



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council

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

Monday, June 10, 2013

7:00 PM

City Hall

WELCOME

Present: 6 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orleans, and Council Member Betty Price

Absent: 1 - Council Member Becky Wynn

Pledge of Allegiance - Boy Scout Aditya Ramaswamy; Jim Paine and the North Fulton Amateur Radio Week Members.

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; Assistant City Attorney Bob Hulsey; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Planning and Zoning Director Brad Townsend; Recreation and Parks Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Transportation Land Development Manager Clyde Stricklin; City Planner Jackie Deibel; Community Relations Coordinator Karen Zitomer; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Tim Thompson; Deputy City Clerk Betsy Branch.

CONSENT AGENDA

- 1. Approval of May 13, 2013 Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on May 29, 2013); Approval of May 20, 2013 Special Called Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on May 29, 2013); Approval of May 29, 2013 Mayor and Council Meeting Brief.**
Administration
Approved
- 2. Approval of City Sponsorship for nine (9) special events between July and December 2013.**
Community Development

Approved

3. **Approval of a Resolution to Transmit the Short Term Work Program (STWP) and Capital Improvement Element (CIE) covering the five year period 2013-2018.**
Community Development

Approved

4. **Approval to accept Right of Way and Easement Agreements for the Holcomb Bridge Road Multi-Use Trail.**
Transportation

Approved

Approval of the Consent Agenda

A motion was made by Council Member Igleheart, seconded by Council Member Dippolito, to Approve the Consent Agenda.

The motion carried by the following vote:

In Favor: 5

REGULAR AGENDA

Mayor's Report

1. **Recognition of Joan M. Triano for receiving the President's Volunteer Service Award from IBM's On Demand Community Program.**

Betty Prescott, President of the Roswell Ramblers organization said Joan Triano has been an active volunteer for the Adult Recreation Center for 13 years. She is a retired IBM employee and applied for a grant from IBM through the Friends of the Roswell Parks Incorporated and received a \$3,000 grant. The money will go towards a cultural diverse program for the Roswell Ramblers. IBM was so impressed with Joan Triano and her volunteer spirit and service that they nominated her for recognition by President Barack Obama through the President's Volunteer Service Award program.

Mayor Wood invited Ms. Triano to come forward and asked her how she came up with this idea.

Joan Triano said she knew that IBM always offers grants for certain amounts of time for volunteering. She said she just jumped in although she didn't really know anything about applying for grants. She said she is blessed to be a part of the Roswell Ramblers because they are her family and she couldn't do half of what she does if it weren't for them because she doesn't drive and they are the conduit that helps her to get to where she needs to be for her volunteer service. She said she was very happy that she was able to do this.

Mayor Wood expressed appreciation to Ms. Triano for her outstanding accomplishment and the enthusiasm she has serving her community and said she is a great example to all citizens young and old for what can be achieved when you set no limitations.

2. **Reading of a Proclamation for Amateur Radio Week.**

Mayor Wood invited the HAM operators to come forward as he read the proclamation for AMATEUR RADIO WEEK stating, Whereas: Amateur Radio Operators are celebrating over a century of human voice broadcast over the airwaves and Amateur Radio continues to provide a bridge among societies and countries creating friendships and sharing of ideas. The North Fulton Amateur Radio League members have provided countless hours of uncompensated community service by providing backup communications services to the City of Roswell Police and Fire Departments, communications to local charitable events, and other organizations throughout the region. The City of Roswell recognizes and appreciates the diligence of these "Hams" who also serve as weather spotters in the Skywarn program of the National Weather Service and provide relevance in our highly modern technical world by providing emergency communications when other systems may fail. The North Fulton Amateur Radio League will participate in a yearly national event sponsored by the ARRL called "Field Day" as an emergency preparedness exercise that will take place on June 22nd and 23rd at Waller Park Extension. This event will demonstrate Amateur Radio skills and readiness to provide self-supporting communications without further infrastructure being required.

On behalf of the City of Roswell, Mayor Wood, proclaimed the week of June 22-23, 2013 as Amateur Radio Week in the City of Roswell and urged all citizens to attend the Field Day and recognize the importance of this event and the significance of amateur radio to our citizens and our community.

Scott Straw, Chairman of the Field Day Planning Committee for the North Fulton Amateur Radio League said that Field Day is a major event that will take place June 22-23 at Waller Park Extension, at 160 Dobbs Drive in Roswell. This event is the climax of the week long Amateur Radio Week that is sponsored by the American Radio Relay League (ARRL). They will use only emergency power to operate six unique stations that contact other amateur radio stations across North America, the Pacific and some European contacts; with a primary focus on North America and the U.S. territories in the Pacific. They will operate 24 hours straight beginning Saturday at 2:00 p.m. Their slogan is "When all else fails, Ham radio works," is more than just words to them as they have proven that they can send messages in many forms without the use of phone systems, internet or any other infrastructure that could be compromised in a time of crisis. Last year, more than 35,000 amateur radio operators participated across North America from Bangor, Maine to Honolulu, Hawaii to the Yukon Territory to San Juan, Puerto Rico. Mr. Straw invited everyone to attend the event and said Jim Paine, former Alpharetta Councilman, will be the guest presenter.

Mr. Straw said their league also has a friendly competition with the Gwinnett Amateur Radio Society and the competition has become known as the "good humor" competition because the prize is the delivery of ice cream by the loser to the winner. He said for as long as they have been keeping track, the North Fulton Amateur Radio League has been victorious in this competition.

Mayor Wood expressed appreciation to the North Fulton Amateur Radio League.

3. Approval of a Cultural Arts Board appointment - Sandra Moffitt.

Mayor Wood called for a motion to approve the appointment of Sandra Moffitt.

There were no comments or questions from Council.

A motion was made by Council Member Igleheart, seconded by Council Member Orleans, to approve the appointment of Ms. Sandra Moffitt to the Roswell Cultural Arts Board.

The motion carried by the following vote:

In Favor: 5

Community Development - Councilmember Nancy Diamond

4. Approval of an Ordinance to amend the boundaries of the Historic Properties Overlay District as part of the official zoning map of the City of Roswell (TA13-01). (Second Reading)

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating that this is a historic boundary change to include 79, 83 and 85 Webb Street. This is the second reading of a proposed ordinance that would change the boundaries for this location. This has been approved by the Historic Preservation Commission and reviewed by the Georgia State Historic Preservation Commission which supports the change. Mr. Townsend displayed a slide on the overhead of the current historic district boundaries and where the lots are located within that area. He said they would be included in the boundary; they are currently not in the boundary. He then displayed an aerial photograph showing the location along Webb Street of the application for the expansion. He said staff recommends approval of this ordinance on the second reading to amend the boundaries to include these parcels in the historical district.

Applicant:

Brendan Walsh stated his home address as 515 Canton Walk, Roswell. He said they first met with Mayor and Council on May 13 and at that time it was really bringing three additional properties into the historic district. They realized at that meeting that this is more than that; this is more of a rezoning hearing considering the future development that would be behind bringing these three parcels into the historic district. They also realized that they need to walk Council through the story of how they came to this point and how they would like to progress. He said he had prepared a presentation providing some background information about himself and his company and then would address questions that they were not able to answer at their last presentation. He said his company is Lehigh Homes that he started in 2009 with his development, Providence, in historic Roswell. This is a family business that operates out of historic Roswell. Their focus is on home building and development in walkable urban type areas and also areas that give them the ability to create unique architecture. Their company motto includes three things that they need to do as a company. The first is to make money to sustain the business. Second, is to leave the place they are building more beautiful than when it started. Sometimes that is easy but can be difficult when building in nature. Third, is that they try to conserve

resources and part of that is the way they build on the land or the materials they use in the homes. He said Lehigh Homes' flagship project was Providence and they purchased the property in 2009 from a bank and it was zoned and approved for 41 units at the time and had sat vacant for quite some time. Because they like to create special spaces, one of the first things they did was to decrease the amount of units that were built there. Partly it gave them the opportunity to create pocket parks and unique green areas in the extra spaces that add to the community. Providence sold out in 2011 at a time when the real estate market was very tough but the success of Historic Roswell and the team they were surrounded by with a local architect and engineers made the project a success. One issue they had with the project was they were limited when they bought the property because, streets, utilities, curbs, and gutters were already in place. They couldn't do exactly what they wanted but they focused on designing the spaces where they fit in with the land and the corners and turns so everything flows together. That is what helped them be successful and a little of that can be seen with this project. He referred to what he had said about tying in with some of the development and with this project they had to do all front entry garages which is not something they like to do but they were sort of forced into it. They make sure to design what is known in the industry as "ingrains" where when someone comes around a corner and sees the end of a building and looking down the straight away, what is seen there is very important to how it ties into the rest of the community. They and their architects did that well in their previous projects and want to continue that success with this project in Historic Roswell. They reached out to a few different designers by creating a design competition with three of the best planners in Atlanta where they laid out a community on Webb Street. So, Lehigh was able to look at a lot of iterations of plans and focus on what they wanted and what would make the community special. Their criteria for designing the community was the new urbanism feel with more front porch living that would feel more like a community where people know their neighbors and socialize in the front of the home instead of the rear of the home. They wanted to mix single family homes with the existing townhome product and did not want to create what he calls a sea of townhouses. They also wanted to incorporate the heritage of the street and there is a lot of history there with how that community began and who is still there. They want to continue to honor that heritage and history while moving forward. The feel they want to have in creating this community is like Vickery Creek in the Mill Village where they did a great job of homes and townhouses in tight spaces. Roswell is fortunate to have that community which is one of the top communities here as well as all of Atlanta. When going through the design competition they created a lot of plans and settled on one that they brought to the City staff and the first problem they realized about what they wanted to do is that the current zoning is a bit confusing because of the mix of R-2, R-3, Historic, some R-2 in the district and some out of the district. They knew that was going to be difficult to overcome and as they worked with City staff. Staff recommended bringing all of these properties into the historic district. After getting that recommendation, they reached out to the current residents on Webb Street about 14 months ago, met with them and showed them their proposed plan. One of the options they discussed with them was not bringing only R-3 parcels 85, 83, and 79 but bringing all of the parcels in that area into the historic district at one time. It quickly became evident that some of the residents were not ready for the change at all, although some were and some wanted to sell to their property to them. He said he completely respects those who want no change at all. There were a lot of people who encouraged what they were doing, but they decided they didn't want to take the step to force people to be in the historic district. Therefore, they broke it down to doing only R-3 parcels now which led them to what their development is now. They designed this to create a stand-alone development if the rest of Webb Street is not developed but also one that could tie in with future development on Webb Street.

Mayor Wood said he thought he heard the applicant say that they are now asking for R-3 zoning but he misunderstood that. Mr. Walsh said there is a mix of R-2 and R-3 in the historic district in that area. Mr. Townsend said that he is representing what exists today which is such a mix that it makes development parameters convoluted. Mayor Wood said for clarification that what the applicant is asking for today is the historic district expansion. Mr. Walsh replied, "Correct."

Mr. Walsh continued with his presentation stating that they were able to create a very special community by bringing those three parcels into the historic district with 10 townhouses and 6 single family homes. There are also existing homes on Webb Street which they took into account in what they wanted to design that would fit in with the existing homes that will stay or if some of some of the owners decide to sell. They take pride in this and think this plan is special. Something that they are able to do in this plan that they couldn't do in the previous development is rear entry garages that put the vehicles in the back and give the front elevations a very special look. Another thing is the ingrains as he mentioned earlier, for instance coming around Webb Street from Canton Street, there are focal points there of what is seen is very appealing to the eye and in order to do that they must bring these three parcels into the historic district.

