



# 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*

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Wednesday, November 13, 2013

7:00 PM

City Hall

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### WELCOME

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

*City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Fire Chief Ricky Spencer; Deputy Police Chief Craig Easterwood; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Development City Planner Jackie Deibel; Community Development City Engineer Jean Rearick; Community Development Program Coordinator Stefanie Dye; Community Relations Coordinator Karen Zitomer; Transportation Land Development Manager Clyde Stricklin; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.*

### Pledge of Allegiance

### CONSENT AGENDA

- 1. Approval of the September 30, 2013 Open Forum Mayor and Council Meeting Minutes (to replace the Council Brief approved on October 14, 2013); Approval of the October 28, 2013 Mayor and Council Meeting Minutes.**  
*Administration*  
Approved
- 2. Approval of City Sponsorship for thirteen (13) special events between January and June 2014**  
*Community Development*  
Approved

3. **Approval for the Mayor and/or City Administrator to sign a contract with THC, Inc. for Right of Way Acquisition Services for the Holcomb Bridge Road Westbound Through Lane Project in the amount of \$36,992.**

*Transportation*

Approved

### Approval of the Consent Agenda

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

In Favor: 6

## REGULAR AGENDA

### Mayor's Report

1. **Reading of a Proclamation for National American Indian Heritage Month.**

*Mayor Wood read the Proclamation for NATIONAL AMERICAN INDIAN HERITAGE MONTH stating, Whereas the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples and the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today. Their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States. Native American Awareness Month began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating November as National American Indian Heritage Month. In honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned. On behalf of the City of Roswell, Mayor Wood proclaimed November 2013 as National American Indian Heritage Month in the City of Roswell, Georgia and urged all citizens to observe this month with appropriate programs, ceremonies and activities.*

*Mayor Wood asked the Daughters of the American Revolution to talk about their activities.*

*Donna Owens, Regent for the Martha Stewart Bulloch Chapter came forward and also introduced their American Indian committee chair, Jill Webster. Ms. Owens said throughout the month there would be displays at local libraries as well as numerous other activities recognizing the Native Americans who settled here. She said they also organize activities to raise awareness and funding for American Indian schools because those children are the highest risk group of children for suicide and drug and alcohol abuse.*

*Mayor Wood expressed appreciation to the Daughters of the American Revolution .*

**Administration and Finance Department - Councilmember Rich Dippolito**

**2. Approval of an Ordinance to amend the City Charter related to the Roswell Municipal Court. (First Reading)**

*Presented by Michael Fischer, Deputy City Administrator*

*Deputy City Administrator Michael Fischer presented this item stating this is an ordinance to clarify and cleanup personnel titles and positions that are listed in the charter. The current section would be deleted and a new section would be added authorizing the Mayor and City Council to hire people in positions as necessary to fulfill the duties of Court Services.*

*City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ROSWELL PURSUANT TO O.C.G.A. § 36-35-3 SO AS TO PROVIDE FOR COURT PERSONNEL FOR THE EFFECTIVE OPERATION OF THE MUNICIPAL COURT OF ROSWELL AND THE TIMELY ADMINISTRATION OF JUSTICE; TO PROVIDE FOR AUTHORITY; TO PROVIDE FOR OTHER MATTERS RELATIVE THERETO; TO REPEAL CONFLICTING LAWS AND ORDINANCES; AND FOR OTHER PURPOSES stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:*

*1.*

*The Charter of the City of Roswell is amended by deleting Section Ch. 7.100 Court Services, Section Ch. 7.110 Clerk of Court, Section Ch. 7.120 Solicitor and Deputy Solicitors, Section Ch. 7.130 Marshals and Section Ch. 7.140 Other Court Personnel in their entirety and adding a new Section Ch. 7.100 to read as follows:*

*Section Ch. 7.100 Court Personnel*

*The City shall be authorized to provide for such Court personnel as deemed appropriate for the effective operation of the Municipal Court of the City and the timely administration of justice.*

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

*Mayor Wood said he understands this does not affect the judge's position . Mr. Fischer replied that was correct.*

*Council Comment:*

*Councilmember Dippolito asked Mr. Fischer if this change impacts the effectiveness or operation of the court. Mr. Fischer replied not other than it allows for Mayor and Council or the City to be able to have positions in the court as they deem necessary for the operation of the court. Councilmember Dippolito said so it provides additional flexibility. Mr. Fischer replied correct.*

*Councilmember Price said, "I am concerned that we've taken four sections of ordinance and replaced them with one sentence. That concerns me that the detail of the operations is totally outside the control of the Council. I wonder about the wisdom of that, especially if this new group that we are entertaining going with becomes something that we decide is not workable. Will we have to turn back around and reinstate the ordinance or just worry about that when the time comes?"*

*Mr. Fischer replied this takes it out of the Charter. The Council still has full authority over Court Services and over the function and over any contract personnel when that happens. This is just taking some named positions out of the Charter.*

Mayor Wood asked if the Council would still decide what the budget is and what the positions are. Mr. Fischer replied yes sir it doesn't change any of that.

Councilmember Price said, "It does in that it totally potentially eliminates a number of positions, Clerk of Court, Solicitor, Marshalls and I know that they will be utilized in another fashion. But, I am concerned that the job descriptions of those entities are not specified in our Charter."

Mr. Fischer replied that is correct; it won't be specified in the Charter but this would not eliminate any positions. These positions are just being taken out of the Charter which is the fundamental organizations of the City. For personnel, it currently talks about assistants and secretaries. The Charter is not the appropriate place to have those type of personnel listed anyway. This does not eliminate any positions; just removes them from the Charter and allows for the flexibility of having positions that are needed for the operation of Court Services.

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

**A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 11/25/2013. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD2013-11-13

### **Community Development - Councilmember Nancy Diamond**

3. **RZ 201301671, 1270 Strickland Rd., Larry Strickland, Land Lot 428.** *(This item was deferred from the October 14, 2013 Mayor and Council Meeting)*  
*Presented by Bradford D. Townsend, Planning & Zoning Director*  
*Councilmember Diamond stated she had a conflict with this and asked to be recused.*  
*City Administrator Kay Love introduced this item on behalf of Councilmember Diamond.*  
*Planning & Zoning Director Brad Townsend presented this item stating this is a proposed Conservation Subdivision at 1270 Strickland Road. He displayed an aerial of the property showing Strickland Road and Valley Drive and pointed out approximately 5.0 acres of property in the southern part with an existing single family home. The stream is to the north where most of the trees are located. He displayed a current zoning map showing the R-2 designation of the property. He said this application is proposed for R-2 Conservation Subdivision. The applicant has reduced the single family lots from 15 originally proposed to 14 and the lot size would be a minimum of 6,000 square feet. The proposal includes approximately 2.0 acres of conservation on the northern property. He displayed the original yield plan for the R-2 designation showing that 14 single family lots meet the minimum criteria for the size of lots for an R-2 designation. He displayed the proposed subdivision application design that was submitted for 15 lots on August 5, 2013 and said the applicant had submitted another proposal on October 29, 2013 for the proposed site development with 14 lots in which 4 lots are adjacent to a hammerhead at the western property*

line. He displayed the minimum lot size requirements showing the reduction in the setback areas along the fronts, sides and rears to conform to what were requested for 60,000 square foot lots. Mr. Townsend said that the Planning Commission recommended denial of the Conservation Subdivision and staff also recommended denial. The staff reasons for denial dealt with the R-2 designation, Conservation Subdivision issues and felt the existing R-2 regulations could be complied with. The staff recommended conditions, should Mayor and Council approve this rezoning are:

1. The owner/developer shall develop the subject property in accordance with the site plan stamped "Received October 29, 2013 City of Roswell Community Development Department."
2. The number of lots within the subdivision is not guaranteed with the approval of the zoning.
3. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the Land Disturbance Permit.

Mr. Townsend completed his presentation.

Mayor Wood asked for Council questions.

*Council Comment:*

Councilmember Dippolito asked if the yield plan took into account the 100 year floodplain. Mr. Townsend replied it takes into account just the total area of the property of whether it can break into minimum lot sizes. It includes all of the 100 year flood and the floodplain. Councilmember Dippolito asked if the ordinance took into account the 100 year floodplain. Mr. Townsend replied when determining a yield plan it is silent as to whether it is included or not. Councilmember Dippolito said typically this would be included. Mr. Townsend replied yes, typically to include that acreage is to be allowed to be divided into the minimum lot sizes. Councilmember Dippolito asked Mr. Townsend to elaborate on why it was felt that the property was buildable from an R-2 zoning standpoint; if there were any obstacles for it being built. Mr. Townsend replied that the yield plan for the R-2 maintains the minimum lot sizes, the standard setbacks and minimum road widths. The proposal for a conservation subdivision allows for the minimum 100 year floodplain to not be encroached upon. He said there were certain standards and criteria of what the standards are to build with when building in that. He said the Public Works and Environmental Director could go over those.

Councilmember Dippolito asked if this plan conforms to code for a Conservation Subdivision. Mr. Townsend replied yes. Councilmember Dippolito said but staff's recommendation is denial even though it conforms to code. Mr. Townsend replied correct. Councilmember Dippolito asked if that was because it could be built to the standard R-2. Mr. Townsend replied correct. Councilmember Dippolito asked if part of the criteria for a Conservation Subdivision was because the R-2 was not buildable or if it was just an option.

Mr. Townsend replied it was an option; a Conservation Subdivision provides the opportunity for a developer to maintain the floodplain area in a conservation area while maintaining the number of lots they are allowed to build asking for smaller lot sizes and smaller setbacks. What was traded was that the developer would not build as much road. Because they would not have to build it as long in the proposed area, they probably would not have to move as much dirt to build the homes that would have been required if they built in a standard R-2 development.

