mr. Townsend replied that was correct, as indicated in the ordinance, Page 3, Location and placement section G; "no more than one (1) donation bin per parcel or location."

Councilmember Price asked if that meant there could be numerous bins but only one per entity placing it. Mr. Townsend said the way it was addressed was "Any person

or entity shall be allowed to place no more than one (1) donation bin per parcel or location.” He said if we were controlling it by entity or person, then it would be determined whether there could be various organizations; i.e., Salvation Army, American Kidney, etc.

Mayor Wood said you could have more than one bin. For example, three could be the Salvation Army, the American Cancer Society, and the Union Mission. Mayor Wood said that would be permissible.

Mr. Townsend requested Council’s intent for clarification purposes.

Councilmember Diamond said “any person or entity” should be identified as to whether they are the property owner or the bin owner. Clarifying that would solve this issue. It should read, “Any bin owner shall be allowed to place no more than one (1) donation bin per property.” She said the property owner could allow any number of bins there just could not be more than one from a single company. Mr. Townsend asked if that was the clarification by Council. Mayor Wood asked for other Council members’ thoughts regarding Councilmember Diamond proposal.

Mayor Wood noted the ordinance stated that it is not to be visible from the public right-of-way. Would that mean visible with binoculars or just to the average person. Mr. Townsend replied “bird’s eye view or if you were just driving down the street or walking down the sidewalk.” Mayor Wood said that was all the clarification needed.

Councilmember Price said compared to the current application form, has that form been created as it applies to this. Mr. Townsend said if this ordinance is adopted on second reading, the form will be adjusted to be consistent with this. Councilmember Price asked how many numbers on that form would change. Mr. Townsend replied the biggest change would be the private non-profit situation but none of the real numbers would change. The form was drafted to make sure the bins were not visible from the property and not impeding parking spaces, fire hydrants, or things of that nature.

Mayor Wood asked if there were any current bins that would not now be allowed after passing this ordinance that might be visible from the street. Mr. Townsend replied yes.

Public Comment:

Greg Grisham, American Kidney Services, 6360 Button Gwinnett Road, Doraville. Mr. Grisham said they currently have bins in Roswell, are a non-profit company registered with the Secretary of State, and heavily rely on clothing donations in order to support the kidney fund. On average, they give the kidney fund \$30,000 each month used to help people on dialysis. Mr. Grishman stated the current regulations and applications make it virtually impossible for them to have any donation bins in the City of Roswell. If the donation bins were not visible from the road then what would be the point of them being there. He requested that the ordinance be amended so the bins could be seen. He said there were property owners who wanted to support them and they could not because their applications continued to be denied.

Mayor Wood asked what he would suggest as to a location.

Mr. Grisham recommended they be limited to non-profits only who are registered with the Secretary of State. This would help prove where the money goes. He said many of the companies are not located in Georgia and some are for profit and not in compliance with current code.

Mayor Wood said he thought what Council was looking for from the ordinance was not to determine who could place a bin but as to the aesthetics of the bin, the location, and how it effects the property. He asked Mr. Grisham if he had any recommendations aesthetically.

Mr. Grisham said he thought it should be case by case based on the parcel of the property. If it were a small area not conducive to people pulling in and taking away parking spaces then that would not make sense and should not be allowed. He said there are homemade wood boxes being placed now that are fire hazards. He said they should be aesthetically pleasing, maintained and serviced. He said many were not maintained with a lot of trash around and most of them were the for-profit companies. He said he did not want to see what had happened in other municipalities happen in Roswell; Johns Creek and Buford do not allow donation bins because the companies do not run their businesses properly; he hopes it will not get to the point that Roswell does not want to deal with it anymore.

Mayor Wood said he thought Council was supportive of bins but is trying to balance the support of non-profits and other businesses that have a right. He said staff has to have a rule to follow and that could not be case by case.

Edward Zito, Board Member of American Kidney Services, 6360 Button Gwinnett Road, Doraville said the property owners would make the determination because they will not want to block parking or driveways. Each property owner should say where a good space would be. The bins must be exposed for people to see otherwise they will do no good; if they are screened in, they might look like garbage bins. Mayor Wood said he agreed.