Mr. Walsh said lots 1, 2, 3, 4 and 5 are already part of the historic district and lots 6 through 12 and 16, 17, 18 and 19 are the three that they would like to bring in. He said 15 is already in. Mayor Wood thanked Mr. Walsh for clarifying which lots are already in the historic district and which ones are being brought in.

Council Comment:

Councilmember Price asked how this fits into the Comprehensive Plan and some of the proposed changes in the Unified Development Code (UDC) and if there is any demarcation here that will be impacted.

Mr. Townsend responded that the UDC has all of this area consistently zoned as downtown residential. Councilmember Price asked, "The whole thing?" Mr. Townsend replied, "Yes." Councilmember Price said then there are no changes with respect to what we are looking at. Mr. Townsend replied that is correct and it clarifies from the existing R-3, R-2 and historic district and makes it all downtown residential.

Councilmember Dippolito said he agrees with the applicant that the sight lines and the view of the houses from the street are very important. He said townhouses 3, 6, and 10 are particularly important as it concerns the residents across the street and asked Mr. Walsh to describe the look of those end units and asked for the elevations.

Mr. Walsh said he did not have any elevations to display at this point. He displayed something on the overhead and said what can be expected is similar to what is seen here and the topography of 3-10 is falling. Starting up at 10, it falls toward where it says pavilion. There are going to be basements on buildings 3, 6 and 10 and generally two levels will be out of the ground and one level will be in the ground. From a street view perspective, it will appear to be a two-story structure and then coming around the back side, there would be the walk out basement.

Councilmember Dippolito said there would be fenestration on the ends of those buildings.

Mr. Walsh replied yes and added that ingrain is very important to them. He said they make sure that the end units tie into specifically where they sit on the elevations which is sort of what they did in Providence. They made sure it is not a cookie cutter situation where there is an end unit that is actually designed with the lay of the land.

Councilmember Dippolito said that is critically important for this. He asked staff if that can be conditioned as part of this. Mr. Townsend replied that is one of the purposes of staff recommending that it go into the historic district because then those end units and the townhouse units will be reviewed by the Historic Preservation Commission to determine the architecture fitting into the historic district. Councilmember Dippolito said then that would not be addressed here at this meeting but would get addressed later at HPC. Mr. Townsend replied that is correct.

Councilmember Diamond asked what kind of requirements or review would be put in place for the street which is currently an issue.

Mr. Townsend replied if approved and placed in the historic district, the subsequent process is that the City would require a review by the HPC and at that time there would be an analysis related to the infrastructure needs for the applicant to develop this project. They would then have to have a land disturbance permit (LDP) for those infrastructure needs. He said for instance sidewalks and on street parking would have to be reviewed by Transportation and Public Works/Environmental. There has been a preliminary review related to improvements to water lines to make sure that fire flow is maintained for this location so there would be some upgrade to that. With the LDP, they are dealing with a preliminary plat requirement, a building permit and then a final plat for them to be able to subdivide the townhomes and the single family lots. He said he believed that 16-19 is actually a condominium association that would have to also be recorded prior to them being able to sell that.

Councilmember Dippolito asked with respect to the condominium association, if these townhouse units will be part of the Providence development. Mr. Walsh replied that is correct, part of the same HOA. Councilmember Dippolito asked about the single family houses. Mr. Walsh replied they would also be included in that HOA but with a little different structure. Councilmember Dippolito asked if they would share the common amenities. Mr. Walsh replied they would.

Mayor Wood opened the meeting for public comment.

Public Comment:

Katie Bellow stated her home address as 905 Camp Avenue in Roswell and said she is a resident of the Providence community and is here to speak in favor of this expansion of the community. Everything that Brendan Walsh has said in terms of Lehigh Homes being sensitive to the aesthetics of a community is well proven in their neighborhood and the pocket parks are there and appreciated. She said she is a real estate agent and through her contact with many residents of Roswell and people coming into the area, there is a high demand for this type of housing in our community. The success of Providence is a testament to that. It was the first project she ever experienced where there was no model and townhomes were purchased based on concept. Providence is a low density project that preserves green space and is sensitive to the surrounding community. There is a demand for this housing and other agents are asking when they are going to release these other lots to be able to come in and learn more about. She hopes Council approves this project in order to expand this great community.

Evelyn Anderson stated she is the daughter of Mildred Blake who resides at 78 Webb Street. Mayor Wood asked Mr. Townsend to indicate the location of 78 Webb Street on the plat. Mr. Townsend indicated the location. Mayor Wood said it is south of 19 and 18 on the corner. Ms. Anderson said she and her sister gave Brandon Walsh their phone numbers of May 13. They knew their mother was not interested in selling her property but they talked to her about meeting with Brandon and Mike to review

Lehigh Homes. She read a letter her mother had written: "Dear Mr. Walsh. I am Mildred Blake of 78 Webb Street, Roswell, Ga. I am on a walker; therefore I have asked my daughters to speak on my behalf. I understand the contents of the letter you sent me. I do not have any questions or comments. I do not want to have a meeting because I am not interested in selling my property." Ms. Anderson noted that she has lived in Roswell her entire life and was born and raised in her mother's house. Mayor Wood asked if this is the house across the street from where the applicant proposes to develop. Ms. Anderson said that is correct. Ms. Anderson said she knows development is coming but her mother is not interested in selling. She said she understands that Lehigh Homes is looking to make an investment to make money. The people on Webb Street are wanting to hold on to their property that is their heritage, legacy and pride and joy. Her grandfather, a black man, worked hard to obtain that land and that was his heritage. He had a hard time getting it and the family is not ready to relinquish it. Mayor Wood said he does not think asking people to relinquish property is the decision here tonight and the City is not asking her to sell her property. Ms. Anderson said that he did not hear the comments that were made when Lehigh Homes talked to them. She said, "Not him, but I think his father; he didn't mean to say it but he told us; we will take the property." Mayor Wood said that no one is going to take her property and said the laws of the land would not allow him to take the property. Ms. Anderson said okay, but that was a comment that was made. Mayor Wood assured her that is not the decision being made tonight and that Assistant City Attorney Bob Hulsey could assure her that for private development, there could be no taking of that property. Ms. Anderson said she would hold him to that. Mayor Wood said that is the law of the land.

Sandra Taylor stated she is the daughter of Mildred Blake made the following comments: "Think about the change of injustice and quality. Black people have been bound my chains of injustice for centuries. Picture African warriors in the jungle with green grass and trees as far as the eye can see with spears in hand, the warriors are hunting for food for their families. Black women are by the river washing clothes for their families. Suddenly white hunters grab men and women loading hundreds into ships not fit for animals, shackled for weeks with very little food, water or movement. These conditions were inhumane. Black people with emotions and feelings just like you bound by chains of injustice, slaves claimed as property for generations. Were you responsible for what happened back then? No. Was there anything you could do about this past injustice? No, this was before your time. For years and even today black people have been scorned, prosecuted, beaten, discriminated against and even killed. Is it justice when a white man wants something a black person owns? Lehigh Homes wants my mother's property. She owns it. It is hers and she plans to keep it. Lehigh Homes wants her land to build million dollar homes on. During a break at the meeting on May 13, Mike Walsh of Lehigh Homes made a statement in the presence of others saying we will take your mother's property and build three homes. I said take. Mike had a look on his face like the little boy who got caught with his hand in the cookie jar. Then he said, 'Oh I mean buy your mother's property.' Yes, Lehigh Homes wants to take our property, property that our ancestors worked their fingers to the bone, shed tears and sweat to acquire. There is an abundance of legacy, heritage, pride and dignity attached to this land. Can you put a price on legacy? No, very little at that. What has happened to minorities over the years is that if a white man or a company wants property that black people own, black people have been manipulated into selling their property or underhanded tactics are used to get the property by any means necessary. One example would be to make the area historical and build million dollar homes and some of the black people will not be able to afford the higher tax. I ask that everyone on this Council vote not to make any portion of Webb Street historical. Stand up for what is right. Do not let your vote be impacted by your peers. The injustices that happen over the years were not your responsibility. This is. God knows all and sees

all.”

Mayor Wood asked for the record if where they are showing 1, 2, 3, 4 and 5 is already historic on Webb Street. Mayor Wood said then the Council is not voting to do that; that was voted to be done years ago. He reiterated and assured that Council is not taking a vote on taking anybody's property today or trying to influence that. He said he recognizes the concern that property values may go up but he's not certain that property values haven't already gone up because of improvements in the district. If the City's goal is to lower property values by depressing property values, then that is a self-defeating strategy.

Gwynn Martin stated that her family owns property at 56 Webb Street and 64 Webb Street. Mayor Wood asked her to point those locations out on the plat. Mr. Townsend responded that they are off of the map. Ms. Martin said they are at the front entrance. Ms. Martin continued with her comments and said there are a lot of mixed emotions and some of the residents have a lot of concerns. Some of the residents want to sell their property. They are working with Lehigh Homes in order to do that. There is mixed emotion about selling the property. She said she attended a meeting and never heard anyone say that they were going to take the property. She said they are speaking with Lehigh Homes to sell their property because some of her family members have decided to do that. Lehigh Homes has worked with them and have also tried to answer any questions they have had. On behalf of her family, she said some of the residents are interested in selling their homes and are working with Lehigh Homes.

Mayor Wood said again, that is not up for vote tonight. Mayor Wood said his decision to purchase and your decision to sell would be a private matter and not a matter for the City to decide.

John Thomas stated his home address as 360 Green Oak Drive that is adjacent to the property in question. He said he lives in Canton Street Walk which was the original development there. The balance of Providence was originally going to be part of Canton Street Walk and said he could speak from the experience of having lived there when Lehigh Homes developed Providence. Other than the inconvenience of having construction happening when the project is said and done, Lehigh does a very nice job of landscaping and overall works with the adjacent community to the best of their ability in improving the land around them. Most of the property that is going to be developed is almost all vacant land now and may have been homes at one point and are at the very end of Webb Street. In the long run although the property tax may go up because of the increased value for the people on Webb Street, the whole area along the northern end of the street will be improved by the new development. Having had direct experience with Lehigh, they will do an excellent job at completing the project and making it all look very nice. He said he supports the effort.

Janet Russell stated her home address as 260 Willow Springs Drive. She commented on the woman's concerns about property taxes for her mother and said that is an issue that should be addressed when Council decides what they decide. Often times, elderly people are fearful of losing the one thing that is a certainty which is their home. The Council should put in a provision that protects the value of the property at today's value so that their taxes don't increase because all of these expensive homes are built around them. This is being seen with the Gullah people on Sapelo Island who are being forced out of their homes since slave times because now Sapelo is becoming a very wealthy resort community and they can't afford the taxes on the land they have lived on for hundreds of years. Council should take into account not only the tax money that will be collected from the new development, but

from the tax money that they won't collect by being sympathetic to those people who really made Roswell what it is which a very nice place to live for all people. The fact that a black man could buy a piece of property in this town 50-70 years ago is phenomenal. They couldn't even vote. This City needs to be more than just a tax collector which is what they are also doing with the Frazier Street apartments. She said she likes the idea of green space in this new development because on Frazier Street they will be stacked and packed with 320 units on ten acres. This Council should make sure to protect those families who choose not to sell their property so long as the property remains perhaps in the original family property rights.