Councilmember Dippolito said there would be no issue from a code standpoint with this Conservation Subdivision plan as presented. Mr. Townsend replied no. Councilmember Dippolito said it was really which plan was better for the community. Mr. Townsend said correct, which plan Council feels in their deliberation fits best into

*the community. Councilmember Dippolito thanked Mr. Townsend.*

*Councilmember Wynn asked Mr. Townsend in doing this, since they are not touching the 100 year floodplain on this particular piece of property, would that help with the flooding they have heard about from the adjacent neighbors on Alpine in doing that. Mr. Townsend said he would have Stu Moring address that but he thought that was a correct assumption if there was no development or improvements taking place within the floodplain then the issue would not be exacerbated by this development. Councilmember Wynn said if the floodplain was cleared and a traditional R-2 was built, there would be mitigating circumstances of what would have to be met to ensure that the stormwater did not...(she did not complete her comment). She then said she guessed she was talking about best management practices; if they build it as a traditional R-2 versus the conservation subdivision means they would encroach on the 100 year floodplain. She asked if there would be circumstances where they would have to mitigate the flow of stormwater because of the disturbance of the floodplain.*

*Mr. Moring replied yes; they would have pretty extensive requirements to satisfy to mitigate impacts on the floodplain.*

*Mayor Wood said he would like to rephrase the question so he could understand it and asked from a management standpoint, if one of these projects was preferable over the other.*

*Mr. Moring replied solely from that standpoint, the conservation subdivision was a better approach.*

*Mr. Townsend said the October 29, 2013 plan was the preferred stormwater approach.*

*Mayor Wood asked if the October 29, 2013 plan was the one they were looking at on the screen.*

*Mr. Townsend replied correct.*

*Councilmember Wynn asked if going from 15 lots to 14 lots makes the 14 lots in compliance with the density of an R-2. Mr. Townsend replied yes, correct.*

*Councilmember Orlans asked if with the reduction in lots, staff still had a recommendation or no recommendation. He said the original was based on what was submitted before. Mr. Townsend replied that staff could recommend approval of the conservation subdivision. Councilmember Orlans said staff would now recommend approval of the most recent site plan. Mr. Townsend replied correct.*

*Councilmember Igleheart said, "From the previous comments, one of the weaknesses of the conservation subdivision is that it doesn't necessarily take into effect those things that couldn't be built on. So, in your yield plan, yes you would make that number. But, that doesn't mean that you could actually build based on what you just said on the floodplain. You can't just go in and clear that regardless of it being there. You have to do a number of things to make that...even be possible. So in reality you probably couldn't build 14 on that piece of property based on that or the cost to do that would be extremely high. I don't know if you could do that. So, I guess its maybe a subjective question, but if you did build R-2, would you agree that you actually could build 14 lots on that property?"*

*Mr. Townsend said they would still have to deal with the stormwater mitigation and*

*there would probably be extra costs related to the type of fill, draining and detention areas related to what would have to take place for 14 lots.*

*Councilmember Igleheart said, "Because I think that is a miscalculation that is allowed in the ordinance that doesn't take into account what really couldn't be built on anyway. And that was one of the intentions of the conservation subdivision is you get credit if you save something. But if you couldn't have built on it anyway, it really doesn't make sense to give you extra credit for that; which is ultimately what happens."*

*Mr. Townsend said but the way it was originally drafted, it gives you that credit.*

*Councilmember Igleheart said, "I know. That's why I said it is a weakness in the ordinance which we haven't allowed moving forward."*

*Mr. Moring said the last time there was discussion about them having to balance any filling and so forth. He said it goes beyond that; there would have to be flood water modeling of Hog Waller Creek and there are known downstream flooding issues with that. There would have to be sophisticated modeling work done to determine how they could actually fulfill the yield plan. Based just on the physical amount of property, yes they could get 14 lots.*

*Councilmember Igleheart said, "It is not simple cut and fill or some other things that they could just go in and clear it, so that needs to be recognized as we consider what can and cannot actually be done. Two other questions then on, and it doesn't really show on this October 29, 2013 plan, but it shows the secondary conservation areas which are defined as still having value but on one of the previous ones there was going to be a detention pond or detention area in there. I'm not sure if that shows up on here. Would that actually then count as a secondary conservation area?"*

*Mr. Townsend said, "The detention pond?" Councilmember Igleheart said there was some discussion but he was not sure if it was on this plan. Mr. Townsend said he would have the applicant address that. Councilmember Igleheart thanked Mr. Townsend and said that was good for now.*

*Councilmember Dippolito said Mr. Moring had talked about the downstream issues and asked if there was a possibility that things could be done with this conservation area to help the downstream conditions. Mr. Moring replied possibly considering the size and scope of the property but he did not think it would have significant impact on the flood elevation of Hog Waller Creek and as it is proposed, it is not a negative impact but it is not a positive impact either. Councilmember Dippolito said he wondered if there might be ways to turn it into a positive but that might be challenging. Mr. Moring said there probably would be but just considering the scale of it but he did not think it would be a major positive impact.*

*Councilmember Igleheart said, "This may actually be a question for Mr. Davidson. The lot size is being reduced. Will that set a precedent for other lots around it to say well now we have the 8,000 square foot lots across the street, so the existing R-2 could then be used as, this our reason to go below that in the future?"*

*Mr. Townsend said he would direct that question to legal counsel.*

*City Attorney David Davidson replied, "No, it won't set a precedent because if you do approve this as a Conservation Subdivision; that is exactly what it is intended for, is the smaller lots in order to get full conservation area." Councilmember Igleheart said, "I understand that, but..." Mr. Davidson said, "But, it doesn't set a precedent as far*

as R-2 anywhere else in the surrounding area.” Councilmember Igleheart said, “No, I understand that, but the next rezoning, could somebody come in across the street from these and say we need the 6,000-8,000 square foot lot based on what is now across the street?” Mr. Davidson said no because it is designated as a conservation subdivision and it wouldn’t just be an R-2, it is designated as a conservation subdivision. There would be no entitlement unless they came in as a conservation subdivision also. Councilmember Igleheart thanked Mr. Davidson.

Councilmember Price said, “Yes, probably this may be for Stu. I know that some surrounding neighbors to the west have some ongoing water collection issues in their yards. Whether or not the conservation area is approved, prior to any building, what will be required of this entity to not exacerbate their current condition?”

Mr. Moring replied they would need to present more extensive plans than what was shown tonight demonstrating their plans for stormwater management on the site. This just essentially shows what their lot layout would be. Based on this plan, it appears that it would not have any negative impact on flooding in the stream but they would have to manage onsite stormwater among other things.

Councilmember Price asked, “Has any analysis of the runoff into...and I can’t read the number of the lot, but the one just immediately to the left of the loop. For instance, in that lot, do we know where waters from this property are draining to as effects that property or the ones in front of it towards the street?”

Mr. Moring said not from any of the information that was submitted but generally it would drain toward the creek. But that was not part of the plan they have submitted at this stage; this is more or less the zoning stage. If this was approved, then they would need to develop full scale construction plans and demonstrate how they would collect and distribute the drainage; it is not conclusive at this point.

Councilmember Price asked, “So we should have every confidence that whatever is built in whatever configuration will not adversely affect those properties to the west as far as drainage since they already have a problem?”

Mr. Moring said their focus is on how it impacts the stormwater system. What takes place between properties is typically reviewed and he said that Mr. Davidson could comment more on that. He said typically that was not a part of their purview but obviously they would not want to approve a plan that was clearly going to create an issue for surrounding property.

Councilmember Price said, “That is really kind of my question. How do we ensure that we are not creating a problem somewhere with the development of this land where it is already very low lying and the neighbors are already having a problem?”

Mr. Moring said that was essentially the intent of the regulations developed by the Metropolitan Water Management District for stormwater. The rules are intended to avoid or mitigate any impact that a given development has on existing property. A specific issue is not necessarily something they could discern. He said it might be better for Mr. Davidson to comment on that.

Mr. Davidson said, “I think what you are asking....they can only do what they can do on their site and we can only regulate what is going on in their site. If there is a problem there now, we can’t make them fix something that their site can’t really control. We just make sure that anything that can be done will be done on that site and that is what the engineering analysis will do. But we can’t make them go upstream off their property or downstream to fix things that aren’t even on their



property.”

Councilmember Price said, “No, I’m just asking about the pattern of the stormwater runoff currently and after this is developed in whatever configuration, are their assurances that those properties to the west will be not adversely affected?”

Mr. Moring said post development stormwater regulations regulate the activity and impact so the rate of runoff from a piece of property would not be more after a development than it was prior to development and that water quality impact was mitigated by appropriate storage techniques and the flow rates and such are not increased to the point of jeopardizing channels and so forth.

Mayor Wood said, so the answer is yes, there are assurances.

Councilmember Price said, “My next question then is, if this conservation arrangement is not approved and it were developed entire property, what would be required for the buildup of the land adjacent to the stream? By the same token, would that be presumed not to adversely affect those properties upstream?”

Mr. Moring said they would have to meet the same criteria and regulations under either development plan.

Councilmember Price said, “Not to put you on the spot, but to bring that land on the upper portion of the site plan up to buildable condition, what would that approximately cost to get the whatever is required, studies and actual implementation and review?”

Mr. Moring replied he did not have a sense for that at all.

Councilmember Price asked if anybody had an idea. She asked if it was like \$100,000 or \$500,000. Mr. Moring asked if she meant for the design work or for the construction.

Councilmember Price said, “Just the whole thing to get that up to buildable. In other words, is it cost effective for that to happen for them to actually build on that land, four or five houses?” Mr. Moring said that was something the property owner has to determine.

Councilmember Price said, “I know it is pretty subjective. But we are up here trying to figure out is this a conservation easement of convenience or is this a conservation easement that will be a hardship in the sense that they are giving it up. Or, are they giving up something that is not worth anything?”