Councilmember Price said she did not think this came up as a method to restrict the placement as much as to clarify it a little bit. Item "F" under "Location and placement" of the ordinance indicates it would a case-by-case basis. She said no one wanted to stick it in the back 40 acres, but on the other hand, if there was a horrendous eyesore then judgment would be left up to the staff. She said she did not think this was being made more restrictive for any that are currently placed. Councilmember Price asked if she was wrong.

Mayor Wood replied that she was wrong. Mayor Wood explained that he was told there were current bins that would no longer be placed where they are and it would be more restrictive than the City's current practice. Councilmember Price said that was because they were illegal now just because they were not approved. Mr. Townsend said they also may have been placed prior to any regulations.

Mr. Zito said their bins are all metal and clearly state: American Kidney Services, registered with the Secretary of State. He said you would never see one of their bins with an overload. If they are called, they will be on-site within a half hour or hour or certainly within 24 hours. American Kidney Services does not have boxes and so forth around their bins.

Mayor Wood said the ordinance, as he understood it, says the donations bins must be screened and not visible from the right-of-way, although they could be visible from the parking lot.

Councilmember Orlans said American Kidney Services bins may look good but Council is addressing all bins. He said the overkill might be in the screening if they were in the back of a parking lot; we want to make them available but are trying to address the aesthetics. Council is willing to listen to compromise ideas and maybe Council should relook at the screening of a bin if it was back in a parking lot.

Councilmember Orlans said he did not hear a reason to eliminate the visibility from the street from the right-of-way.

Mr. Grisham said people need to feel safe in approaching the donation bins in the parking lots; it has to be visible.

Mayor Wood said he thought it was clear we do not want them on the street or just behind the sidewalk. He asked if we were talking about the typical strip center where it should be located.

Mr. Grisham suggested somewhere visible from the road. Most of their bins were not at strip centers but in smaller lots such as the bin located at the corner of the parking lot of Roswell West Medical Center on Holcomb Bridge Road and very visible from the road.

Mayor Wood asked the problem would be solved if the bins were set back from the street.

Councilmember Diamond said there were two shopping centers near her home that have bins for almost every organization and they are just on the other side of a fence. Inside the parking lot they are in full view but are not visible from the street. She said this is not a drive-by type of business; when you are doing your shopping you remember where they are located and then you make the donation later. She said the shopping centers near her all have places where they are in the parking lot in full view once you are in the lot. There is one donation bin on Canton Street that sits on the street and takes away from the look of that area. She said like many things we do, it is not because we are looking to get rid of all the bins, but we need to have protection mechanisms for people who abuse them and we should have a mechanism to have one removed if it were not maintained.

Mayor Wood asked if screening means from the street or from the parking lot. Mr. Townsend responded it means from the street. Mayor Wood replied that if you were in the parking lot you could see them but they could not be seen from the street. Mayor Wood asked if American Kidney Services thought that would help them.

Mr. Townsend read from the ordinance "effectively shield the bin from being viewed from the public right-of-way."

Mr. Grisham asked for clarification of the meaning of screening.

Mayor Wood asked what was meant by screening. Mr. Townsend replied that in most instances depending on the placement, it might mean no additional screening. He explained that if he were walking on the public right-of-way and not visibly seeing the bin, then it was screened by the existing buildings, berms, parking, or landscaping. This is not to require additional screening to be placed, if the location chosen was naturally screened from the public view.

Mr. Grisham said their issue was for the bins to be productive and cost effective and therefore must be highly visible.

Mr. Townsend said from the public view, and there was the contradiction. Mayor Wood said he understood and he just wanted to explore other ideas.

Councilmember Price asked if we have legitimate bins placed now for which we have received applications that we would now have to make some disposition with.

Mr. Townsend said the bins he was thinking of were ones that were in place prior to the City instituting our voluntary application.

Mr. Grisham said he did not know if those were grandfathered in and noted that he had been waiting for a call to have their bins removed.