Mayor Wood asked what percentage of the property tax assessed is for Roswell and how much is School Board and Fulton County.

City Administrator Kay Love replied she does not know what the percentage is. Their millage rate for the school districts is almost four times what the City's is but does not know what the break down is of the total tax bill.

Mayor Wood said the City is about 15% of the total tax bill. That is all the City has control of. This City Council has no control over the Fulton County school taxes or the Fulton County taxes. The City only controls a small percentage. As far as grandfathering in people who grew up in Roswell, the City cannot pick and choose who gets tax breaks. It has been his efforts to maintain and improve property values across the board in Roswell. Taxes increasing are an unfortunate bi-product. There is a small tax break in the City of Roswell to seniors. As an old time resident of Roswell, a tax break would benefit him but it would not be fair because everyone should be treated equally.

Eric Shumacher stated his home address as 145 Prospect Street in Roswell and asked if this type of development would be allowed with the new zoning that is coming in this area with the UDC. He asked if the density that is being presented here would be allowed with the new zoning. Brad Townsend replied yes. Mr. Shumacher said he doesn't think anything needs to be done here. He said he knows these gentlemen and worked with them before on potentially purchasing one of their brownstones behind 9 Street Kitchen. He's seeing that the developer has been speculating to develop some houses and is now asking for something that wasn't there when they purchased the land. He expressed concern about what he is seeing on the drawing, because it shows future development on the corner that is owned by someone who is not interested in selling. A park is shown there which is nice but that is showing that they are actually interested in speculating and doing things that they didn't have when they spent the money. He heard before in a separate meeting that there are concerns about some other property adjacent to Webb Street that may be selling and perhaps they need to put a road down Webb Street. He said the applicant is also asking for some variances after this item and expressed concern that if this development is done and that street needs to go through Webb, it could potentially lead to eminent domain of the house on the corner to put in the additional street to make access for fire, emergency, etc. This street is already very tight and with this density and the potential development; he expressed concern over what would happen with this street and the people who are not interested in selling. Mr. Schumacher said if this development goes up then more than likely the land will be taken from the other side given an opportunity. It is not proper to put this kind of development in when there are single family homes across the street. However, with the UDC they can do that. But, that is not today. Today the zoning is being requested to be changed to historic just for the zoning to put in the density; not because this is going to be historic. The other side of the street is actually historic for Roswell. He said he did not like the fact that the City would just change something to historic to do something that is not historic here. Obviously if the UDC goes through

then some changes may be seen here. But, there is nothing to stop this developer from putting homes on these lots or other things on these lots that are agreeable to the actual historic nature of this street. They spent the money and they have done other great things. He said he does not generally have a problem with this design but it is not right for what is right there today and for these residents. Some of these people have said they are not interested in selling although some are; he understands the financial motivation for that. Perhaps at some point in the future others will want to sell on this street but effectively there is an HOA and a planned community that is separate from the public street that is now spilling out onto public street; the City is looking to rezone to historic to put in high density non-historic. It is a very different feel on the street when there is a very small single family historic home and then brownstones across the street. Even if they are really nice, it is still going to be not what would be normally be planned for a street like this with existing residences. The density in this area is too much and there are already parking problems on Webb Street and an emergency vehicle cannot get down there. That should already be a concern for Providence and the community behind it. The builder should be concerned about what is going to happen on this road, Council should be concerned about what this is going to do on this street from an access perspective. He asked that Council promise these residents that they would not have eminent domain on this property on the corner or any other properties on Webb Street.

Mayor Wood said that Mr. Shumacher raised a question that this would perhaps require some taking of the lot on the corner which is 78 Webb Street. He asked if they would be required to take anything on 78 Webb Street. Director of Transportation Steve Acenbrak responded that they have not done any analysis about the horizontal/vertical geometry of that at this time. Mayor Wood inquired if the City, for example, should do an analysis and it shows that a fire truck cannot get back there under the current configuration. Mr. Acenbrak said he could speak to that exactly. He displayed a map on the overhead and said looking at a flat map like this can be misleading. He said the topography back there is quite significant. He said as making the turn, then start going up a hill and at that point is a huge oak tree just to the left and going up at that point and on both sides of that street is a ridge line that goes up, and the street is 17' wide at that particular area. He said Fire Chief Ricky Spencer has told him that he needs at least 10' to get his trucks through there. If there is a car parked on the side of the road already and because there is not a bypass, the truck cannot go around on the shoulder so this is a very constricted area. He said going further around on Webb Street it really starts to drop off, it is a very dramatic grade as it goes down. He said there are horizontal curves and the vertical nature of this which is not suited for heavy fire apparatus. Right now it is essentially a dead end street although with the new development, there is more flow traffic through there than previously. Before that, Webb Street was fine with a few houses and very little traffic and not a big problem. Now with more traffic, the potential for the requirement for taking a harder look at the traffic, the parking and those sorts of things, that is something staff is looking at right now. They are talking about parking restrictions and some other things.

Mayor Wood said the question is that there is a concern that if Council approves this, that the City may have to do some taking on lot 78 Webb Street to make this work. He said he would strongly oppose that and would not support the City doing that. He asked if the City did not improve that street for fire access, would the applicant simply not be able to do his development. He said he knows they cannot force the City to take property and presumes they cannot force the City to improve this road.

Mr. Acenbrak replied that he feels confident in adjusting the road design elements of that if he wanted to improve this street. Mayor Wood said he is not saying he wants

to improve this street. He asked if this road could be improved by the developer on his side of the street without going over to lot 78. Mr. Acenbrak replied if they are discussing the access for a large fire truck, improving the access on the developer's side would not be the defining characteristic. Mayor Wood asked if the City would later say they need to improve Webb Street and take some property from lot 78.

Mr. Acenbrak replied that depends on a lot of things such as if they were to make the connection to Coleman as they talked about at one time or depending on how they view Webb Street in the overall grid. He said for instance if they wanted to convert Webb Street to a one-way, then that would change the dynamic and some of the characteristics because two-way traffic... (Mr. Acenbrak did not complete his comment).

Mayor Wood said he was making this more complicated than is needed. Mayor Wood said that Mildred Blake's family is concerned that this development is going to create a situation in which the City is going to be forced to take some of their property to make this whole thing work. He said he has told them that he would not support that. He said he is trying to find out from staff whether there are alternatives. He said he does not think this Council wants to take property from the Blakes. The City is not going to redo this street to make the developer happy; the developer needs to know this, the Blakes need to know this, and Council needs to know this. He said he realizes this is just expanding the historic district but if this all depends upon the potential for development and that development depends upon taking property from Mrs. Blake, then the Blakes have a good point. He asked if staff has an answer. Mr. Acenbrak said he could not provide an answer at this time. He said if it is the decision of this Council not to acquire property for the road, then the design would not fit with those parameters and they would be forced to either modify the design or simply have a sub-standard road. He said there are sub-standard roads in Roswell and as long as they are low volume, it is not a problem but when they create more demand for traffic then they become a problem.

Mayor Wood asked if the Fire Department can live with the road in its current configuration with this development. Mr. Acenbrak said he could not speak for the Fire Department but he knows that the road is of a concern to the Fire Chief as of just a few hours ago. Mayor Wood said the Fire Chief is almost in a position to say then the development cannot go forward if fire trucks cannot get back there. Mr. Acenbrak replied that he can as long as the road in its current configuration is not obstructed with say a car parked on the road. Mayor Wood said then we could put limitations of no parking on the road. That is a simple solution. Mr. Acenbrak said that is what they are discussing now.

Mayor Wood said everyone can live with that. Ms. Blake can live with that and the developer can live with that. The police can enforce this because there are people who are tempted to drive off of Canton Street and park there. Mr. Acenbrak said that he and the Police Chief are planning a meeting out there to go through the details. Mayor Wood said then the simple solution could be no parking on this street; he asked if people are currently parking on this street. Mr. Acenbrak replied yes, there were cars parked there when they were there two hours ago.

Mayor Wood asked if they are neighbors or are they people from Canton Street that are going down there to park. Mr. Acenbrak replied that he could not answer that. He said he could address Alive After Five because that comes up a lot. He said for special events, they put up a barricade across Webb Street west of the Mimosa Extension and say there is no event parking for locals and most people abide by that.

Mayor Wood said to get serious, the City would have to start towing people who park

there and that can be done. He said he presumes the developer has no plans for on street parking.

Mr. Walsh replied that any parking that they would add, if it is street parking would be coming onto their property, cutting the curb where there is no curb, but extending the curb to do parallel parking.

Mayor Wood asked if they should be talking to Lehigh Homes about a dedication of some right-of-way when they put this in. He clarified that Lehigh Homes, but not the Blake's, may need to be dedicating some right-of-way, and that may be part of the development.

Mayor Wood said he was just trying to address the issues.

Council Comment:

Councilmember Orlans inquired if in order to make this project work with the approval of Transportation Department and the approval of the Fire Department would there have to be road widening, which would have to be on Lehigh Homes' side only. Councilmember Orlans asked Mr. Acenbrak if he said that would not solve any issues by just taking right-of-way from one side of the road. Mr. Acenbrak replied, "If we are talking about on street parking, right now that is a problem for the Fire Department." Councilmember Orlans replied, "I understand parking is and I think that can be solved. I said this awhile back that with the parking coming off Alive After Five, it is ridiculous to have parking on that street. We need to put no parking up anyway, no matter what is going on. Assuming that can help in that way, and if there is no parking there, you are saying, 'current conditions' the fire trucks can work getting through there." Mr. Acenbrak replied yes. He noted that this past week a grass fire occurred and they did get the fire trucks in down there and successfully extinguished the fire, but there were no cars parked on the street at that point. Councilmember Orlans said, "Separately, that on the side, would there be any requirement from Lehigh Homes to take some right-of-way on their side of the street to make improvements now or for future right-of-way needs?" Mr. Acenbrak responded that Transportation staff would like to discuss with them the future right-of-way needs and laying out some geometry there, see what the impacts are, curved designs and those sorts of things. He explained that with the humps, the curves, and the sight distances, and narrowness, there is no curb there at this time; it is basically seventeen feet of asphalt with ditch or hill on each side. Councilmember Orlans asked if Transportation dictates to Lehigh Homes whatever right-of-way may be needed, then it is up to them whether they can afford to put in the right-of-way and still build the same complex or have to adjust their site plan in total. Mr. Acenbrak stated that is correct.

Councilmember Diamond stated, "If there is no development and the road is what it is and we have people that park there, I am not sure how the development changes the scenario Mr. Mayor that you are talking about. If there is no development and the road is the width that it is, and we want to improve the road, the same principles would apply, correct?" Mr. Acenbrak replied, "Yes, ma'am."

Mayor Wood stated for the record, that he would not support a "taking of the Blake property." He said he did not hear any Council members suggesting that. Mayor Wood noted that he did not want anyone to be confused about what was just discussed by Council. He clarified that Council was not talking about taking the Blake property or forcing anybody to give up right-of-way, other than Lehigh Homes who may have to give the City a little right-of-way to make their development work.