Mr. Moring said mitigating impact in the floodplain would be an expensive design and construction process and he could not off hand put that into parameters but it was hard to imagine that those lots would be cost effectively developed for residential property.

Councilmember Price thanked Mr. Moring.

There was no further Council questions. Mayor Wood asked to hear from the applicant.

Applicant:

Shane Roach with Brightwater Homes thanked the staff and everyone throughout tonight’s discussion. He said he would not rehash any of those things but would go directly to some of the questions that were proposed. He said there were a number of

reasons for a conservation subdivision. Among those are minimizing the environmental and visual impacts of new development on critical resources, providing for relatively undivided open spaces within the new development, creating a more attractive and pleasing living environment impossible with conventional house lot and street development, fostering informal social interaction among neighbors within the community, reducing the demand on public expenditures that in particular talks about open space and park land built in compact patterns that reduce capital cost by requiring less linear front footage for streets, meeting the design requirements and guidelines for protection of the conservation area, and then ultimately a permitted by right so the conservation subdivisions are no more difficult to gain approval than others. He said what they believe is a very important part of the community design and really beneficial to this site, to the neighbors, and ultimately to their residents moving into the development is the proposed open space.

He said Council has had conversation in that regard in the way they looked at much of what has been discussed for UDC with different progressive developments that have taken open space and made that an important part of the community experience. He said that was a very important part of what they have proposed all along for this site and is a natural progression for the way the site lays today and with the understanding that the northern part of the property has heavily wooded lots with native species and a lot of native plants and a portion of that is in the flood zone and so there is a natural area that can be preserved through this conservation approach. They have looked at this multiple ways and talked to neighbors and understand their concerns are largely related to flooding. He said Council has heard from some people on Alpine Drive and he said he had spoken with some of them about the flooding that has occurred over the past few years and they have yards that back up to this conservation area. He said they see this conservation area as a place that could preserve the natural state with over 100 trees, 27 specimen trees and provide an open community space with walking trails for their residents and the nearby neighbors on Strickland Road and Valley Drive. It would allow them to do some of the things that were suggested to restore the habitat to something better than what is there today. Through the conservation approach, this conservation area would protect a number of native species that are in there trying to thrive and a lot of other things, plants, sunflowers, fern species and hardwoods. Also, making the walking trail a feature of the neighborhood is an important element of what they are trying to accomplish with a conservation subdivision. He said moreover, the typical R-2 would not allow them to maximize the use of the land and provide for this open space; they would have to develop every portion they could. There has been discussion about floodplain and whether they would try to make the whole thing buildable. He said they would never try to make the whole thing buildable. However, with the floodplain that exists today in a typical R-2, there would be homes right at the edge of the floodplain and they would be in the floodplain creating yard spaces and areas that residents would expect if those were a part of their homes and home sites. He said they came to this site and saw the natural lay of the land and an opportunity to preserve this conservation area as a feature for the residents. He said they have met a number of times with the neighbors across the street and nearby on Valley Drive and then said they have made some concessions from the previous plan. He said the number of lots going from the 14 lot yield plan at R-2 have remained at the 14 lots with the R-2 conservation site plan. They have offered to remove the connection to Valley Drive from the previous plan in sensitivity to the neighbors across the street on Valley Drive who were concerned about traffic and headlights and things of that nature that connection might have introduced. They have slightly revised setbacks to 20 feet for front setbacks on the site which allows 33 feet from the curb and that is important because people have asked about cars and parking and where visitors would park. The homes would have driveways sufficient for parking so neighbors would still be able to walk through the sidewalks on the streets. He said many of the

things he had prepared to say have already been answered tonight through their conversations and expressed appreciation for that. Mr. Roach completed his presentation and said he would respond to additional questions on anything about their intent here.

Mayor Wood asked for Council questions for the applicant.

Council Comment to Applicant:

Councilmember Dippolito asked Mr. Roach if he could talk about the architecture and also if he had any visuals of how the houses would look.

Mr. Roach said he had a couple of images he could show but that they did not have specific homes designed for this site because they were working through the site plan. He said that was the final thing before working with the home designs.

Councilmember Dippolito asked if their company has stock plans.

Mr. Roach replied they do and said he would show a couple of homes they were building in Park East. He showed an example of a home that would have a similar massing as what would be on the Strickland Road site that was a two-story with a front porch. He said the difference was that on the Strickland site, the secondary portion of the house would be the garage and this example has the garage in the rear. He said he wanted to be very clear about what he was showing.

Councilmember Dippolito asked how far back from the face of the house the garage would be set.

Mr. Roach replied in any condition, they would have garages set behind front porch architecture; they would be 8-10 feet from the front step of the house into a porch condition before getting to garage. He said the main massing of the house would be similar, so main massing of the house and the garage, slight offset if any but they generally put a couple of feet of offset there. Adding the depth of the porch gets another 6-10 feet depth of porch, such that the garage sits back even further from the buildable area of the lot. He asked Councilmember Dippolito if that answered his question.

Councilmember Dippolito said yes and he was asking because the City has begun requesting builders to make sure the garage is setback and typically they like to see five feet. A lot of that is because it is not known if there is going to be an actual porch. If there is a porch, that obviously makes even two feet seem a lot deeper than that, but having some sort of relief there makes it not feel like the garage is right up on top of front of the house.

Mr. Roach said they were comfortable with some distance specified from the setback because they would use that area for porches, but as it relates to the plane of the house, five, six or eight feet would be more than they could accomplish on the site as it exists today from the plane of the house, not from the porch, but from the plane of the house.

Councilmember Dippolito said, "So you are saying that five feet would be too much."

Mr. Roach replied five feet from the main plane of the house would be; from the setback, five feet would be easily accomplished.

Councilmember Dippolito said it would have to be a lot more than that because he had said they would have room for a car so it would need to be at least 20 feet. He

*asked what the setback from the building was.*

*Mr. Roach replied from the building, setback would be 20 feet from the right-of-way. He said they would be 33 feet from the curb, 20 feet to the build line porch depth, and then house and garage. Councilmember Dippolito said then there would be 25 feet which would be sufficient for a car. Mr. Roach said from property line, yes sir. Councilmember Dippolito asked if this gives a sense of the type of house that would be expected to be built. Mr. Roach replied it does.*

*Councilmember Dippolito asked if he had other examples of homes.*

*Mr. Roach said he would like to show an example of Vickery subdivision in Forsyth County which was not their homes. He said in Vickery, the houses are even closer and have smaller setbacks than what Brightwater was proposing today but it provides an example of proximity of homes to one another as well as an even narrower condition at the front of the street. He pointed out where cars were parked and the depth of the garage and noted there was sufficient room for parking and for the garage to feel setback from the front of the home. He said the porch architecture would be their method for doing that.*

*Councilmember Dippolito asked if it would not benefit them to bring the plane of the house closer to the street while maintaining the garage setback. There would be enough room for a car but it would bring the plane closer. He said he thought there would be a more buildable area on the lot and a smaller front yard.*

*Mr. Roach said yes if he understood the question. They would push all the way to the front of the building setback with porch architecture and then behind that would be the main house massing and garage.*

*Councilmember Igleheart asked, "Looking at if you did develop this as a standard R-2, not with the conservation, are you saying that you actually could build the houses in that top right corner that are both within the floodplain and in this impervious setback?"*

*Mr. Roach displayed the yield plan on the overhead and said it was important to point out that while lots and lot lines would still be in floodplain area, it would never be as if they were trying to make the entire site buildable. They would only need the buildable area up at the front of the lots where the home could be. The remainder of the rear area would be yard and could remain floodplain elevation and all of those things. He said there was no doubt that it would take some work and very careful planning to do this in an R-2 configuration with the floodplain but what they would not get would be the open space or the ability to keep the floodplain as a natural buffer for their own residents and for nearby neighbors. That would become yard area and would by necessity need to be cleared in a much greater fashion than in their conservation approach.*

*Councilmember Igleheart said, "I guess we disagree on what you could do and what is actually affordable to be able to do. Then moving to the conservation plan, you've got the other existing 29th plan...I know there has been conversation but who was going to own the conservation area?"*

*Mr. Roach replied, HOA, yes sir.*

*Councilmember Igleheart said, "Then on the plan itself, are all these homes fronting the new road? Particularly 1-5, their backs will be to Valley?"*

*Mr. Roach replied, they are and it was important to say that they would be extremely sensitive to the architecture at Valley Drive in terms of making that aesthetically pleasing for the neighbors of course and also for them. He said their experience is that when building homes where the first things people see are the ugly backs of a home, that is not an appealing or a saleable product. He said yes, they ultimately have the homes feel as if they are facing the internal street but the architecture on both sides was critical for them as well as the neighbors.*

*Councilmember Price said, "In terms of and I know you are not asking for a variance or anything, but in terms of the surrounding houses, lot size, density, what have you, does this conform with that or is this different?"*

*Mr. Roach asked if she was saying did this conform to the houses next door.*

*Councilmember Price said, "Well, obviously to the east is business but to the north, west and south?"*

*Mr. Roach replied yes, R-2 is to the west, R-1 is to the north across the creek and R-2 is to the south and then adjacent is commercial and industrial. He said he had pictures of the commercial and industrial to show the challenges for them on this site for overcoming some objections.*

*Councilmember Price said, "I guess my question also is, with the conservation easement...or say you took off the upper third of the property like where what would be the conservation...if that went away and were not part of the property. According to the current R-2, would you be able to build at that setback and lot size without the conservation easement?"*

*Mr. Roach said, "Could we build R-2 in the lower... (His comment was interrupted.)*

*Councilmember Price said, "Maybe Brad needs to answer that because I thought based on what was said at the previous meetings, I'm getting a different answer tonight. Or I'm sensing a different answer. Does it conform to R-2 without the upper third?"*

*Mr. Roach replied no, they would need the upper third for lot area; it has to count as lot area.*

*Councilmember Price said, "Then really the density of what the surrounding neighbors will see really is not what a normal R-2 would be."*

*Mr. Roach replied, site yields 14 lots today by the definition of a yield plan... (His comment was interrupted.)*

*Councilmember Price said, "No, but that is including the upper what I will call unbuildable; I'll just say that. You can build it but it is going to be cost prohibitive it sounds like. So if that upper portion could not be built on or is not going to be built on, could the remaining lots be there according to R-2?"*

*Mr. Roach replied no, they need the entire acreage for R-2. He said there are four lots facing Valley Drive on the south side of Valley Drive. He said he thought they could visually anticipate that the fourth lot could be split easily into two more lots. Looking at R-2 in existence today on Valley Drive, there is space for five homes to face Valley Drive and they are proposing six. As it relates to what the street might look like in relation to the neighbors, they are only proposing in that particular instance, one more home along Valley Drive than would be available by R-2.*

Councilmember Dippolito said he thought the residents were concerned about property values and how this might impact them. He asked Mr. Roach if had a sense of what price point they were looking to build these homes and said from looking at the architecture of this, it looks significant.