Mayor Wood asked if the current bins were grandfathered in. Mr. Townsend replied there was no grandfathering provision currently drafted in this ordinance. Mayor Wood asked if that was because they are moveable and not a land use, and therefore not grandfathered by law. Mr. Townsend replied correct.

Councilmember Price said that does not address the issue of the bins that right now are in this limbo timeframe because we have allowed them to be placed even though there was no application until we resolve this. Mr. Townsend agreed. Councilmember Price asked if that was another whole issue.

Mr. Zito asked if it would be possible to say that if the bin was visible and there was trash around it then that would be a violation and then could be removed. Mr. Townsend replied the proposed ordinance states that bin locations are to be kept clean around the exterior at all times.

Councilmember Orlans noted that this was the first reading of the ordinance and the second reading would come back in a month. The time in between the two readings is used to massage what was being put through. He asked Mr. Gresham and Mr. Zito to provide any suggestions to Mr. Townsend and staff, including photos of their American Kidney Services bins from the streets.

Motion: Councilmember Price moved for Approval of RZ11-10 Text Amendment to Section 10 of the Zoning Ordinance to include regulations for donation bins in the City of Roswell on First Reading and placed on the Mayor and City Council agenda for 11/14/2011. Councilmember Orlans seconded.

Mr. Townsend requested clarification before Council votes on the first reading. He said they had talked about item "G" under "Location and placement" and asked if Council's directive was to limit the individual bin entity to that parcel or the one parcel was only allowed one bin.

Amendment: Councilmember Price moved to amend the amendment to the ordinance to read "Any person or entity shall be allowed to place no more than one (1) bin per location such that multiple bins may be permitted." The intent is to allow multiple bins, but not multiple bins of one entity.

Mr. Townsend asked if there would be a "top limit of multiple." Mayor Wood replied not at this time. Councilmember Price said she hoped the property owner would be reasonable and did not think we needed to maximize that. Mr. Townsend for clarification asked if the intent is to allow multiple entities on an individual parcel to place their bins. Mayor Wood confirmed that was the motion and asked Councilmember Orlans if that was an acceptable amendment. Councilmember Price confirmed that was acceptable. Councilmember Orlans said it brought up the topic of "any size lot," but it was acceptable for now.

Councilmember Igleheart said when we first brought this up, that was one of the key discussion points as to how many bins could be on each property. He said you would like to think the property owners would be reasonable and only have a certain amount but if that were the case we wouldn't have any other rules for everything. He was concerned about leaving it with an open number. Mr. Townsend replied that

staff would be recommending some top limit; it could not be open-ended but will be reasonable. Mayor Wood said perhaps it could be something like one bin per acre, two per two acres, and so on. Councilmember Igleheart said he thought that was reasonable because it would be based on the space. Mayor Wood noted Councilmember Igleheart could make a motion at this time or bring it up later. Councilmember Igleheart replied that he was not making a motion but wanted to make sure it was considered before the next reading. Councilmember Orleans agreed with Councilmember Igleheart. No further Council comments.

A motion was made by Councilmember Price, seconded by Councilmember Orleans for Approval of RZ11-10 Text Amendment to Section 10 of the Zoning Ordinance to include regulations for donation bins in the City of Roswell on First Reading and placed on the Mayor and City Council agenda for 11/14/2011. The motion carried by the following vote:

In Favor: 6

Council Member Igleheart left the Mayor and Council meeting after casting his vote for Agenda Item #8.

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

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Bradford D. Townsend said this was the adoption of the "Community Agenda" including the 2011-2016 annual update to the Short Term Work Program and Capital Improvement Element. He acknowledged 2030 Comprehensive Plan Advisory Committee (CPAC) members who were present and their hard work on this. Council was provided the drafted Short Term Work Programs and the comments received from the Atlanta Regional Commission (ARC) and the Georgia Department of Community Affairs. Staff recommends approval of this 2030 Comprehensive Plan "Community Agenda."

Mayor Wood noted he had a comment to make but was not going to ask for a change in the Comprehensive Plan. He said Council received a request from some of the communities in Roswell that an overlay district should be included on the Holcomb Bridge Corridor east of Highway 400. In discussion with those communities, there was no support for an overlay district in that corridor even though it was in the plan. Mayor Wood said he did not think it needed to be removed but wanted to report to Council that it was pursued and heard that many people who signed the letter did not know what an overlay district was and those who did were wrong. The Mayor noted there were a couple of meetings to discuss an overlay district with that community and no one came forward that wanted an overlay district.