Mayor Wood said he understood that this is an old street. He asked if there is any

dedicated right-of-way outside of the curb or is this one of those old streets that the right-of-way just goes to the curb. Mr. Acenbrak replied, "It is both. There are some places where the right-of-way is like Green Street; very little right-of-way on each side of the traveled way right now. It will be expensive for us to lay out a road that has some right-of-way impacts; and then we have to go out and do our purchasing of the fair market value of that as we do with all our projects." Mayor Wood replied, "I can assure everybody in the audience although there have been discussions long-term about connectivity, there is no current ongoing discussion about widening this road." Mr. Acenbrak agreed.

Councilmember Price asked for clarification regarding the Mayor's statement that there would be no purchasing of properties against anyone's will for private purposes, but if it were deemed that the road needed to be widen either for this development or not, just because of parking issues, did his earlier comment include right-of-way or only include the taking of the entire property. Mayor Wood asked for clarification if it was to him or Steve Acenbrak. Councilmember Price replied the question was really directed to Mayor Wood. Mayor Wood replied, "I am not supporting any widening of this road on the Blake's side. If Steve believes that right-of-way expansion on Lehigh Homes is part of the development and is part of, for example, sidewalks, we are going to require sidewalks." Mr. Acenbrak replied, "Exactly. Yes sir." Mayor Wood clarified that the City would require sidewalks on the Lehigh Homes side of this, as is the standard practice; the City would require the dedication of those sidewalks. The Mayor stated that if the Roswell Transportation Department believes the widening of the road on that side makes sense that would be another development impact. Mayor Wood clarified, "We are not anticipating any taking of the Blake's property." Mr. Acenbrak agreed. Mayor Wood noted that he could not say what the City Council might do fifty years from now. He could only tell where this is today.

Councilmember Price inquired about the peninsula of non-historic property. She stated the three parcels were carved out; she asked at what point and for what purpose this happened. Mayor Wood replied, "They were never carved out. They were simply never included. There wasn't a larger district that this was carved out of it. When the district boundaries were drawn, the residents of Webb Street did not want to be in this district. My understanding is this would be the first change in the boundaries of the historic district since its creation."

Councilmember Orlans said the boundaries were drawn in 1989. He said the people who lived on Webb Street at that point in time, did not want to go in the historic district so the boundary was drawn around it in this way. Councilmember Orlans noted that he lived in this area when it was happening.

Councilmember Price asked why the residents did not want to be included; was it the anticipation of this or some other reasons. Mayor Wood replied, "There was no anticipation. The reason was they did not want to force anybody into the historic district who didn't want to come in." Councilmember Price replied, "Ok, so anybody who went into the historic district did it by choice." Mayor Wood replied, "That is broader than I think is fair but the City to my knowledge did not draw anybody into the historic district who objected to it. This neighborhood expressed a reluctance to come in."

Councilmember Price referring to 79, 83, and 85 Webb Street, asked if those were purchased "under duress or any coercion or were they free sales." Mr. Walsh replied, "Yes, they were free sales." Mr. Walsh confirmed for Councilmember Price that there were no foreclosures, no distress; 85 Webb Street was owned by another developer; 83 and 79 Webb Street were owned by a sister and an aunt who both wanted to sell. Councilmember Price asked if there is any connection to either of

those two properties and any of the people present tonight. Mr. Walsh replied, "Yes, there is a long history and I've learned a lot about in the last eight months. Laverne is Gwen's sister. Peggy was her aunt. Like Gwen mentioned, they are at 56 and 64, as well." Councilmember Price asked about the location of these lots. Mr. Walsh referring to a diagram, replied, "If you look at the Mimosa Extension, first one on the left, the City actually owns some property in between there and then 64 is a little further up on the left."

Further Public Comment:

Sue Dupart stated her home address as 500 Shadowood Court and said walked this property after the last meeting. She stated it was interesting to speak with the nearby neighbors. She stated this street is a "Mountain Parkish road." Ms. Dupart stated her concern that the City did not do more of a comprehensive evaluation of determining the cost of widening the road, because once you put sidewalks, more people attending Alive After Five will take a relaxing walk down this neighborhood street perhaps causing more people to cut through. Ms. Dupart noted that she is a docent at Barrington Hall and has noticed pedestrians from Canton Street crossing through this area. She said she knows the beauty of the landscape will invite more traffic through the development. She stated the City arborist should be brought in regarding the large tree; these are pre-existing conditions that need to be known about what would be involved if the City for safety needs to widen the street. She said, "I believe safety could be a reason of eminent domain that Fulton County could turn over your denial if there is a safety risk of the narrower road of accidents." Ms. Dupart stated, "I think the City needs to look at this a little more comprehensively. Even though men have better visual distance and perception, I think without the professional documentation, this isn't quite professional for our City." Ms. Dupart added, "On Thanksgiving Day, when all the natives have their family over, where are they going to park." No further comments.

Mayor Wood clarified for the record that the City is not considering widening the street at this time.

Emily Winters stated her mother lives at 57 Webb Street. Ms. Winters noted she had previously addressed some of the issues regarding the utilities and the fires; now it is coming to fruition, some of the fire trucks cannot get down there. Ms. Winters asked why those residents did not become part of the historic district back in 1986. She asked if the homeowners would have to pay fees to the homeowners association for the gate related to egress and ingress. Mayor Wood suggested that perhaps the developer could answer that question. Ms. Winters said she grew up on 57 Webb Street. She noted that there have been several fires down there; her mother's home burned down; this "spoke to the fire department." Ms. Winters said she suggested that her mother buy a house up on Windward but her mother wanted to stay in Roswell, so they built another home at 57 Webb Street. Ms. Winters said her mother told Brandon Walsh of Lehigh Homes that she wants to stay there. Ms. Winters said, "We spoke about the tax issues and the million dollar homes. We spoke about the sidewalks, the utilities that are not up to par. I am wondering if they are going to be dictated to by a homeowners association." Mayor Wood replied, "They will not be dictated to by a homeowners association. The people who are not in Providence will not be answering to a homeowners association, no connection." Ms. Winters indicated she understood.

Ms. Winters said, "Regarding the one way issue, that would probably eliminate some of that gate issue that we have now. I talked to Lehigh Home and he said he would give my mother a clicker to get into the street from where it is not so." Mayor Wood clarified that right now, the City is not considering making it one way. He said what is being considered is making it no parking on this street because of the people that don't live on this street who park on the street. Mayor Wood noted that as

Councilmember Diamond pointed out, this is not created by Lehigh Homes and the development, but is created by the parking problem on Canton Street; the City is looking for a solution; the solution is not going to be putting more people on Webb Street.

Ms. Winters stated she had nothing further to discuss. She noted that mother is not one of the residents who wanted to sell out. Mayor Wood stated he hoped that Ms. Winters' mother lives there the rest of her life and that Ms. Winters would as well. Ms. Winters agreed. No further comments.

Rainia Shumacher stated her home address as 145 Prospect Street in Roswell and expressed concern regarding the parking safety issue on this street. She said, "If parking is not allowed, they would have to put driveways on their property which would have to be paved. They've been enjoying their property up until this point in a certain manner and this would be diminishing that." No further comments.

No further public comments or questions. The public hearing was closed.

Applicant Rebuttal:

Mr. Walsh stated that he had met last week with Planning and Zoning Director Brad Townsend to review some of the issues and concerns of the residents regarding the arborist; Transportation; right-of-way; and water. Mr. Walsh said these were all items that they would be able to work through. He noted that they had met with the Fire Department; there is not an issue with the street when no one is parking on it. Mr. Walsh said, "We don't have people parking back there right now and we are not going to be making the street any smaller than what it is now, or adding any parking to the street. If we do any parking to the street in a parallel sense, it would be coming into, like you mentioned, we would be deeding right-of-way to the City and would be coming onto our property to provide guest parking. I think a little bit of the issue right now back there with parking is like Steve mentioned, is there is no curbs back there and so there is no definition. When you don't have that definition, it doesn't provide any structure. I think what you get now are people that are just randomly parking back there." He they have put up their own no parking signs on the side of the street to help the resident of 56 Webb Street. He noted he recommended that they also call the City. Mr. Walsh reiterated that they would not be making the street any smaller; if they widen the street it would come from the developer's side of the street. Mr. Walsh, referring to what "Evelyn and Sandra" said, "I really believe it is misspoken. At no time has myself or other members of my family or my company ever meant the term 'take' of anyone's company. We have held three meetings since May 13 with residents, including one this past Saturday night at Ms. Annie Strickland's house where we had about fifteen people there. At no point in time did we ever bring up wanting to purchase or take anyone's property unless they were interested in it first. By calling Evelyn and Sandra, which I did multiple times over the last few weeks and also sent them a letter, it was not in discussions about buying their property. Our intention was to get comments from them about what is going on, with what we are doing with the property and how we can serve their needs as well as ours at the same time. Unfortunately, I never received a letter back. I never received a phone call back and so I was not given an opportunity to address their needs until what I heard tonight. This isn't something we are trying to take or anything like that." Mr. Walsh noted that the properties which were already purchased were all people that were willing and wanting to sell and many of those people approached Lehigh Homes after they were shown the master plan. Mr. Walsh noted that Evelyn and Sandra mentioned the heritage and the history. He said, "It is really a little bit of a different situation because you have this historical district that we are wanting to expand when in hindsight there is a lot of history that is already on Webb Street. Part of what we want to do is to take these areas, just like we did in our previous developments. We

based that off the history of Roswell with things that we have in there, some of the parks that we have dedicated to the founders of Roswell. We see that opportunity to do that here now on Webb Street with some of the family members here. Why don't we remember them and memorialize them by improving on their property and giving them a place." Mr. Walsh said there is a large family reunion that occurs every August on this street that is special to the families. He stated that he wanted to encourage those families to return to the park he wants to create to hold their annual reunion. Mr. Walsh stated, "If all of them are still living there or no one lives there anymore, we want to keep that heritage back there." Regarding the history and heritage, he noted that if they are not interested in selling but they do want to stay in the area, he would be willing to build them a new home back there so they can stay there; this is not about trying to force anyone out. He doesn't think that anyone who knows him or his company would think that they have given off that impression. Mr. Walsh said this is a project that is personal to him, he lives in this area, and he may end up being a neighbor to the residents in this area and would not want that animosity between himself and them. In regards to sidewalks, Mr. Walsh stated Lehigh Homes would be required to do historic sidewalks just as they did in the previous community to tie in hopefully eventually the entire way up to Mimosa but at least at this point, until Camp Avenue. Regarding concerns of density, Mr. Walsh referred to a graphic of the area. He said, "The way that this street is currently zoned right now and what we are changing to, we would not be increasing the density to what it is right now." He said that with the three parcels that they would bring into the historic district and the additional parcel, which would be considered part of this phase, which is already historic, there is the ability to do eighteen units there even with the current zoning. By changing it to historical, there will be the ability to do eighteen units as well. Mr. Walsh stated they would be doing sixteen units. Referring to his presentation, he discussed "13, 14, and 15" as excluded, which is part of the Canton Street Walk Developments, which they showed on their master plan. He showed the existing developments, existing zoning, and "how they would not be decreasing this." Mr. Walsh pointed out "79, which is zoned R-3, which you can do townhouses on as current zoning. R-3 density gives you eight units per acre which is the same as the historic district which is what we are asking for. On 83 and 85 Webb Street, that is R-2 zoning so you could only do two single family homes there, which we understood but then 93 and 111 are R-2 zoning as well but are already included in the historic district. So, you are able to do townhouses there if you wanted to do." He explained that a plan they considered doing but thought would be less appealing would be putting in three story townhouses with front entry garages at 111 and 93 Webb Street. These would be three stories from the street at that level, overlooking Webb Street. He reiterated that there could be two single family homes on 83 and 85 Webb Street and five or six townhouses at 79 Webb Street. Mr. Walsh reiterated they would not be increasing any kind of density from what is currently there. He said the comments they have received regarding Providence and historic Roswell is that they aim to create special places; with the current zoning at the subject property, "it makes it tough to make a special place." If they are able to change that zoning a little bit, it would give them the ability to create a special place without increasing the current density.