Mr. Roach said it is. They have maintained all along that this would be a mid \$400,000 price point or low to mid \$400,000 which relative to surrounding property values, is significantly higher. He said their experience has been that as those transitions occur, rising tides float many boats, they have seen that bringing new homes in at a higher value over time should prove to be beneficial to neighbors.

Councilmember Dippolito asked even though the lots are half the size, did they think they could yield a very good product on that.

Mr. Roach replied they do and one of the most important reasons is conservation area and open space. The feel that is gotten from a neighborhood like Vickery or Woodstock downtown where they have preserved open spaces and made them an important part of that development has increased values fairly dramatically.

Mayor Wood asked for further Council questions. There were none. He said the applicant would have an opportunity for rebuttal following public comment.

Mayor Wood opened the meeting for public comment.

Public Comment:

Beth Kirk said she was one of the neighbors directly across the street from the project and made the following comments:

- Said she had talked with Mr. Roach a good bit.
- Her ideal situation would be to have the area remain an open field but she knew that would not happen and she does not object to the residential project being put in.
- She said Mr. Roach had asked her what they would do if the conservation area was put in and she said replied that she and her husband walk a lot and if the conservation area was approved they probably would use it and she thought some of the other neighbors would as well.
- Expressed that her main concern was traffic and congestion and getting onto Highway 9 because there are already problems there. She also hoped there would be a street light there in the future.
- She stated again that she does not oppose the situation and approves of the conservation.

Lars Lind stated his home address as 205 Alpine Drive in Roswell adjacent to the proposed development and made the following comments:

- The developer's plan requires R-2 conservation and allows for a five foot setback on the sides instead of the design of an R-2 requirement which is about a 35 foot setback. He said with a five foot setback he could watch his neighbor make coffee in the kitchen.
- He questioned giving a floodplain that he thought perhaps was already set aside by City code. He asked where was the conservation acreage if the floodplain area was ignored which could not be built on anyway viably. He asked if the developer was donating and then said he thought he said he was not. He thought the floodplain would not be allowed to have any fill as a creek would naturally fight to regain its natural path. Filling that as was brought up might not be a viable option.
- His home is only feet from the 10 year floodplain and if it were inside that, he would have already been flooded out a few times over the past 10 years. Any back up on the creek would affect and impact his home and he was not happy with that.

- Another obvious thing is a "t" type cul-de-sac as proposed by the developer does not provide enough school bus turnaround space forcing the children and parents to walk to the end of the development or leaving the children exposed.
- He talked about the many large specimen trees on the west side of the property that are not being discussed as a conservation area but probably should be and said replacing a 100-year-old tree does not mean replacing it with 20 five-year-old trees.
- This is a property right state and R-2 is set up to protect the nearest properties from water runoff from this development and asked if that was in the plan. R-2 conservation only helps defeat the requirements of R-2. R-2 Conservation probably requires a UDC code revision to the existing R-2. Changes to the existing R-2 provide a legal precedent to future development. He asked what about the precedent in respect to the developer on Hembree that agreed to assist with solving some of the water problems there and thought that possibility should be looked at with this developer. The codes basically want nothing worse from future developments.

Maria Oliveira stated her home address as 1285 Valley Court in Roswell and made the following comments:

- She attended most of the prior Council and other meetings beforehand.
- She met with the water engineer, Danelle Alloway, and Stu Moring today for more insight on the water issue that is of concern on her property.
- She said when the applicant shows an R-2, it is an R-2 based off of five acres and it is a clean piece of paper. She displayed a plan on the overhead and said those five acres have a character with a lot of density of critical rooted trees and species trees. The applicant has concerns on one third of the property which is floodplain but there was no regard for keeping the visual impact. She questioned what the impact would be on the community if the developer's plan was to remove all of those trees and their critical root structure which prevent increased soil erosion. She pointed out two areas that are the catch basins and said there was substantial grading onto the property that goes down and with the water flowing downstream and downhill things settle at the bottom on neighboring properties. She displayed a photograph of her property on the overhead and noted how her property looks now. She said it did not look that way when she purchased her property 15 years ago. What is happening now is not very appealing and she did not see how that could be an added property value to perspective buyers in the future. She said since there is water coming in from within the property line that is damaging her property, who would be responsible for fixing that today and when would it get fixed and once there was construction; how would they prevent further damage.
- She said the applicant submitted a new site plan on October 29, 2013 and she pointed out that there appears to be a secondary conservation area but there needs to be an area set aside for maintenance and so that is not really considered a conservation area, it is a required maintenance area that is going to be needed no matter how many homes there would be. There must be a spot allotted for that and they cannot do it or should not do it in the 100 year floodplain. She then pointed out a triangular area on the plan that she said is considered their other portion of their secondary conservation area. She said a more logical aspect would be to potentially make an area that she pointed out on the plan to be a portion of that as a secondary conservation area. That would maintain the critical root structure and prevent more soil erosion and hopefully there would not be worse problems than exist now.

Jeff Purvis stated his home address as 1275 Valley Court and said he has lived there more than 48 years. He made the following comments:

- He said he enjoys looking across his back yard over the Strickland property and it looks real good. He said he has expected that over the last 30 years that it would be developed. He said he did not mind people developing as long as no harm is done to the surrounding property values. This is not the best this could be used for but it is not the worse. He said he was not against people developing their own

property. This is the third time the developer has been here and this plan looks better now than what they presented in the past.

Eric Schumacher stated his home address as 145 Prospect Street in Roswell and made the following comments:

- Asked if Council had read his opposition letter that should have arrived in their packets. (There was no comment from Council.)
- He said he understands there has been a reduction in the number of homes from previous plans but he was still concerned about what this subdivision would look like in this neighborhood. He said he asked the applicant in the original community meeting if they could produce some art that would show how it would look from an elevation standpoint but they did not have it at that time. There have been some delays and said he thought it was proper to try to visualize how this would look in a neighborhood especially since it has changed to rear facing Valley Drive. He expressed concern that the development would look like one building coming into the neighborhood. The neighborhood is obviously R-2 and there are some nice large lots. This is going to look very dense and while there is the suggestion of a conservation subdivision area that is going to be a park like atmosphere, that is down the hill and is not going to benefit any of the neighbors or any of the public in any way from a visual standpoint. In fact there would be a deterioration of a park like atmosphere in this neighborhood by having this kind of density in the area. With this kind of construction, the conservation area would not be seen.
- The secondary conservation area is being suggested that it would be a detention pond and possibly an open detention pond and in that way there would not be any additional benefit to the residents or anybody in this neighborhood or the public because that could be a swimming pond he supposed. He said pictures were shown of a neighbor's back yard where there are percolation issues and water. He said this primary conservation area would not have a lot of use; it would have a lot of mud and water and he did not see a benefit to the other residents in the area or the public other than they might not be disturbing the area for floodplain and stormwater and trees.
- He would like to see this developer do the same type of thing with fewer homes so there could be more respectable setbacks on the side with more of a park like atmosphere which was the true intent of a the conservation subdivision. He did not think this achieved that.
- They have arrived at a "t" type configuration for the road and one of the neighbors was opposed to having a cut through but if the city was going to accept this road as their responsibility he would like there to be additional connectivity that would provide more flow that could be for emergency vehicles, etc. He suggested the "t" drive should be private and along with the conservation area should be owned by the homeowners association.

No further public comments. The public hearing was closed.

Mayor Wood invited the applicant to respond.

*Applicant Rebuttal:*

Shane Roach said he would reiterate that they firmly believe this conservation area would be a nice open space available for their residents. They have seen this in many other places and it proves to be a valuable asset to nearby neighbors and community and something that cannot be accomplished through the typical R-2 site plan.

Mayor Wood asked about the accessibility of this conservation area and if there was anything in the zoning that requires it to be open to the public.