Council Comment:

Councilmember Diamond asked what meetings Mayor Wood referred to. Mayor Wood replied that Councilmember Price invited members of the community to come forward and give their input. Councilmember Diamond asked if it was just the two of them. Mayor Wood replied yes. Councilmember Diamond replied okay. Councilmember Price stated she called the meeting and invited the Mayor or he said he wanted to attend.

Councilmember Orlans said people he had individually spoken to questioned why we could not have an overlay such as Parkway Village. He noted this had come up multiple times over the years and questioned how it would be implemented because a lot of things are already there. He said he was surprised to hear there was no interest in an overlay.

Mayor Wood said they told him they wanted architectural controls. The Mayor said we responded that we would be glad to hear what they wanted in the way of architectural controls but as far as an overlay district, when they understood that an overlay district allowed more flexibility in zoning than the current district they weren't interested in more flexibility in zoning.

Councilmember Orlans asked the Mayor if he meant the aesthetic parts of Parkway Village but not the additional zoning and those types of things. Mayor Wood replied that was his understanding. Councilmember Price noted they also stated they would be getting back to us with their specifics, which has not yet occurred.

Mayor Wood said he was merely reporting to Council that there was an outreach to invite the people who had written the letters on a couple of occasions.

Councilmember Orlans said it was primarily the aesthetics in general conversations because of the way the Parkway Village looks. Mayor Wood replied that an overlay district is not the same as an architectural control district and they were confusing the two. He thought there was an interest in architectural controls and he supports that but they were not interested in an overlay district. He said he only spoke to the people who came to the meeting. Mayor Wood noted that previous Councilmembers David Tolleson and Paula Winiski were present and did not have any ideas regarding an overlay district.

Councilmember Diamond said that had not been her experience when speaking with people in that area and that she was hesitant, based on a meeting that she did not get to hear anything to make any changes.

Mayor Wood said he was not suggesting any changes, he just wanted to report to Council the conversations he had been a part of. Early on there was a request for an overlay district and he reached out to the community to hear what they wanted in an overlay district; the only interest they expressed was for architectural controls.

No further Council comment.

Mayor Wood thanked everyone for coming and for all of their efforts. He said this would be followed up with an Economic Development study. Mayor Wood recognized David Schmit, Chairman of the 2030 Comprehensive Plan Advisory Committee.

Mr. Schmit said they had a very engaged group and that was important. It was a long and involved process, in many public forums; for a committee to stay together that long was a testament to how committed they were. He commended Alice Wakefield, Community Development Director and her staff. He said many things happened outside of meetings for which Alice Wakefield, Brad Townsend, and Jackie Deibel dedicated and committed their time. Mr. Schmit said he was committed to seeing it through the next step with the Economic Development group and other things that were moving forward.

Community Development Director Alice Wakefield expressed her appreciation to the Pond and Company representative present at the meeting, who had stayed with them

to the bitter end of this process, which is unusual for a consultant to stay until the final votes. She thanked Pond and Company for all their work and effort.

A motion was made by Councilmember Price, seconded by Councilmember Orlans for Approval of a Resolution to adopt the 2030 Comprehensive Plan "Community Agenda" including the Short Term Work Program and Capital Improvement Element. Council Members Orlans, Price, Wynn, Dippolito, and Diamond voted in favor. Council Member Igleheart was not present for the vote. The motion carried by the following vote:

In Favor: 5

Environmental / Public Works Department - Councilmember Becky

Wynn

10.

Keep Roswell Beautiful (KRB) Annual Report Summary for the period July 1, 2010 through June 30, 2011.

Presented by Stuart Moring, Director of Public Works/Environmental

Councilmember Wynn said she was proud to have been a board member of Keep Roswell Beautiful (KRB) for the past six years. This is an organization where you can truly see what has been done in the City by the litter index, recycling, bulky trash day, hazardous waste collection, Rivers Alive event, etc. KRB works on a shoestring budget. Councilmember Wynn expressed her appreciation to all the KRB volunteers that participate in these events as well as the KRB board members.