Council Questions:

Councilmember Dippolito stated he was trying to understand Mr. Walsh's density comments when the plan does not currently include the balance of 111 Webb Street. Councilmember Dippolito said he understood the comments, but the plan at this time does not show any additional development to the left of lot 1. He asked if there is potential that could be developed. Mr. Walsh replied, "No, where you see lot 1, 2, 3, 4, and 5 that is actually the address 111 Webb Street." Councilmember Dippolito stated his point is that there is additional property to the left of lot 1. Mr. Walsh confirmed for Councilmember Dippolito that there is additional property there and

they are not showing any additional development on this plan. His comments which referred to the current density are that it is possible to front load townhouses parallel running to the street. Mr. Walsh said the way they are designed now with a mix of single family and townhouses, it would be possible to literally eliminate single family home 1 and 2, turn townhouse building 3, 4, and 5 there and stretch that out to do six, seven, or eight units of townhomes. Councilmember Dippolito said he understood where Mr. Walsh was going with that but wanted to understand if Mr. Walsh came back later requesting to put additional units to the left of lot 1, would that not be increasing the density on the street from what it is today; the current unit count which shows on the illustrative plan, is equal to the number of units under the current zoning. Mr. Walsh agreed. Councilmember Dippolito stated it does not use all the property, and it appears that there is room for perhaps three additional single family houses to the left which the applicant theoretically could request. Mr. Walsh replied, "There is a stream or a creek down there so it is unbuildable. What I mean by doing more townhouses back there, single family home lots 1 and 2 are both sixty-foot wide there, so generally, you can do townhouse twenty-four, twenty-eight feet wide. Just from lots 1 and 2, you could do six townhomes there." Councilmember Dippolito asked if in either case, the applicant would not be building to the left. Mr. Walsh confirmed he would not be building any further left than number one.

Mayor Wood requested the reading of the ordinance.

Assistant City Attorney Bob Hulsey conducted the second reading of AN ORDINANCE TO AMEND THE BOUNDARIES OF THE HISTORIC PROPERTIES OVERLAY DISTRICT AS PART OF THE OFFICIAL ZONING MAP OF THE CITY OF ROSWELL, stating: WHEREAS on February 13, 2013, the Historic Preservation Commission unanimously approved a report outlining the expansion of the historic district boundary to include 79 Webb Street, 83 Webb Street, and 85 Webb Street; and WHEREAS, on March 12, 2013, the Historic Preservation Commission Staff submitted the report outlining the historic district boundary expansion to the Division of Historic Preservation of the Georgia Department of Natural Resources for review and comment; and WHEREAS, on April 5, 2013, the Division of Historic Preservation of the Georgia Department of Natural Resources issued support for the historic district boundary expansion; and WHEREAS, a special public hearing was held before Historic Preservation Commission and the Roswell City Council on May 13, 2013 at Roswell City Hall at 38 Hill Street, Roswell, Georgia 30075 to review and adopt the proposed amendment to the Historic Properties Map; and WHEREAS, as Staff, the Historic Preservation Commission, and the Division of Historic Preservation of the Georgia Department of Natural Resources have determined that it is with the city's best interest to include these vacant properties on Webb Street in order to ensure consistent development within the Historic District: NOW THEREFORE, the Mayor and City Council of the City of Roswell hereby accepts the report attached hereto as Exhibit A and amends the boundaries of the Historic Properties Overlay District to include 79 Webb Street, 83 Webb Street, and 85 Webb Street.

Mr. Hulsey noted that if approved this would be the second reading of the ordinance.

Further Council Comment:

Councilmember Dippolito stated there are unanswered details in regarding the development itself which until the developer has a better feel that he will have the opportunity to move forward on the project, he probably will not be ready to invest hammering out those details. The issue at hand is really should Council include this in the historic district; what are advantages and disadvantages. The last discussion with the applicant was fruitful because the overall density for the area is not being increased, but by including it in the historic district it is providing protections that will benefit both the City and the residents who live on that street. At this time, someone

could develop under the current zoning and the architecture is not controlled as long as they fit within the current zoning, fit within the setbacks and so forth, a developer could build essentially what they want; the look of residential architecture is not controlled, but is in the historic district. Councilmember Dippolito noted that in some of his questions to Mr. Walsh, some of these units face the Webb Street, and those elevations are critically important, and controlled by the Historic Preservation Commission (HPC), that has very high standards. Councilmember Dippolito reiterated there is real benefit in including this property in the historic district; it certainly has the support of City staff, the HPC, and the Georgia Department of Natural Resources. He would support including this property in the historic district.

Councilmember Price said in addition to the historic designation going back twenty some years ago, it appears that we are also talking about setbacks which no one has addressed even though the concept plan is vague at this point. Mayor Wood asked if Councilmember Price was referring to agenda item number 5. Councilmember Price stated yes. Mayor Wood stated Council was not voting on item five at this point and there could possibly be another public hearing on item five.

Councilmember Igleheart stated he agreed with a lot of what Councilmember Dippolito had stated. Councilmember Igleheart said he had done some of the calculations based on the densities but when you did look at what could be done, then that makes it all equal. He stated his overall concern always about development is if it is actually dealing with the impacts that it creates. He is concerned about the infrastructure aspects of the road and what is going through there; he hopes a future Council never states that it has to be widened for safety and the property must be taken. Councilmember Igleheart stated the final deciding factor for him is that the numbers that could be put there are there, and makes it an easier answer there. He commended Lehigh Homes because "there are things that could be done even more, perhaps in the future, or things could be rezoned." He said Lehigh Homes has tried not "maxing it out, as they could." Councilmember Igleheart said he is concerned, as with Groveway, is that these are nice individual single family homes that have been well kept and are people's legacies yet the concern is long term will they be forced out based on taxes. In Groveway there are same issues but there are also a lot of nice little homes that people have lived in forever and is the City going to force them out based on the push for development through there. Councilmember Igleheart said he did not know how to resolve that issue because the City has a small portion of what the taxes would be, and there should be a future discussion that there may be unintended consequences that are real for people. It comes back to the ultimate numbers of units that could be there anyway, are the same, and the controls that are allowed through the HPC process. It is very difficult to decide on this but for what it is; it works best to be in the historic district.

Councilmember Diamond referring to points made by Councilmember Igleheart stated the City of Roswell was one of the first cities in Atlanta to join the Georgia Initiative for Community Housing for things like this, as was done for Groveway. As the City does these areas, the character of the neighborhoods should not be lost. That will be part of the discussion going forward; how the City addresses all incomes of housing, all housing types, that legislation is in place and if necessary, to go to the county or state to do that. Councilmember Diamond stated the street concerns needed to be discussed regardless of this proposed development; it has come a long way already after conversations with most of the City departments regarding how to address those right now and going forward. Councilmember Diamond clarified that the City does not go in and seize property when there is widening of road; there is negotiation and purchase; there is conversation and none of that is in this conversation; there is respect for property owners. The City respected the property owners who chose not to be in the historic district with the understanding that they

were in a caveat that is in the middle of a block basically that was "carved out" for people who did not want to be in it; they were not forced to be in it; when they do want to be in it, they should be allowed back in. It is the property owner's right issue as much as anything but does not mean that anything that happens tonight is the "end of the road." Mr. Walsh is just beginning the "myriad of fun" that comes with learning what needs to happen to the street, the sidewalk, and all the City requirements. She said there is not a developer she has met who thinks City staff makes that a simple process; they are held to the law and to the City's expectations.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this ordinance to amend the Historic District boundary to include 79, 83, and 85 Webb Street be Approved on Second Reading.

The motion carried by the following vote:

In Favor: 5

5. VAR-201301006, 111, 93, 85, 83, 79 Webb St., Lehigh Homes/Brendan Walsh.

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated these variances for 111, 93, 85, 83, 79 Webb Street are a companion variances to the boundary change of the Historic Properties Overlay District which Council just acted upon. Referring to his presentation, Mr. Townsend displayed an aerial view of Webb Street; the location of the proposed variances; the boundary changed just approved by Mayor and Council at second reading; the site plan/colored rendering submitted by Mr. Walsh for these parcels; clarification related to each of the parcels and the setbacks requested this evening. Mr. Townsend noted that parcels 7 and 8 deal with the proposed townhomes, reducing the front yard setback from a minor street as well as side setbacks on a minor street; parcel 11 deals with the cottage homes; parcel 5 deals with the single family developments setbacks from a minor street. Mr. Townsend stated he believed that Mr. Walsh would make a clarification this evening regarding one of the setbacks. Staff reviewed this application and finds it appropriate for the variances to be included; staff recommends approval of the proposed variances as they were submitted this evening with the following two conditions:

- 1. The approved variance is based on the concept plan stamped "Received" by the City of Roswell Community Development Department on April 23, 2013.*
- 2. That Mayor & City Council approve the expansion of the historic district boundary to include 79, 83, and 85 Webb Street.*

Mayor Wood asked staff to explain the need for these variances. Mr. Townsend stated they would allow for the front setbacks and combined locations to be in keeping with the existing development within the townhouse development that currently exists there.

Mayor Wood stated he presumed that staff believes these variances are either not objectionable or improved the site. Mr. Townsend stated that is correct. The Mayor asked for the reasoning behind staff's recommendation. Mr. Townsend replied, "There are actually in a line with the way the existing development in the Providence is located. They did receive variances for those existing townhomes so we are trying to be consistent through the types of development for the townhomes and being developed."

Council Questions:

Councilmember Orlans asked if it is correct that these variances help turn those townhomes so that they are not having to put a row of townhomes facing Webb Street on the one side; on parcel 11 this allows single family homes, trying to keep the single family homes on these street. Mr. Townsend stated yes; they allow for those types of developments. It creates an opportunity to put the alleys behind so that garages do not face the street. He noted that they are working the best with the grades in dealing with the two story and three story scenarios that they need to be created. Councilmember Orlans asked if it helps improve for what the developer is requesting. Mr. Townsend stated that is correct.

Councilmember Dippolito asked to see how this would work on the plat. Mr. Townsend displayed the plat on the overhead. Referring to the plat, he indicated the townhouses locations. The request would allow pushing it to the location; allows the alleys so they end up rear loaded. He pointed out the alley locations; topography; the location where it would be pushed up to the street to get the proper locations. Mr. Townsend clarified that parcel 11 relates to the cottage homes. He said it allows this type of development to take place, and to maintain the existing specimen tree on parcel 11. Councilmember Dippolito asked where the variance is; the interior lot line. He said there is a rear setback which is twenty feet to zero; he asked which property is impacted by that. Mr. Townsend pointed out the location on the plat. Councilmember Dippolito asked if they are impacting essentially their own property. Mr. Townsend pointed out the area impacted, and pointed out the detention parcel in the other development where there are no homes there. Councilmember Dippolito noted there is a front yard setback which brings the house a few feet close to the street. Mr. Townsend pointed out that location on the plat. Councilmember Dippolito said that on the townhouses, it would essentially slide the building right or left, closer to the driveway or the street. Mr. Townsend agreed and pointed out the location of two on the plat. Councilmember Dippolito indicated he understood. No further questions.