*Mr. Townsend responded he thought the conservation regulations determine Council making the decision as to whether it is appropriate or not. If Council wants it to be open to the public then the City takes it; if they want it to be private then it remains to the homeowners association who would be responsible for the cost and expense.*

*Mayor Wood said there would be the possibility of a conservation easement being granted to the City and an easement for the public without the City taking over ownership. He said that is a possibility.*

*Mr. Townsend said then he was indicating that the conservation area should have a public access to it.*

*Mayor Wood said the applicant has said that this was going to be open and accessible to the neighborhood. He did not envision people traveling from Martins Landing to this neighborhood to walk but he could imagine the adjacent neighborhoods walking there. He said other than the statement made tonight, was there something in the plans that assures this conservation easement becomes accessible to the neighborhood.*

*Mr. Townsend replied there was the current public road of Strickland that would connect to it. He said as well, the proposed road which is public would connect to the conservation area.*

*Mayor Wood asked the applicant if they have any assurances to the neighborhood that this would be open.*

*Mr. Roach replied, "In this site plan that we have generated of course the public road and the access to the area here. We have also made an important connection for us. And to respond to your question that the sidewalk would connect to this walking area; we have shown a connection in two locations here at the northeast corner of the property and here at the south side of the property such that we would connect public sidewalk with public sidewalk all the way to conservation area in two locations connecting to the proposed walking trail in the area."*

*Mayor Wood asked if the homeowner association covenants would address this.*

*Mr. Roach replied it sounds like they would need to.*

*Mayor Wood said, "I don't know if you will need to or not. I'm just saying if you are representing that this is going to be accessible to the neighborhood, it would give me more assurances if I was voting."*

*Mr. Roach replied they would make sure that the homeowner's association covenants protect the accessibility of this area to nearby neighbors.*

*Mayor Wood asked for Council questions for the applicant.*

*Council Questions for Applicant:*

*Councilmember Dippolito said a couple of questions were raised. He believed Ms. Oliveira asked about stormwater and the potential impact of her property which was already being significantly impacted and asked what assurances the applicant has that their design would not negatively impact her property next door and how would they foresee that being protected.*

*Mr. Roach replied, "I won't pretend to know what is put in the water there today other than to point out that her property in this area as you can see floodplain line, so the*

area of pictures that have been shown over and over again are indeed floodplain on her property. So, at this point in time I can only assume that is showing water in the way that the floodplain is behaving in that area. I would also point out that is upstream of our property. Ultimately the creek flows in this direction and so we are working towards a site that no matter how it is developed, one house, fourteen houses, thirty houses on this to the point of the requirements required by development, we have to protect what is that we develop through all the requirements and restrictions and guidelines that are put forth today for any development; no matter how it would be developed on this property.”

Councilmember Dippolito asked where their stormwater was flowing to.

Mr. Roach replied that the stormwater would be into a couple of detention areas. He said to the point raised earlier, the preliminary plan would include underground detention of the street and likely surface detention. He pointed out the areas on the site plan.

Councilmember Dippolito asked if the secondary conservation area would be detention. Mr. Roach replied yes.

Councilmember Dippolito asked if that would be a pond with a chain link fence or more shallow than that.

Mr. Roach replied it would be relatively shallow and everything they have seen in preliminary design so far would be a low wall in the back area but natural grade into the area. There would be a structure of sorts designed there ultimately in the final plan to provide for that surface detention but it would be at grade and into the detention area on the south side.

Councilmember Dippolito asked if it would still require fencing around it and if there was a way to do that as more of a natural bio-swell type.

Mr. Roach replied there might be and in preliminary design they know that this area would need surface detention. Whether it needs a wall or it could be done through a berm remains to be proven in the final design but they know there would be surface detention in this area.

Councilmember Dippolito said the other question Ms. Oliveira raised was about specimen trees. He said typically he thought there was a tree save plan in their packets but he did not see one. He asked if they would typically have one for zoning.

Mr. Roach replied they provided a recompense plan in the original package and of course through the conservation proposal, all of this would exist ultimately as tree save. For the area that was pointed out, there are trees on the site that would have to come down for development regardless of the approach they take.

Councilmember Dippolito said some of those trees are right on the property line and asked if they foresee grading right to the property line.

Mr. Roach replied they do not. He pointed out an area on the plan and said that the trees especially through that area on the property line are equally important to them as they are to the adjacent neighbors. There is also an advantage for them to leave as much buffer as they could for the neighbors. He said he could not say that all of them would be protected but he could say that they are equally interested in preserving the trees along that area to the extent possible. He said it has been pointed out that there is a curb inlet today that is just open flowing on the property

and he suspects when they get into full blown stormwater plan as they proceed, they would have to do something about that water and about carrying the water where it needs to go and that is in this tree area. He said he believed inevitably there would be some development and some tree removal required to address that.

Councilmember Dippolito said he would like to see the recompense plan and that he had one final two part question with respect to the conservation area that was obviously a critical piece of this. He said the applicant had talked about the importance of preserving the trees and the natural foliage which was important but he asked who would maintain that conservation area in the future because a lot of it was natural and would be impacted by the stream but there would be a path through there that someone must maintain. If some of it were damaged through flooding, there would need to be restoration and asked how they could ensure this became a viable conservation area into the future and not just an area that would flood out and become an eyesore.

Mr. Roach replied that the area today was very pretty and he has walked it many times. It is a nice natural area and there are going to be moments when it floods likely because it is a floodplain area. The proposed trail would be bark mulch and they are not proposing anything that would be structure that might be damaged through the occasional flood waters that come through. As it exists today, there is good soil and plant growth and healthy native species but it is heavily overgrown with invasive species so part of their plan is to remove the invasive species. This conservation area would end up being a bark mulch trail throughout with a specific focus on restoration of native plant species and removal of the invasive species. Their homeowner association covenants would include the intent for that to be a managed native plant species area with some focus on keeping invasive species out. To answer the question specifically, the covenants would be written in a way that would put an emphasis on the native plant species and on keeping the invasive species out and maintaining the bark mulch trail in a manner that was usable for their residents and for nearby neighbors as well.

Councilmember Igleheart asked if it did flood which it would likely to do, would that not take out the bark mulch regularly. Mr. Roach replied it may and they have not had any flood water on the property in the last several months although he knows over the years they have. He said through experience and the stories he has heard from others there was an occasional flood and it would happen at some point in the future and he did not know what the impact on the bark mulch trail would be; however using a surface like bark mulch makes it relatively easy to repair and low impact in the event there was flood water in the area in the future.

Mayor Wood asked for further Council questions for the applicant. There were none.

Mayor Wood asked for Council comments before hearing a motion.

*Further Council Comment:*

Councilmember Dippolito asked to see the recompense plan. Mr. Townsend said one was submitted with the original plan that was not amended for this application and the plan was placed on the overhead.

Mr. Roach said this was the recompense as it relates to trees that would be taken off for 15 lots, but they have now reduced to 14 lots, but he expects the tree recompense to remain similar in the fact they would remove the same number of trees from the site as with 15 lots. Councilmember Dippolito asked how many specimen trees would be removed. Mr. Roach replied 14 from an area he pointed out on the plan and said 27 would be preserved in the conservation area. Councilmember Dippolito

said he did not see the ones on the west property line. Mr. Roach said they are not shown in this plan; they would have to go to another tree plan to show that but they would ultimately be recompensing the trees that are removed from that area of the site and very few in the middle of the site. Councilmember Dippolito said there probably are additional trees along the west property line that may be impacted. Mr. Roach said inevitably some trees along that property line would be impacted if for no other reason for the purposes of the stormwater that was dumping out onto the site today from the curb inlet that would need to be picked up and addressed.

Councilmember Dippolito said he had a question for staff. He asked when a plan comes in for recompense and the developer is hopeful and optimistic to save several of the trees on the west property line but after they begin grading find that they have to removed, what procedures are in place to ensure that the proper number of trees are provided if additional specimens come out.

Mr. Roach said he would like to address the question and stated that the plan as is designed today assumes removal of those trees. Councilmember Dippolito said they are not shown here but it assumes. Mr. Roach replied that was right and then he pointed out a few that were labeled on the plan.

Mr. Townsend said the ones Mr. Roach indicated that are "x'd" through are the specimen trees in that area that are being removed. Councilmember Dippolito thanked Mr. Townsend and said he could see them now. Mr. Townsend said those are the ones that the recompense complies with in replacing. Councilmember Dippolito thanked Mr. Townsend.

Mayor Wood asked for further Council comment. There were none.

Mayor Wood said he would like to make a comment. He stated that whether this was R-2 or R-2 Conservation Subdivision, this would not be an improvement over a vacant lot because he would much rather it be a vacant lot than a developed area but it would be a good transitional area between C-2 to the east and this neighborhood. Whether it is developed as R-2 or R-2 conservation it will be a benefit to the neighborhood. There may be a little more traffic but it would help stabilize this neighborhood even more and buffer it from future development and uncertainty of what would happen on that lot. He said he knew Eric Schumacher was a big proponent of neighborhood parks so this was an opportunity for a neighborhood park if it was conservation and developed the right way.

Mayor Wood called for a motion.

Councilmember Dippolito said he would make the motion on behalf of Councilmember Diamond. He first commented that he agreed with Mayor Wood that this would be a good transitional use between the C-3 and the R-2. There are some questions about the conservation area and the floodplain and how buildable certain pieces of that are, but unfortunately they do not have all the answers. This conforms to code and seems to be a reasonable request given the transitional nature of the property. He said Brightwater Homes had done an excellent job on Park East and those homes were very well designed and a good quality product and he believed what they would build here would be equally as good if they were consistent with the photographs that were shown and he hoped they would be and a very good product could be expected that would ultimately be good for the neighborhood. This conservation area providing and open space for the public and the neighborhood to use would be a nice amenity not just for these 14 homes but for the entire neighborhood.