Director of Public Works/Environmental Stuart Moring said he was very proud to recognize Keep Roswell Beautiful. He noted that a summary of the KRB annual report will be presented along with a check representing the value of their contributions to the City of Roswell over the past year. Mr. Moring noted that the KRB Executive Director Janet Liberman, is also the Roswell Public Works and Environmental Department Programs Manager. He said she had done a phenomenal job working with the organization and in turn, they had responded by leading the volunteer activities. Mr. Moring introduced past KRB Chairman, Ron Jackson to make the presentation.

Ron Jackson thanked Mayor Wood and City Council for allowing Keep Roswell Beautiful to come back to present this annually report submitted to Keep America Beautiful outlining the KRB programs, events, and number of volunteers. For the past twenty-two years, this organization had been raising environmental awareness in the community. Mr. Jackson noted that about 1,000 KRB volunteers this past year completed approximately 4,000 service hours; 400 volunteers assisted with the recent Rivers Alive event at Riverside Park to clean the river, riverbanks, creeks, streams and backwaters with approximately 3,500 pounds of garbage collected, including old cars. He noted that equates to about 1.5 tons and actually is far less than the first couple of times that river cleanup event was held. He said the volunteers were also involved in a litter index, which was a project to monitor street litter. This past summer it was discovered that our streets are in the second best condition since the project began; the litter index was 1.17 with 1.0 being no litter. There were 55 Adopt a Road partners patrolling and that was partly why the Litter Index showed good results. In addition, KRB organizes the bulky trash collection, sensitive document shredding, and the Earth balloon, which is a portable 22' giant globe classroom.

Mr. Jackson said Keep Roswell Beautiful received a Fulton County grant of almost \$70,000. He explained that the bulk of the grant was given to the Recreation and Parks Department to replace the trees in Roswell Area Park damaged by a storm. In addition, funds will be used to institute a pilot program in Roswell Area Park, a cooperative effort between the Recreation and Parks Department and the Kiwanis Club, which is a labeling project identifying specimen trees. They hope to roll out the program on Arbor Day next February.

Mr. Jackson said the dollar amount on the check represented the value of the volunteer hours that could be measured although there were probably many other people involved that are not unknown and not measureable; the check amount is very significant, almost double what had been done in past years. He said it was only a fraction of the true value of Keep Roswell Beautiful but they had raised the awareness of the community and helped them see what a beautiful City we have and a great place to live, work and play. Mr. Jackson presented the check to Mayor and Council.

Mayor Wood thanked the volunteers and the Board of Directors of Keep Roswell Beautiful for all their efforts on behalf of the citizens of the City of Roswell and said he agreed that was only a fraction of the time they had put in for those who they could track. He said driving down Jones Road most mornings there was a gentleman with his trash pick-up stick and bag and he was probably not tracked at all and possibly one of hundreds of citizens of Roswell who help to keep this City clean. He said without their help, this would not be the beautiful City it is. There was a round of applause. Photos were taken with the Mayor and Council and members of Keep Roswell Beautiful.

Councilmember Wynn announced the first Roswell Green Expo will be held on October 15, 2011, 10 a.m. to 2 p.m., at Hembree Park. The public is invited and children are welcome to come and learn how to keep Roswell green.

Transportation Department - Councilmember Rich Dippolito

11. **Approval to award a bid for the installation of the wall facing for the Crabapple Road retaining wall project.**

Presented by Steve Acenbrak, Director of Transportation

Director of Transportation Steve Acenbrak said a sidewalk was been built on Crabapple Road with a retaining wall. An invitation to bid was issued and 13 bid responses were received on three different elements for the wall facade; brick, stack stone, or stamped concrete. Mr. Acenbrak stated there were questions about whether the brick was required to be red. He displayed samples of the brick options and said there was some flexibility in the brick; it could take on different textures, colors, and "images." The stack stone has some degree of flexibility, but would generally match other walls along Canton and Woodstock Streets. Information regarding these three types of facades was provided in the Council packets.