Councilmember Price asked if any of these requests are variable or interchangeable, or are they very specific to the lots. Mr. Townsend replied that the variances are to the individual parcels. Councilmember Price said this would not be "mix and match" or end up with all townhomes. Mr. Townsend replied no. No further questions.

Applicant:

Mr. Walsh said, "I will walk through and explain a little bit and hopefully it will answer some of your questions. For Betty, if there is anything that I need to, I don't know what the procedure would be of signing what we are doing here into place, from a conceptual standpoint." Councilmember Price stated, "It is just that earlier, I thought I understood you saying, 'Well, this could go here or we could switch it and make it go here.' But, if we are now approving it to specific to parcel, how can you do that?" Mr. Walsh replied, "What I was referring to earlier in the previous presentation is the current zoning. The way that we could do as in place now is we could do townhouses in certain locations that there are not townhouses. What we are trying to do is maximize the appeal with the look of what this is by changing the zoning, by doing that it creates a few of these variances." Mr. Walsh referring to the site plan, asked Council to look at the parcel 11, where there are four cottage homes. He explained that the reason for the requested variance there is that they have designed around a large specimen tree which sits in the middle of that property. It is a very old tree and would be a focal point, creating a village type setting. He said what they are looking for from a setback would be a ten-foot side setback and front setback; that would be from Webb Street on the front to the side to Miss Strickland's property. Ten-foot is not a variance; that is what the standard is. Mr. Walsh stated they are really looking for the setback on this one is between the two units, which calls out the east unit and the abutting property which is the Canton Street Walk Condo

Association. Mayor Wood clarified that it is primarily to accommodate the tree. Mr. Walsh replied it is to accommodate the tree and the single family homes as well. Mr. Walsh pointed out parcels 7 and 8 on the site plan. He explained that these parcels would be combined for the seven brownstone or townhouse units. The reason they want to do this is to do the alley load, rear entry garage. They did not have the ability to do that at Providence in Historic Roswell, but starting with a "blank canvas" here, it gives that ability. He pointed out another tree situation on the site plan. At units 10, 11, and 12 to the north, there is another large specimen tree. They could have done a fourth unit there and still have been under the density requirements, but the tree would enhance the area and one to be saved. The units will be pushed closer to Webb Street. A zero foot setback line is once again into the abutting property where it is an unbuildable area and will be an organic garden eventually. He referred to parcels, 5 and 6, to the west on the site plan, and stated it is the same scenario. There are townhouses which are turned, pushed closer to Webb Street. The homes will have the new urbanism feel and along with the topography, moving those homes as close to the streets as possible. By turning the townhouses and doing the rear load garages, it really helps blend in with the rest of the single family homes that are back there because it would be a view of the side of the building that is typically fifty-feet wide as opposed to a view of the entire string of either three or four units which would be ninety to one hundred and twenty feet wide. No further comments.

Public comments invited. None were heard.

Motion: Councilmember Diamond moved for Approval of VAR-201301006, 111, 93, 85, 83, 79 Webb St., Lehigh Homes/Brendan Walsh. Councilmember Orleans seconded. Councilmember Diamond clarified her motion included approval with the two staff conditions:

1. The approved variance is based on the concept plan stamped "Received" by the City of Roswell Community Development Department on April 23, 2013.
2. That Mayor & City Council approve the expansion of the historic district boundary to include 79, 83, and 85 Webb Street.

Councilmember Orleans confirmed his second stood.

Council Comment:

Councilmember Igleheart thanked Mr. Walsh because many times with variance requests it is to "squeeze more in" and why he generally opposes variance requests. Councilmember Igleheart said he appreciated Mr. Walsh's efforts following through to save the two big trees, moving buildings instead of taking the easy route of removing the trees.

Councilmember Price asked if it is determined that the building plans are not in the critical root zone. Mr. Walsh replied that the City arborist did visit the site to look at the tree area, as well as Lehigh Homes engineers. Mr. Walsh confirmed they would have protection measures in place to protect the critical root zones of these trees during the construction. Councilmember Price said, "Just so the intent is to preserve the tree." Mr. Walsh replied yes. No additional comments.

Vote: The motion passed unanimously.

After the vote, Councilmember Dippolito asked when this item would go to HPC. Mayor Wood stated staff clarified that the public hearing of this item by the HPC has not been scheduled yet.

A motion was made by Council Member Diamond, seconded by Council Member Orleans, to approve this variance at 111, 93, 85, 83, 79 Webb Street with the following conditions:

1. The approved variance is based on the concept plan stamped "Received" by

the City of Roswell Community Development Department on April 23, 2013.
2. That Mayor & City Council approve the expansion of the historic district boundary to include 79, 83, and 85 Webb Street.

The motion carried by the following vote:

In Favor: 5

6. **CU-201300576 & CV-201300577, 1200 Grimes Bridge Rd., ILM ACADEMY/Hammad Sophie, Land Lot 487.**

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend explained this application is to remove thirty-three parking spaces located to the rear of the property, replacing the area with green space and a play area for students. The applicant proposes to place a playground along the rear of the property. The applicant also requests a variance to the rear setback from R-2 property in order to enclose the mechanical equipment in that location. Mr. Townsend displayed the existing survey of the property showing the property facing Grimes Bridge Road. There is one access to Colonial Park Drive; one access to Grimes Bridge Road; and two accesses to Maxwell Road. Mr. Townsend displayed the proposed conceptual site plan showing where the parking would be removed to include landscaping and development of this location. He stated staff recommends approval of the proposed site plan with conditions and approval of the proposed variance.

Conditions are as follows:

- 1. The owner/developer develop the property in substantial accordance with the plan stamped "Received May 9, 2013 City of Roswell Community Development Department."*
- 2. The perimeter fence indicated on the plan shall be approved by the Design Review Board.*
- 3. The landscape/greenspace play area shall be approved by the Design Review Board.*

Proposed variance is as follows:

- 1. A reduction in the rear building setback in order to enclose the existing loading dock and allow the building to extend onto the existing slab.*

Council Questions:

Councilmember Price asked if it is correct that this is considered redevelopment. Mr. Townsend replied, "I am not sure that I would define it as redevelopment. They are removing the parking lot to put in a play area. They are not redeveloping the building in any manner. They are readapting the building to utilize it as a school."

Councilmember Price stated she remembered from redevelopment discussions previously held, and this really refers to the front piece, which has been approved although it never came to Council, there was a detention pond at the south end of the building that was supposed to be included in any redevelopment plan. She asked if that went by the wayside or was that "just a rhetorical exercise?" Mr. Townsend replied, "You are indicating a detention pond next to Maxwell Road?" Councilmember Price replied yes. Mr. Townsend stated he did not believe there were any changes to that location of the site. Councilmember Price asked if anyone else remembered that; a picture was shown of a pond there. Mr. Townsend replied, "The pond exists, I believe it is the detention for the site. I think it actually probably takes drainage from the road." Councilmember Price asked where that is. Mr. Townsend referred to the site plan and pointed out where the detention is located; it includes some of the road

right-of-way. Councilmember Price asked if there had been any required changes there. Mr. Townsend replied no. He confirmed for Councilmember Price that it is exactly the same. Councilmember Price said, "Then, when the front parcel was determined to be the school, what number of spaces were required, at that time. Did it include these at the rear?" Mr. Townsend replied that there are ninety-nine spaces (99) on site and they are removing thirty-three (33), leaving sixty-six (66) spaces which are sufficient for the school for any type of number of students, as well as faculty that they would have. Councilmember Price asked if there are standards for school parking. Mr. Townsend stated it is one parking space per three hundred (300) square feet. The square footage of the building is 14,700 square feet, which would require forty-nine (49) parking spaces. Councilmember Price inquired about the car pool drop-off plan once the back area is re-configured. Mr. Townsend replied the applicant would maintain the Colonial Park Drive access, which could be an access, or the drive on Grimes Bridge Road through, down to Maxwell Road. Referring to the diagram, he pointed out the location from Maxwell Road would probably be for staff or administration because the two parking lots do not currently connect. Councilmember Price asked if the rear portion they were discussing was not part of the approval of the first portion of the permit. Mr. Townsend stated that is correct; the front along Colonial Park Drive and Maxwell Road is not being changed; it is only the rear portion along Colonial Park Drive. Councilmember Price asked if it did not need that number of spaces for the original permit for the school. Mr. Townsend replied for the school that number was not required; for the school, only forty-nine spaces are required. Councilmember Price asked if for parking purposes, it is irrelevant. Mr. Townsend replied yes. Councilmember Price had no further questions.

Councilmember Orlans stated he has concern recently regarding schools in the area and their traffic from morning drop-off and afternoon pick-up spilling out onto main streets. He is concerned about traffic spilling onto Grimes Bridge Road. He asked if there was any discussion with the applicant about closing that driveway on Grimes Bridge Road so that traffic is definitely coming in off from Colonial Park Drive, going around the front of the school, and going out Maxwell Road. Mr. Townsend replied there have been no discussions about this with the applicant; when Transportation reviewed it that was not brought up. Councilmember Orlans noted that he has experienced this in the morning too many times on the streets of Roswell. He asked that the applicant address this question regarding the traffic plans for the morning drop-off and afternoon pick-up.

Mayor Wood stated the applicant is not asking to expand the interior space; this is not a major redevelopment. The applicant is asking to create more greenspace and pervious surface; it is benefiting the City. The Mayor said he hoped that the Council would see this conversion of pavement to greenspace as a very positive manner and not something that the City would want to extract additional concessions from because the applicant is doing the right thing. The applicant is not losing any of the stacking area by converting this parking area to greenspace; he is simply creating a more environmentally acceptable place. Mayor Wood reiterated that he hoped the Council would see this as positive and not place additional burdens upon the applicant.

Councilmember Orlans said he agreed with Mayor Wood; it is great that the applicant is tearing up the parking lot in the rear and getting rid of some impervious surface. He reiterated that he has run into too many situations where other schools, especially ones built a long time ago, have traffic that spills onto the major streets. The City is trying to work now with every school coming into Roswell, including public schools, to ensure that traffic does not spill onto the major streets. Councilmember Orlans said it is part of the overall decision on this item even though it is very positive what the applicant is doing.

No further comments.

Applicant Presentation:

Michael Kidd, Root Design Studio, landscape architect for the project, referred to the proposed site plan. He noted Colonial Park Drive; Grimes Bridge Road; Maxwell Drive; the existing building; the area in question behind the building; and the area that is currently zoned Office Professional (O-P). Mr. Kidd stated there is approximately 18,500 square feet of existing parking that will be removed and converted into the multipurpose play area. Referring to the proposed site plan, he indicated where there may possibly be an arbor and a bench to signify the entrance into the space. There is a small outdoor classroom area which is adjacent to a proposed vegetable garden which is along the north property line. The reason for that location is that it will receive direct sun about all day through most of the year. At the far end, there will be small utility area with a storage shed, compost bin, a rain barrel to catch rain from the storage shed; this is currently the location for the dumpster pad for the old post office. As the area is entered into, the primary element for the entire play space, which orders the whole area, is a six-foot wide pathway that loops through the entire play area. Immediately upon entering, there is a pollinator garden which serves the vegetable garden and as an educational component for the students. Down the pathway, there is a four-square court flat paved area that could be used for outdoor games and recreation; a labyrinth is included. Mr. Kidd indicated the primary area for play structures such as swing sets and monkey bars. At the south end there is a grass berm which centers around a stage area that also serves as an outdoor sundial; at the very south border there is a vegetative buffer which already has existing vegetation but will be enhanced with additional vegetation. Another outdoor classroom area is planned next to the building which is also adjacent to a rain garden to help use storm water from either the roof of the building or the adjacent parking lot.