*Motion: Councilmember Dippolito made a motion for Approval of RZ 201301671, 1270 Strickland Rd., Larry Strickland, Land Lot 428 to include the three staff conditions and two additional conditions as follows:*

- 1. The owner/developer shall develop the subject property in accordance with the site plan stamped "Received October 29, 2013 City of Roswell Community Development Department."*
- 2. The number of lots within the subdivision is not guaranteed with the approval of the zoning.*
- 3. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the Land Disturbance Permit.*
- 5. The Conservation Area shall be open to the public beyond the 14 lot subdivision.*
- 6. The HOA covenants shall be in place to maintain the conservation area from invasive species and to maintain the path.*

*Second to the Motion: Councilmember Wynn*

*Mayor Wood asked for further Council comment.*

*Further Council Comment:*

*Councilmember Wynn said Brightwater did a great job working with the community and the neighbors. She said some neighbors are not happy with this but going back to what Mr. Moring said with the conservation easement; it would not make it worse but it also would not make it better on stormwater but at least it would be there. She said she appreciated that they would make this more of a natural native area and get the invasive plants out. She thanked Brightwater for what they have been doing and said she believed this would be a great project in this area.*

*Councilmember Price said, "I know this application has been deferred a number of times and I'm not sure that we see a whole lot of change in it over the months of the deferrals, only that maybe we are just being worn down by seeing it repeatedly. I do see that there is the difference in the road that doesn't cut through to Valley Drive but other than that and perhaps one less house. I know the very first time that this was presented, my comment was that because of that one third of the total property essentially being non buildable and I think I heard the applicant say this evening we would never try to build in a floodplain. So, if that be the case then, I would think the remainder of the property be built as R-2 and certainly as a visible R-2 from Valley Drive which this conservation agreement would not make it to be such. I'm all for a park. I'm all for a nice walkable area back in there and certainly it could be achieved just by not building there; very simple. Also I understand that the conservation subdivision is not going to be in the new UDC or is not currently part of the new UDC. If that is the case, I guess does that mean it's not been working out so well. So, for those reasons, I am not in favor of the site plan as presented or moving ahead with this being a conservation subdivision. I am not for this."*

*Councilmember Igleheart said, "If I can try and make a different comment. As I have said, I think a lot of that property is just not economically viably developable so if you took the 14 as an R-2, you are not going to actually be able to build that many to start with. So I think we are increasing what could be there and to say that a secondary conservation area is actually going to be a detention pond; I just think that goes against the intent of the ordinance as well as most of this. The intent was to try and save land that could otherwise be built on and this does not really do that. A secondary conservation area really should be that whole west side where we do have numerous specimen trees which I guarantee you and I'm sorry and I hope you can save some but when you put in your plan that you are going to take them all out, I think the hope that those might be saved is folly. And then I think we are also setting ourselves up for when it does flood and it takes out the bark and you are going to*

*have those 14 homeowners that are responsible for putting in a path back for other people around there to use, you are setting yourself up for numerous problems that we will hear about in the future. I guarantee you. So, we are as with many things over densifying what would not be there otherwise for no real reason.”*

*Councilmember Orlans said the developer had listened to some of the neighbors and had changed his plans from when it originally came in and it looks better. The conservation easement gives open space which is what the City wants to create and the homeowners association would have to take care of it as they do in other neighborhoods. They changed the street going out to Valley Drive as some of the residents across the street were hoping for. They removed a lot, getting a similar number of lots that could be built under R-2. He thought that was an improvement and the developer had listened to the neighbors. He said he was in favor of this.*

*Mayor Wood asked for further Council discussion. There was none.*

*Vote: Councilmembers Dippolito, Orlans and Wynn voted in favor. Councilmembers Igleheart and Price opposed. Councilmember Diamond recused. The motion passed 3:2.*

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

- 1. The owner/developer shall develop the subject property in accordance with the site plan stamped “Received October 29, 2013 City of Roswell Community Development Department.”**
- 2. The number of lots within the subdivision is not guaranteed with the approval of the zoning.**
- 3. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the Land Disturbance Permit.**
- 4. The Conservation Area shall be open to the public beyond the 14 lot subdivision.**
- 5. The HOA covenants shall be in place to maintain the conservation area from invasive species and to maintain the path.**

**Council Members Dippolito, Wynn, and Orlans voted in favor. Council Members Igleheart and Price were opposed. Council Member Diamond recused herself. The motion carried by the following vote:**

**In Favor: 3**

**Opposed: 2**

**Recuse: 1**

Enactment No: R2013-11-75

**4. SB 201303169, 650 Jones Rd., Michael Statham, Land Lot 307.**

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

*Planning & Zoning Director Brad Townsend said he would present this item together with the next agenda item for 690 Jones Road. They would need separate votes and motions but they represent each other. He said this was a request for 650 and 690 Jones Road and displayed the site map of the existing homes. He said when it was adopted, the stream buffer requirements made the properties unbuildable. He pointed out the stream buffer and the 100’ undisturbed buffer and the 150’ undisturbed buffer. He displayed the sewer map and said one of the questions during the legal meeting was how far the closest sewer location for the property was.*

He said it was over 500' to the nearest manhole across Jones Road and would be unfeasible for that to be hooked up. Therefore, these pieces of property would still require septic tanks and drain fields in order to be developed. He displayed the proposed site plan showing the encroachments and the reduction down to a 50' buffer for the location of future homes in the proposed area. He displayed a proposed variances map showing where the buffers would be if reduced to the proposed 50' undisturbed and 75' impervious setbacks and how that would allow for the existing homes to be removed and future homes to be constructed in the location. He displayed a portion of an analysis that showed how the stormwater from Jones Road goes under the road from a detention pond north of Jones Road and then starts the intermittent stream behind the pieces of property. He said staff recommends approval with two conditions.

Mayor Wood asked for Council questions.

*Council Comment:*

Councilmember Diamond said that the City Engineer had ongoing personal knowledge of this stream and asked if she could talk about the intermittent stream classification and how that would impact this.

City Engineer Jean Rearick stated that she lives at 620 Jones Road downstream from this property and she has walked the stream and has seen the pink and black flagging that marks the beginning of the intermittent stream and she concurred that was where it begins. She said she drives over the stream every day and prior to coming to work for the City of Roswell she had Cory Rayburn come out and he thought it was more of an intermittent stream than perennial. The perennial streams on the City's water resources map are defined as blue lines on a quad map and has nothing to do with the actual stream or with the drainage basin, it is just that every blue line on a quad map was made into a perennial stream. She said a stream identification on this stream would identify it as an intermittent stream which was more in line with what the City calls flowing streams on the water resources maps. That was why she made the recommendation for 50' undisturbed and 75' impervious setbacks which would be appropriate for this.

Mayor Wood asked if there were two separate applications for these properties. Mr. Townsend replied there were separate applications but they would be heard together.

Mayor Wood asked to hear from the applicant.

*Applicant:*

Michael Statham said they had been speaking with City Engineer Jean Rearick and other city planners for approximately two months. He said asking for the 50' buffers is not necessarily generous but appropriate given the fact that all along that stream are other properties with 25' buffers that were grandfathered in years ago. These houses were built in the 1960's and over time nothing has really changed in that area. He said as per discussion with the City planning department, they could probably concede without a variance if they pushed the house forward because they could do some buffer averaging. He said he grew up here and was familiar with the roads in the area and noted that there are now a lot of commuters traveling down Bowen Road from Johnson Ferry Road and this has become a fairly high trafficked road. For someone who with four children, to push the house 30'-40' closer to the road from where it currently sits would be a reason not to build on this property. People who did not have children and wanted to build might not mind that. He said the 650 Jones Road property was approximately 1.7 acres and 690 Jones Road was approximately 1.2 acres and from their viewpoint, keeping the houses generally in the current area and slightly pushing the buffers back to build a house would be good for

*Roswell and the families and that was most important to them.*

*Benjamin Miller came forward and said he does not have the credentials to argue with the staff recommendations and would not but he just wanted to say that he has been married 15 years and has three children and is a business owner and would love to join the Roswell community on one of these lots.*

*Mayor Wood called for a motion before opening the meeting to public comment.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-11-76

**5. SB 201303170, 690 Jones Rd., Benjamin Miller, Land Lot 307.**  
*Presented by Bradford D. Townsend, Planning & Zoning Director*

*Planning & Zoning Director Brad Townsend presented this item.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-11-77

**6. Final Plat 201303048, 9050 Nesbit Ferry Rd., Nesbit Reserve, TPG Development, LLC/Michael A. Smith, Land Lot 835.**  
*Presented by Bradford D. Townsend, Planning & Zoning Director*

*Planning & Zoning Director Brad Townsend presented this item stating this was a final plat proposed for five acres on Nesbit Reserve. The proposed plat was for 19 single family homes.*

*The developer has preserved the trees in the common area as proposed and all of the infrastructure was there. Staff recommends approval of the final plat.*

*Council Comment:*

*Councilmember Dippolito asked Mr. Townsend if anything had changed from the rezoning of the property to what they were looking at on the final plat.*

*Mr. Townsend replied not to his knowledge.*

*Councilmember Dippolito said then it was consistent with the approved rezoning. He said he knew there was a question at one point about the detention facility in the southwest corner and how the water would exit there; it currently exists above ground and asked if that was how that ended up.*

*Mr. Townsend replied at the time of the rezoning there were discussions with the adjoining property owner of the applicant who was proposing to hook into their drainage pipe. That condition was left open. If the association to the southeast was agreeable then they could hook into the pipe and if it was not agreeable they would have to design it to open flow to the property. He said the association would not accept; he believed they did not get enough of their own association to agree to hook*



*with the pipe so it was left open that way.*

*Councilmember Dippolito said then it was just an existing condition. Mr. Townsend replied that was correct.*

*Councilmember Diamond noted that their covenants also required they get the super majority of the lienholders as well.*

*There was no further Council comment. Public comment invited. None were made.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

**7. Approval of a Text Amendment to Chapter 3, Alcoholic Beverages, Sections 3.1.2 and 3.2.5 of the City of Roswell Code of Ordinances and Article 6, Chapter 6.4, C-3, Highway Commercial District of the City of Roswell Zoning Ordinance to allow for Microbreweries. (Second Reading)  
Presented By Bradford D. Townsend, Planning and Zoning Director**

*City Attorney David Davidson conducted the second reading of an ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES AND ARTICLE 6, CHAPTER 6.4, C-3, HIGHWAY COMMERCIAL DISTRICT OF THE ROSWELL ZONING ORDINANCE stating: pursuant to their authority, the Mayor and City Council adopt the following amendments to the Code of Ordinances to allow a manufacturer of alcoholic beverages or brewery; and to amend the Zoning Ordinance to provide where such a business may be located:*

1.

*Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by adding to Article 3.1, In General, Section 3.1.2(d), Definitions, new definitions to read as follows:*

*“Manufacturer” means any maker, producer, or bottler of an alcoholic beverage. The term also means:*

- (A) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits;*
- (B) In the case of malt beverages, any brewer; and*
- (C) In the case of wine, any vintner.*

*“Microbrewery” means a manufacturer of malt beverages that produces fewer than 15,000 barrels per year.*

*Chapter 3, Alcoholic Beverages, is further amended at Article 3.2, Licensing, by adding a new Section 3.2.5, Manufacturer, to read as follows:*

*Section 3.2.5 Manufacturers.*

*Any manufacturer of alcoholic beverages who is licensed by the State of Georgia and who has a place of business in the city shall procure a license under the same provisions applicable to retail licenses. The license fee for a resident manufacturer shall be set by the Mayor and Council and approved by Resolution.*

2.

*Further, the Zoning Ordinance of the City of Roswell is hereby amended*

regarding the uses permitted in C-3 zoning category. Article 6, Office and Commercial Zoning Districts, Chapter 6.4, C-3, Highway Commercial District, Section 6.4.2 Permitted and Conditional Uses is amended to provide that "Microbrewery" be added to Table 6.1 as a "Permitted Use" in zoning category C-3 and "not permitted" in all other zoning categories.

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

There were no questions from Council. Public comment invited. None were made.

**A motion was made by Council Member Diamond, seconded by Council Member Price, that this Item be Approved on Second Reading. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD 2013-11-12

8.

**Approval of a Resolution to submit Urban Redevelopment Plan I (URP) and Opportunity Zone I (OZ) Amendments to the Department of Community Affairs (DCA).**

*Presented by Alice Wakefield, Community Development Director*

*Community Development Director Alice Wakefield presented this item stating this was a request to approve the expansion of the Urban Redevelopment Plan and the approval of a resolution to submit to the DCA for consideration of the expansion of the original opportunity zone.*

*Mayor Wood asked Ms. Wakefield if she could provide a map of the current zone and expanded zone.*

*Ms. Wakefield displayed the Proposed Opportunity Zone 1 Amendment map and pointed out the areas shown in purple that were being requested for consideration to be added to the opportunity zone. She then pointed out the original boundaries of the opportunity zone shown in green as well as the area of a previous approved expansion shown in pink. She also indicated Opportunity Zone 2 shown in yellow that was still pending before DCA.*

*Council Comment:*

*Councilmember Dippolito asked Ms. Wakefield to further explain the colors on the map. Ms. Wakefield said the green area was the original opportunity zone approved in 2010 and the pink was an expansion that occurred about a year later. Councilmember Dippolito said then the pink was approved. Ms. Wakefield replied yes it was approved and noted that the only areas not approved were the purple and yellow. Councilmember Dippolito said then the properties that are being added are the Spruill property and asked what else. Ms. Wakefield replied the Spruill property, property on Crossville Road and Crabapple Road, Minhinette Drive and Canton Street north of Woodstock Road, property on Old Roswell Road and the Ramsey property near Mimosa Drive and Highway 120 across from Bulloch Hall. She said staff had worked with Roswell Inc to identify the properties because they had several inquiries from those business owners requesting that the City consider asking DCA to add them to the opportunity zone.*

*Councilmember Dippolito asked if the properties did not need to be contiguous. Ms. Wakefield replied no, they could ask because they were in the urban redevelopment plan, thus the reason for the expansion of the plan. Councilmember Dippolito said he was curious how some of the properties would qualify, especially the ones all the way*

to the west because they were so far out of the original zone. Ms. Wakefield said as a reminder, with the 2010 census, the census track that qualified the City had expanded, so that provided more leeway to ask for these properties to be added. Councilmember Dippolito asked for confirmation if the point just south of the school property on Old Roswell Road shown in purple would be going in as well. Ms. Wakefield replied yes, sir.

Councilmember Igleheart asked if they could take all or nothing or could they take pieces. Ms. Wakefield replied they could take pieces. Councilmember Igleheart said that was probably good because they could have problems.

Mayor Wood invited public comment.

*Public Comment:*

Joyce Pettit stated her home address as 157 Roswell Commons Way in Roswell just off Mansell Road. She said she owns a townhome and has lived there over 21 years and has done significant improvements. She expressed concern that this zoning change would affect her ability to sell her property. She was also concerned that people do not understand that there are residents who don't pay a lot and can't afford to pay a lot. She was concerned that the way this was written would increase her taxes to a commercial level and force her out. She did not think this had been openly discussed to the level it should. She said she made a special trip to the City's administration office last summer to offer the required notarized opinion to contradict and challenge this but she had not heard anything back from anyone. She said the first notice she received was in today's mail and it was a public decision denied. She suggested that in the future the City give at least two weeks leeway so the people could plan their schedule and respond accordingly.

Mayor Wood thanked Ms. Pettit for coming and said there would be no zoning change on her property. He said this was not a zoning change; this was an application with the State of Georgia to change the taxable status of employment. She said this vote would have no effect on her zoning. He said they hoped this would create more jobs in Roswell but whether that would cause a rise in her property values he could not say.

Ms. Pettit said that was her concern; deflated property values because of being taken over with commercial.

Mayor Wood said this was not changing the zoning of her property in any way.

Ms. Pettit asked if it would stay townhome zoning.

Mayor Wood replied as her property was currently zoned, it would not be affected by this vote. This vote has to do with taxable status, not with zoning or land use.

Ms. Pettit asked if Mayor Wood could tell her when the issue that she brought up would come up so she could attend.

Mr. Townsend responded that he believed the notice she received was a postcard related to the Unified Development Code stating that staff was making the publication document available to the public as well as the map. Her concern relates to Roswell Commons is currently identified as mixed use not townhouses.

Ms. Pettit replied no, it was townhomes. Mr. Townsend said townhomes. Ms. Pettit said strictly townhomes. Mr. Townsend asked if that was what was designated today.

Mayor Wood asked Mt. Townsend to accompany Ms. Pettit out following the vote to clear this up. He noted again that this vote was not a zoning vote and told Ms. Pettit that Mr. Townsend could answer her questions regarding her specific piece of property. Ms. Pettit thanked Mayor Wood.

No further public comments. The public hearing was closed.

There was no further Council discussion.

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-11-78

Ms. Wakefield said for the record she would like to follow up on something stated by Mr. Townsend. She said the Unified Development Code was officially published today and was on the website along with the map available for anyone to review and would be there for sixty days with the first reading before Mayor and Council on January 13, 2013.

Mayor Wood asked when it would go before the Planning Commission. Ms. Wakefield replied it would go to the Planning Commission for the third hearing next Tuesday night.

### **Transportation Department - Councilmember Betty Price**

**9. Approval by the Mayor and/or City Administrator to sign a contract with Johnson Landscaping for the River to the Square Trail Project in the amount of \$567,182.58.**

*Presented by Steve Acenbrak, Director of Transportation*

Director of Transportation Steve Acenbrak presented this item stating an invitation to bid was issued and 9 bids were received with costs ranging from \$608,000 to \$906,000. It was determined that Johnson Landscaping was the lowest responsible bidder in the amount of \$608,000 with a negotiated price of \$567,182.58. The project consists of constructing a half mile of trail. He displayed a graphic and indicated SR-120 and moving toward the square was SR-9 and Willeo Road at the bottom of the hill. This project would connect Willeo Road with Bulloch Hall driveway and go through Bulloch Hall to Bulloch Drive. This multi-use trail would be about a half mile long ranging from 10 to 12 feet in width. Due to the higher than expected bid prices, some of the alternate items such as lighting, benches and trash cans were not included in this contract. This was a unit price contract and based on conditions in the field, they might be able to change some of the wall lengths and some of the other pay items so money may be left over to cover some of those costs in the future. He said they were very excited about this much needed connection between the activities on the riverfront and it would not only support the bicycle and pedestrian community but also add much needed economic value and vitality to the Mimosa square area as well as Canton Street.

Council Comment:

*Councilmember Price said there was a comment in the packet that states the bid prices were higher than expected. She asked what they had anticipated that cost could have been.*

*Mr. Acenbrak replied the budget was \$600,000 and about \$26,000 was spent previously with Georgia Power moving some poles and \$576,000 remained in that line item. He said they adjusted the scope with the lowest bidder based on the schedule of values that was in the contract so they got the project but it did not have as many of the amenities as they would have liked.*

*Councilmember Price said, "Then your reference to a higher than expected bid prices refers to the Georgia Power issue."*

*Mr. Acenbrak replied no. He said the lowest bid came in at \$608,000 and the current funding amount was \$576,000.*

*Councilmember Price said, "When you put out to bid, you really didn't expect anybody to come in at the amount that we had left over in the budget?"*

*Mr. Acenbrak replied that they always do. It was a fair market process so based on the prevailing costs of the concrete, rebar, or any number of reasons why the industry would come in...we try to be conservative in our estimates and most of the time we hit our targets but this time we didn't. That was not cause for alarm it was just that they had to negotiate with the bidder based on the schedule of values which was a very common practice.*

*Councilmember Price said, "Basically we have come in under budget with a negotiated price." Mr. Acenbrak replied yes. Councilmember Price thanked Mr. Acenbrak.*

*Councilmember Dippolito referred to a wall shown on a photograph and asked how that would be treated or what it would look like.*

*Mr. Acenbrak replied it would have an ashlar finish of reinforced concrete with a stamped stone look like what was done on the sidewalk project on Old Roswell Road. It was not the old style plain concrete wall. Basically it was a form put on the wet concrete to provide a stacked stone appearance. They have negotiated to have it colored and were working with Bulloch Hall to have the add mixture included to make sure it fit in with the historic area.*