Council Comment:

Councilmember Dippolito stated this is not a veneer, but is a standard width brick. Mr. Acenbrak replied that was correct.

Councilmember Orlans suggested that the motion cover the stack stone facing as discussed in a Committee meeting and that amount had been budgeted. Councilmember Orlans stated when he originally brought this up to Mr. Acenbrak he suggested that they look at other stack stone walls in the area on Canton and

Crabapple Streets and a pillar just north. He said if this area was 200' further south in the historic district, the HPC would be requiring stack stone. He thought that the Table & Main restaurant on Canton Street, was required to use stack stone at a detention pond that is not even up on the street. Councilmember Orlans said the City needs to step up to do what we make other companies do, make this fit into the historic area, and make it look the best we can for the future. He repeated that he hoped the motion would be for stack stone facing.

Mayor Wood noted that as a property owner on Canton Street and someone concerned about aesthetics, he would suggest either brick or stack stone. Many historic walls were built out of brick and given that it was substantially less expensive, he supported brick.

Councilmember Dippolito asked if stack stone was required in the historic district. Mr. Townsend said he did not know if it was a general requirement but it was a preference and decided case by case as to the specific application.

Councilmember Price said the historic district was more brick than anything else although there is a lot of stack stone. She stated that she likes the look of stacked stone but this area is close enough to the historic district, which has a lot of brick. Some of the brick facing options that were presented are much preferable to the picture of a completed wall. She said looking at the six options left to right, left to right and so on, she would choose #4 or #6.

Councilmember Diamond said given that we had one of our businesses recently told that brick was not acceptable for their wall in the historic district and she would like to save the money, we need to be consistent. She said in most people's minds that was really the historic district and has the feel of the historic district until you get to the school area. She said she was in support of stack stone.

Mayor Wood said for it to be authentically historic it should not be built out of limestone because it was not available in the City of Roswell. He said it was beautiful limestone but not historically accurate. He said there also was not a real consensus at committee either.

Councilmember Wynn said it did not make a difference to her, but after having seen the bricks, she thought they looked good. However, Councilmember Orlans had stated that the Historic Preservation Commission (HPC) was requiring businesses in Canton Street to use stacked stone. She said she advocates moving the historic district up further and down Woodstock Road. She said if we want to do that, and the HPC likes the stacked stone even though the cost is about \$12,000 more, she would lean towards that. She asked if we had the money for this. Mr. Townsend replied yes, there is money in the sidewalk connectivity. She thought Councilmember Orlans had a good argument for the stack stone.

Councilmember Dippolito said he could see both sides of it. There is brick down the street at Minhinette Drive and in the historic district. We also have stone but it seems the majority of Council would like to see stone.

City Administrator Kay Love, for the record and in order to have approval to sign, clarified that the bid was awarded to CB Summer Construction for stack stone facing in the amount of \$34,390.64. Mayor Wood said you have approval to sign that contract.

Councilmember Dippolito said he realized after his statement that he was not as thorough, and thanked Ms. Love for completing it.

A motion was made by Councilmember Dippolito, seconded by Councilmember Orlans for Approval to award a bid for the installation of the wall facing for the Crabapple Road retaining wall project with a condition with the use of stacked stone facing on the retaining wall. Councilmembers Orlans, Wynn, Dippolito, and Diamond voted in favor. Councilmember Price was opposed. Councilmember Igleheart was not present for the vote. The motion carried by the following vote:

In Favor: 4

Opposed: 1

City Attorney's Report

12. **Recommendation for closure to discuss personnel and litigation.**

A motion was made by Councilmember Wynn, seconded by Councilmember Dippolito for closure to discuss personnel and litigation. Councilmembers Price, Wynn, Dippolito, and Diamond voted in favor. Councilmember Orlans abstained. Councilmember Igleheart was not present for the vote. The motion carried by the following vote:

In Favor: 4

Abstain: 1

Adjournment

After no further business, the Mayor and Council meeting adjourned at 9:43 p.m. Mayor and Council reconvened for a Work Session on the Holcomb Bridge Road Corridor Study.