Council Questions:

Councilmember Dippolito inquired about the playground material on the ground. Mr. Kidd replied that it will be mulch. Mr. Kidd confirmed for Councilmember Dippolito that the labyrinth will not be a hedge; it will be on the ground plane and most likely pavers or some sort of paved stone. Those elements are being worked out but are the type of play elements being discussed with the applicant. Councilmember Dippolito noted that Councilmember Price has been trying to get a labyrinth in Roswell for a while.

Councilmember Igleheart referred to a Design Review Board (DRB) meeting discussion that occurred in the past regarding street trees along Grimes Bridge Road. He noted that this item was not part of that DRB discussion. Councilmember Igleheart asked Mr. Kidd if there would be any opportunity for that, although he understood that the Mayor asked that conditions not be placed that are too difficult for the applicant. Mr. Kidd replied that he had not looked at the street tree issue along Grimes Bridge Road since his focus was the play area in back of the building. Councilmember Igleheart replied that he understood it is not a standard re-zoning with that being a part of it but did notice that was a lot of discussion during a DRB meeting that could enhance the overall property. He was not sure that the item should be conditioned to that, but reiterated his request to possibly consider that.

Councilmember Price inquired about the dimensions of the labyrinth. Mr. Kidd replied that space is approximately fifteen feet in diameter. Councilmember Price stated that would be small and not exactly the category she had in mind. Mr. Kidd noted that it is not a very large space. Councilmember Price said she would continue to push for a larger labyrinth in another location of the City.

Councilmember Price stated she understood that the maximum number of students for the school is currently 120 students but could go up to 180 students. She expressed her concern regarding morning and afternoon traffic. She noted that the Planning Commission minutes included a comment that when it was a post office there was traffic all day but fairly spread out. These will be fairly young students so presumably there will be someone dropping them off and picking them up. She inquired if the school has buses. There could be a lot of cars all coming in a very tight timeframe during the morning and afternoon. Councilmember Price asked if the playground area is taking away the possibility of another curb cut to stack some of the cars coming in from Colonial Park Drive.

Mayor Wood asked the applicant to discuss their plan to accommodate students who are driven to school and arriving; how that traffic will circulate. Mayor Wood clarified that it does not directly relate to this but is a legitimate concern. Mayor Wood asked to view a larger overall plat.

Applicant:

Hammad Sophie, ILM Academy Board Member, stated the school has approximately 120 students; 73 families; fifty percent sblings. There are approximately thirty-five to forty cars at their current location at the Roswell Business Center on Alpharetta Highway across from the hospital. Mr. Sophie stated they anticipate their maximum growth to be at 180 students given the school history. They have come to Mayor and City Council because of the conditional use for the back portion of the property. He referred to the site plan and indicated that area. As far as the traffic concerns, the school does not have a set plan at this point but is working out details. They plan to see what works and not cause any disruptions to the neighbors and residents of the subdivision on Maxwell Road. He said initial plans were to come into the school from Colonial Park Drive. He indicated where the drop-off point would be; exit onto Maxwell Road by making a left onto Grimes Bridge Road and try to avoid Maxwell Road in the mornings. Mr. Sophie said the school currently starts at 8:30 a.m. There are two dismissals; pre-k dismisses at 12:30 p.m.; the elementary school dismisses at 3:30 p.m. At this point, approximately twenty-five to thirty percent of the students are in pre-k. Mr. Sophie confirmed for Mayor Wood that the main entrance would be on Grimes Bridge Road; he indicated the entrance on the site plan. Mr. Sophie said they want to maximize the number of cars on the lot in the morning; this would be the way to accomplish that. The applicant is open to working with the neighbors and the City to ensure that a nuisance is not created on City streets. Mr. Sophie clarified for Mayor Wood that at this time there are about 73 families enrolled so there are perhaps thirty-five to forty cars that come to the school. A number of their students are children of staff members so they would park on the property itself; at this time, approximately seventeen students are children of staff.

Further Council Questions:

Councilmember Orlans stated he thought that the traffic plan coming off Colonial Park Drive and going out Maxwell Road could work well. He expressed concern regarding controlling cars trying to come in turning left from Grimes Bridge Road or turning right from Grimes Bridge Road and the back-up of traffic from that line out onto Grimes Bridge Road that could occur. He reiterated that he has seen this type of back-up in other situations around the City that they have tried to solve. Councilmember Orlans suggested the possibility of just closing off that entrance off Grimes Bridge Road or to temporarily close it at morning rush hour.

Mayor Wood asked if that could be controlled just be directional signs; it is a fairly small student body and directions could be given how to enter. Mr. Sophie stated that they intended to do that; they currently are in a business park and have a current pick-up and drop-off procedure.

Councilmember Orlans stated his concern is about blocking Grimes Bridge Road and the future when there are many more students enrolled than are currently.

Councilmember Price stated that the Planning Commission minutes included a discussion regarding a high school. She asked if that is to be on this site or elsewhere. Mr. Sophie replied that at this point they want to go up to eighth grade but the subject property is not very large, therefore, they do not have any plans to go beyond eighth grade at this time. Councilmember Price asked if there is any possibility of using that rear part for an expansion of the building or a ball field. Mr. Sophie said since it is an O-P, he said they would have to come back and go through the process of getting an approval again. He added if they don't put a playground in the back, they are going to put a playground somewhere else on the property and the best place to put it is in the back. That way they can still maintain traffic flows and use most of the exits and you can fit as many cars as possible on the property during pickup and drop off.

Councilmember Price asked where the nearest property is. Mr. Sophie showed on a picture where the nearest home is. Councilmember Price asked if they show a buffer between the home and the play area. Mr. Sophie said yes and that was on the conceptual design. Councilmember Price said if she was the office park next door, having the kids playing absolutely as close to the boundary as it shows on their picture, it might be cause for concern. She said there is no buffer between that boundary and their building, it could get noisy. She asked if there was any thinking of putting the bulk of the kids playing closer to the building as opposed to at the very edge. Mr. Sophie said he will leave that to the experts.

Michael Kidd from Root Design Studio responded that one of the driving factors of that was the need to deal with some of the stormwater which was part of a preliminary discussion that he had with someone with the city. The logical area to do that is in area he pointed to where there is an existing storm drain and the majority paved impervious surface where the runoff is going to be coming from is – he shows a direction on the diagram, sloping down to that storm drain. This makes a logical sense for dealing with stormwater in that location. If they had the play area closer to the building, they would either have to pipe that underneath the play area into the storm drain which doesn't deal with any of the water quality issues or drain which doesn't deal with any of the water quality issues or they would have to run it across the surface which there is an issue with the mulch running off there. They also wanted an outdoor classroom area closer to the building itself so that with the layout they ended up with the lawn and the center of the space, this became the logical place for the play area.

Councilmember Price said again it would seem like a buffer....kids are just noisy. If I was trying to conduct business at 10 feet area, that could be a problem. She said her question would be "In the schools, in general in the public schools and others, is there a standard of distance between a playground or play area and the surrounding..." Mayor Wood said if it is Fulton County schools, they do what they want.

The architect for the project said there is no buffer required between OP and C-1 and C-3. He said they emphasize the fact that they keep the buffer between the residential just 40' of buffer will reduce any noise from the kids between residential and the playground. Between OP and C-3 they didn't find that any buffer would be required. Mayor Wood said he assumes there is a fence. The architect said they would have a fence around the property. Mayor Wood said given this is a playground with kids, his presumption is that you would want to put a fence to keep the kids from

running off. The architect said that is correct. Mayor Wood said that would give them the opportunity to create a little bit of a buffer. Mr. Sophie said the intent is to actually fence not just around the playground but the entire property as well.

Public Comment:

Sue Dupart stated her home address as 500 Shadowood Court and said she is in agreement with Councilmember Orlans because all of the neighboring properties have two entrances. She said she knows at 9:00 a.m. if she is walking down Grimes Bridge, she sees UPS trucks are filing down. She said she saw a traffic counter on Grimes Bridge one day and she doesn't know what the results are, but then you get lunchtime....The whole area what the city doesn't show is how many curb cuts are in a small area where they can't put traffic lights in that close of a proximity. They are not in the village district so they don't have the benefit of spacing the curb cuts. She said when you do these diagrams they are missing the whole big chaos/predicament. There are all these variables combined that create a safety issue. She wishes the City would look at the whole big picture so they don't recreate the traffic they had at the holidays when they had a post office. A lot of people have gotten used to the commute from Cobb County to Old Roswell and then when they finish the parallel road of Northpoint and GA400 going all the way to Windward, there is going to be more traffic.

Ann Koenig said she has a practice building across from the mosque that is on Market Place. Mayor Wood said that facility is behind Hooters. She said the question relates to this facility. She asked if there will be a pedestrian transit from the community center mosque to this school at any point in the day as the streets don't have sidewalks. Mayor Wood confirmed that she asked if there would be transport between whatever that facility is (he said it is not a mosque) and the school. Mr. Sophie said there possibly may be on Fridays for the Friday prayer. That would be around 1:30 or so. Mayor Wood asked if that would be walking or in a vehicle. Mr. Sophie said they were thinking walking but he said it is just an initial idea at this point. He added that they have not discussed it with the mosque at this time.

Council Comment:

Councilmember Orlans asked Mr. Hulsey asked if there is any way they can condition even a temporary closure on that drive coming off of Grimes Bridge for an hour or an hour and a half in the morning during drop-off.

Mr. Hulsey said he doesn't think they are related to the conditional use for that and he doesn't think it would stand up in court. He said that they have had on the record that the gentleman says that they will do everything to do that and the City can certainly hold him to his comments that he is going to try to do that. If Transportation sees a problem, the City can do even a nuisance case or do something along those lines to control it but he doesn't think they can do a condition. Councilmember Orlans said then it is strictly voluntary on their part. Mr. Hulsey said yes.

After the vote, Mayor Wood thanked the applicant for bringing this. He said he wishes he could see more parking lots converted into playgrounds. He doesn't think there is a better conversion that could happen in the City of Roswell. He is very pleased to see this go forward.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, to approve this conditional use with a concurrent variance:
1. A reduction in the rear building setback in order to enclose the existing loading dock and allow the building to extend onto the existing slab;

and with the following conditions:

1. The owner/developer develop the property in substantial accordance with the plan stamped "Received May 9, 2013 City of Roswell Community Development Department."
2. The perimeter fence indicated on the plan shall be approved by the Design Review Board.
3. The landscape/greenspace play area shall be approved by the Design Review Board.

Council Members Orlans, Igleheart, Dippolito, and Diamond voted in favor. Council Member Price was opposed.