*Councilmember Dippolito said he liked that approach and thought it had worked out well in the past. He said there were a couple of things that could be tweaked to make it a little better and one would be to soften some of the angles. Typically, pointed angles are done that don't flow right and those could be softened and made into curves. Mr. Acenbrak asked if he was saying that the edges would not be quite as pointed. Councilmember Dippolito said correct because when changing direction, it looks awkward. Councilmember Dippolito said the other thing was that the tops were often forgotten; the sides look great with the stone look but then there is just concrete on the top. Mr. Acenbrak said that was what Cobb County had done on Lower Roswell Road and he did not like that at all; it looks unfinished. He said the wall for this project for the City of Roswell would have a cap across it and that was a nod to having a more finished top appearance. He said he would make sure that the final troweling of the concrete was done in a way that softens the edges and provides a balanced look. Councilmember Dippolito said that was a minor point but he thought it made a big difference. Mr. Acenbrak said he agreed.*

*Motion: Councilmember Price made a motion for Approval by the Mayor and/or City Administrator to sign a contract with Johnson Landscaping for the River to the Square Trail Project in the amount of \$567,182.58. Councilmember Dippolito seconded.*

*Public Comment:*

*Janet Russell said she was glad to see something happening on SR-120 but her concern was spending a half million dollars for a half mile of road and said linear sidewalks were about \$20 per linear foot. She said from where she lives she has tried walking down SR-9 to the river and along the river and then walked up Willeo Road and tried to walk down SR-120 back to her house and said that was a death trap. She asked if this trail would only be on one side of the road. Mr. Acenbrak replied yes. Ms. Russell said people walk on both sides of the road and it is a southern thing having sidewalks only on one side of the road but this is on a six lane divided highway. She said this would not really connect people from the river to the square that was a misnomer and would not work. She asked who would cross a six lane highway to get to the other side to use this trail so they could walk to Bulloch Hall. She said the City wants families with children to use it however people like to walk and stroll with children. She said another thing was that up the street on SR-120 was the Just People Village which should never have been built there because they have access to nothing and no transit or anything and said it should have been built in downtown Roswell where they could walk places. She said they would not be able to cross that highway because there were no crossing lights or crosswalks. She said again that a half million dollars for a half mile of sidewalk was way too excessive and she would guarantee that no one would use it. She said she was tired of waiting for the City to accept the fact that about 5,000 people live in a quadrant and they are not invisible. She said no one on the Council cares about them and they are totally indifferent to their needs. She said their ideas are not practical. She said this was not the river to the square project.*

*No further public comments. The public hearing was closed.*

*There was no further Council discussion.*

**A motion was made by Council Member Price, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

**10. Approval for the Mayor and/or City Administrator to sign a contract with Northwest Georgia Paving, Inc. for road resurfacing in the amount of \$1,508,720.50.**

*Presented by Steve Acenbrak, Director of Transportation*

*Director of Transportation Steve Acenbrak presented this item stating three separate invitations to bid were issued #13-282-C, #13-283-C and #13-284-C. That was a bit complicated but they wanted to make sure that each of the items came in separately. Seven bids were received and there were individual bids on each of these three items. He said by coincidence, Northwest Georgia Paving, Inc. was the lowest responsible bidder for each of the three line items with a total amount of \$1,508,720.50. He said this project would be a combination of milling, patching, resurfacing and striping for Nesbit Ferry Road, a section of Norcross Road from the roundabout to Canton Street, Woodstock Road from Canton Street up to the end of Hwy 92 and also Hembree Road from Elkins Road to Crabapple Road including taking out part in the center for the future roundabout at House and Hembree Roads.*

*Mayor Wood asked for Council comment.*

*Council Comment:*

*Councilmember Wynn said she was glad to see Nesbit Ferry Road on this. She said there was a break shown on Hembree and she said she understands that but asked if there would also be a break on Nesbit Ferry at Brumbelow.*

*Mr. Acenbrak replied that he had sent an email to Johns Creek and had not heard back from them about their intentions. He said he made it known to them that the City of Roswell would be paving Nesbit Ferry. He said he would prefer if they were going to discuss Brumbelow that they do it now because it would be very easy for the City of Roswell to subtract out the limits of their project so it would not have to be milled out and redone.*

*Councilmember Wynn said she would rather not pay the money to have that section done and then have to tear it back out. She asked Mr. Acenbrak to make sure to get some type of answer from Johns Creek.*

*City Administrator Kay Love said she would reach out to her counterpart in Johns Creek to see if they could connect those dots and open up the conversation between the transportation departments. Councilmember Wynn thanked Ms. Love.*

*Mayor Wood said to Mr. Acenbrak that he supports that. He said they have talked about trying to help Nesbit Lakes with their access issue. Mr. Acenbrak said they would look at that in the course of doing this paving.*

*Councilmember Dippolito apologized and said he missed the Transportation Committee meeting where this was discussed or he would have brought this up sooner. He said they had talked a while ago about the area on Woodstock Road in front of Roswell North Elementary where there is a section that is currently striped that used to be parallel parking. He said the school would love for that paved area to become a landscape area because currently there was no landscaping in front of the school. He said he knew that could not be decided tonight but asked if they could look at possibly running the curb line further out and do less paving to come up with a solution for putting in some trees. He said that might be shared with Fulton County Schools. He said he would like to start planning for that so it would be an eventuality rather than paving the area and then coming back and tearing it up.*

*Mr. Acenbrak said at the very least they could mill part of it and not resurface in certain limits and leave that area available for future landscaping. He said they had talked about that at one time with concern about the drainage and he said working with Public Works they might be able to do some low impact development. He said the original issue was that the budget was \$25-\$28,000 to do that right but they don't necessarily have to commit to that now. He said he would make a note to section off a part of that and not pave over it. He said that would not make it any worse than it was now and they do not have to obligate themselves to do that now. He said they would work with the school and talk about the limits of their area and work something out.*

*Councilmember Dippolito said they are a science oriented school and would be very interested in watching as this occurs and help figure out or understand how something like a bio retention area or whatever would need to be for that stormwater and how all of that would work. He said it could be a learning experience for the students and could be a tool for them understanding the process. This would be a great way to work with the school. He said he wanted to bring it up although he was*

*not sure how to do that at this point as far as getting Council approval to at least look into that and see if there was an opportunity there as far as reworking that and landscaping that area. Currently it was just a striped area that was never used and makes it more difficult for the children to get across the street because it adds another lane for them to have to walk across and that is a heavily utilized crosswalk area. He said whatever could be done would be great.*

*Mayor Wood said the City has money available to plant trees. It would not do all of the landscaping but there was a tree planting program which might assist them.*

*Mr. Acenbrak said they could add that to the scope of the project.*

*Councilmember Price asked why that was hatched over in the first place. She said it used to be parallel parking which was wonderful because it was close to the school and it allowed the families to park there. Now they park on her street and completely make it impossible to pass because they park on both sides. That is a huge safety hazard and they are now parking 100-150 yards away from the school whereas before that was parallel parking where people could park and walk into the school quickly. She said she was not sure why the parallel parking was taken away.*

*Mr. Acenbrak said he did not remember that either; he did not remember the justification.*

*Councilmember Price said she was also all for the trees and that would be a lovely thing to look at when exiting her subdivision. On the other hand, the real practical dilemma was the lack of parking to access the school and that people were using the neighborhood street making it a very unsafe situation.*

*Mayor Wood said that would be a great question to address to the school board.*

*Mr. Acenbrak said he believed the school asked them to eliminate the parallel parking for some reason. There might have been some safety concerns with Woodstock Road.*

*Councilmember Price said perhaps the speed limit made it prohibitive to have parallel parking there.*

*Mr. Acenbrak said he was sure Transportation did not do it on their own; he was sure they were asked to make the changes. He thought that had generated the concept that if the area was not used for anything, then it could be reverted back into some kind of natural state. He said they have looked at that several times. He added that he thought Councilmember Price was referring to the people who turn down into Stillwater Shade and park very close to the intersection.*

*Councilmember Price said on both sides of the street and only one car can pass. She said she did not know what led to the taking away of the parallel parking.*

*Mr. Acenbrak said he would research that.*

*Councilmember Price said, "If it were up to me; my choice would be bring the parallel parking back and if they for whatever reason whoever is making that determination that it can't be parallel parking then I think it would be wise to move ahead with utilizing that area instead of just a crosshatch to have it something more attractive and possibly even useful and educational."*

*Councilmember Orlans said not on regular school days but at busy times on*



*weekends, people still use that to park along those stripes.*

*Mr. Acenbrak said he had not noticed that.*

*Mayor Wood called for a motion.*

*Councilmember Price said she had another comment. "Regarding Nesbit Ferry because of the Brumbelow issue that it is sort of been resolved with the ball in the court of Johns Creek and I asked that there be communication to them; I think we do need to make it more than just an email. Emails get buried. We all know that. I think a real letter or a serious communication of our intentions so that if they want to respond on the other issue that they can do that in a timely fashion."*

*Motion: Councilmember Price made a motion for Approval for the Mayor and/or City Administrator to sign a contract with Northwest Georgia Paving, Inc. for road resurfacing in the amount of \$1,508,720.50.*

*Further Council Comment:*

*Councilmember Dippolito asked Councilmember Price if she would be willing to look into the area that they discussed in front of Roswell North Elementary.*

*Councilmember Price replied, "It sounds like we have at least loosely given Steve some direction but if you think we need to put it in the form of the motion; we can do that as well."*

*Mr. Acenbrak said he was comfortable that they have flexibility in the contracting process and he had her intent.*

*Councilmember Dippolito thanked Mr. Acenbrak and said that was all he needed.*

*Second to Motion: Councilmember Dippolito seconded.*

*Public comment invited. None were made. There was no further Council discussion.*

**A motion was made by Council Member Price, seconded by Council Member Dippolito, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

**City Attorney's Report**

**11. Recommendation for closure to discuss personnel and real estate.**

**A motion was made by Council Member Orlans, seconded by Council Member Wynn, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

**Adjournment**

*With no further business, Mayor and Council adjourned at 9:24 p.m.*