The motion carried by the following vote:

In Favor: 4

Opposed: 1

7. **Approval of a Resolution to Amend the Economic Development Incentive Policy.**

Presented by Alice Wakefield, Director of Community Development

Alice Wakefield said this request is to amend the City's Economic Development Incentive Policy. The proposed amendment includes the following revision: 1) Amend the number of jobs from 50 jobs to 5 jobs; 2) Remove the required capital investment amount of \$15 million; 3) Expand the Economic Development Incentive Committee to include the Council Liaison to the Community Development Department; 4) Revise the wording in the compliance section by removing the words related to the audit and the sentence regarding repayment (the second sentence that was in the version that was presented at committee); and 5) Allow the Economic Development Incentive Policy Committee to approve incentive requests under \$25,000.

Ms. Wakefield said staff's recommendation is approval.

Motion: Councilmember Diamond made a motion for Approval of a Resolution to Amend the Economic Development Incentive Policy. Councilmember Dippolito seconded.

Council Comment:

Councilmember Orlans asked if Ms. Wakefield could give a synopsis of why they are making these changes from 50 jobs down to 5 jobs and investments and so forth. After all the time they put into setting this up to start with, he was curious as to what is driving this.

Ms. Wakefield said if you recall at the committee meeting where this incentive was approved, there seemed to be consensus to make the policy available to small businesses. Based on that and based on working with the RBA, staff felt it was important to bring forward an amendment that would give more flexibility to provide the incentives. Most of the jobs in Roswell are less than 100 jobs. There are very few jobs that are over 100 employees. Most of them have between 5-20 jobs. The capital investment of \$15 million is quite a significant amount. Staff felt they could be more flexible on that. Also, based on a matrix that was developed by the Finance Director; that will analyze business – the percentage of the incentive based on the variety of factors so staff can provide some level of an incentive from someone creating one employee down to an investment or something like \$10,000.

Councilmember Orlans said Ms. Wakefield is saying one employee but this policy is saying five employees. Ms. Wakefield said when this was presented at committee they had indicated one or more employee. The consensus at committee was to make it five employees.

Mayor Wood called Mr. Stroud to the microphone to see if there was anything he could add to this since he was a supporter of this.

Steve Stroud stated his address as 205 Devereux Circle, Roswell and said at the Work Session they did discuss the fact that the incentives are currently written for the larger employers and what they are trying to do is to encourage the smaller investor and smaller employer to bring and to grow their business within the City. This will give that opportunity.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Item be Approved.

The amendment includes the following revisions:

1. Amend the number of jobs created to five (5) jobs or more instead of fifty (50) or more jobs.
2. Remove the required capital investment amount of \$15 million..
3. Expand the Economic Development Incentive Committee to include the Council Liaison to the Community Development Department.
4. Revise the wording in the compliance section by removing the words related to audit and the sentence regarding repayment.
5. Allow the Economic Development Incentive Policy Committee to approve incentive requests under \$25,000.

The motion carried by the following vote:

In Favor: 5

Administration and Finance Department - Councilmember Rich Dippolito

8. **Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election. (Second Reading)**
Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer presented this item. He made a clarification and said it does not change the contract or the amount. In the description it says 16 voting days. It is actually 16 working days that they are contracting us with. It is 15 voting days. The Saturday is their work day to take all the data that they get from the early voting and get it ready to go into the count for the actual general election. There is 16 days. There is 15 voting days and in the last sentence in the description he had 16 voting days.

Assistant City Attorney Bob Hulseley conducted the second reading of AN ORDINANCE OF THE CITY COUNCIL TO AUTHORIZE FULTON COUNTY TO CONDUCT ELECTION, stating, WHEREAS, on November 5, 2013 an election will be held in the City of Roswell to elect City Council members for Posts Four, Five and Six and for Mayor; and WHEREAS, O.C.G.A. § 21-2-45 provides that a municipality may authorize and contract with a county to conduct elections: NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ROSWELL, and it is hereby ordained and established by authority of the same, that the Mayor is authorized to enter into a contract with the Fulton County Department of Registrations

and Elections to conduct this election using ExpressPoll or other such measures approved by the Georgia Secretary of State, which contract is attached hereto and incorporated herein.

Mr. Hulsey noted that if approved this would be the second reading of the ordinance.

Motion: Councilmember Dippolito made a motion for Approval of an Ordinance of the City Council to Authorize Fulton County to Conduct Election on second reading. Councilmember Diamond seconded.

Council Comment:

Councilmember Orlans said he had to go on the record regarding the outline of expenses from Fulton County. He said we are either using current full-time people that are doing this or they are hiring part-time to fill in and do these overtime hours. He can understand that but when they start charging us for health insurance, life insurance, dental insurance, vision insurance which those same people have already which the cost is not changed based on where they are working at or they are working overtime, he doesn't understand why we have to pay for those benefits or they even have the nerve to charge us for those benefits to put on this voting.

Mayor Wood said they agree but they are the only game in town at the moment. Councilmember Orlans said that is what is too bad about this. He said this is a sham. It is unrealistic.

Councilmember Price said that she suggests that if Councilmember Orlans would like to take this upon ourselves, we can conduct our own elections in the off years. Mayor Wood said they have looked into that in the past and he asked Kay Love to give a brief summary of what they learned.

City Administrator Kay Love said they have looked into it in the past. The last time they looked into it, it was not cost effective for us to be able to do it with the required either purchase or leasing of the equipment and hiring staff that would be necessary. Mayor Wood said he thought that staff also looked at Cobb. Ms. Love said they did; they also talked with Sandy Springs. It doesn't mean that we can't revisit things as we move forward but at that time it was not feasible for us to do it and that was about two years ago.

A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Item be Approved on Second Reading.

The motion carried by the following vote:

In Favor: 5

9. **Approval for the Mayor and/or City Administrator to sign a contract with Blount Construction for parking lot paving projects in the amount of \$277,402.50.**

Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer presented this item and said this is part of the City's Facilities Condition Assessment. It is a maintenance assessment that has been done on all of the City's facilities. They have a budget that they run every year. The pavement projects have come up for this current year. Building Operations has gotten together with our Transportation Department and gone out and done the estimating for the current conditions of these properties and Blount Construction then came back and gave a bid. There were eight different companies. Blount was the lowest responsive, responsible bidder in the amount of \$277,402.50. That is staff's recommendation to approve Blount for the maintenance of these parking facilities.

Motion: Councilmember Dippolito made a motion for Approval for the Mayor and/or City Administrator to sign a contract with Blount Construction for parking lot paving projects in the amount of \$277,402.50. Councilmember Igleheart seconded.

Council Comment:

Councilmember Orlans asked Mr. Fischer if the determination of these lots and so forth was done by our Transportation Department in the normal process in the way that they look at our roads in prioritizing them or was this done by the company that we hired to look into our facilities and what needed to be done. He asked if they used the same type of techniques on the parking lots that are done on our streets.

Mr. Fischer said this is done by the company that did the Facilities Conditions Assessment (FCA). It was about four years ago. It is a ten year program so we will have an update with that in this next coming year. They do not look at all the criteria that they would use for roads. It is not an annual update for this program. There are repairs done annually by Recreation and Parks for complaints that come in – like potholes or things that have been created. This program is done by a contractor that is familiar with many different facilities and then they have expertise at looking at what the life cycle of the parking lots are, the amount of usage and then they put that on a schedule so that the city can plan ahead for the capital needed for our maintenance.

Councilmember Price said she went out to visit the 17 sites last week. She was a little disturbed by both the needs of the various locations compared to what was planning to be done at those locations looking at the detailed scope of work that she believes is provided by Transportation. She viewed these sites with the people from Recreation and Parks. She said we have three City departments involved here; the Facilities Maintenance being handled through Administration, Transportation looked at the scope of work; and then the locations are all within the Recreation and Parks Department. She said that 7 of the 17 are really only getting the sealing and restriping and some of the others are more extensive in overlay of asphalt in a couple of areas that had some tree root areas. What struck her more was that there were a number of areas within various parks that had areas that looked like they needed something more imminently than those that were determined to be done. She said the comment was made that "I guess they are on next year's list and not this years." She said she just thought it looked to her like there needs to be a reevaluation of which ones were on this year's program and not to delay until next year that had some significant issues. She said that when you have three departments trying to coordinate together, sometimes things move ahead perhaps without the best plan of action. She said she did notice at a private location the other day, a place that had a

cracked seal and restriping done and she inquired how much they paid to have that done and if it was \$2,200 for their whole parking lot. She said that seemed like a pretty reasonable amount of money. She is not sure that person had bid but she would like to defer this for a little more investigation to make sure we are actually getting some of the places that have greater need than some of these to be perhaps moved up on the list and attended to sooner and to maybe look at... (Comment not completed).

Mayor Wood asked if this is a cost of materials in which we can adjust it within projects or is this specific for certain projects and we would have to rebid this whole project if we changed the schedule.

Michael Fischer said this is a cost of materials that is based on the needs of the parking lots that they went out and looked at. Mayor Wood said we can approve this tonight and ask staff to go back and review the specific priorities and change priorities without going out to rebid this. Mr. Fischer said they can but keep in mind that this whole FCA project is a project that is built on a schedule of needs for maintenance. There may be parking lots that need some repair work done and if it is something that is detrimental it is going to get fixed. Recreation and Parks does repairs when it is needed. These are facilities that need maintenance on a regular basis so they don't end up with base problems and potholes that are made. If we start moving them around, he doesn't know what they are going to do to one that may just need crack seal this year if we put it off for a couple of years then it is going to need a deep patch in digging out and redoing. If there are issues of ones that need to be repaired, he would suggest they would get those and repair them. From a maintenance standpoint, he thinks if they keep the FCA intact, budget the money for the maintenance and then move on to the other ones that are needed later.

Councilmember Dippolito said there are several members involved from Transportation, Building Operations, Recreation and Parks. He asked Mr. Fischer to explain the process of how they determine what areas needed to be worked on; who went out and looked at it; did they have a report they were looking at and then they looked at the parking lots and even concurred or changed those. He asked what the process was.

Mr. Fischer said the FCA was done. A contractor came in and looked at all of our facilities both buildings and parking lot. The parking lot here at City Hall was resealed earlier this year. They come in, they look at that, they put it all on a schedule of maintenance. As we got ready to do these projects, the paving projects, Building Operations which is in Administration, handles the FCA – they are the ones that manages it with all of the different contractors. They did not feel like they had the expertise in looking at the paving to make sure what we are doing is the right thing. We have a Transportation Department with engineers that can do that, so at his request we reached out to Transportation and asked if they would look at these projects that are currently on this list and see what is needed. There were more extensive measures to be done at City Hall in the FCA which was done a few years back than what we actually ended up doing because Transportation looked at it and said the base is still in real good shape. They said the cracks just need to be sealed and do the top coat so based on their recommendation, we still did the maintenance but we don't just do what is written without looking at it.

Mr. Fischer added that it is the same way that they do with buildings or anything else. Building Operations looks at it first and determines exactly what level do we need to do. He said they try not to shift from one year to the next but they also don't try to do any more than what is necessary to get the useful life out of the project. So Transportation went out with a checklist from the FCA explaining what is

recommended to be done. They as the experts looked at and said they think we can do a top coat, a crack sealer, do a deep patch and do an overlay on top of it. That is what got bid and that is what they are bringing forth tonight.

Councilmember Dippolito asked if they went out to a parking area and saw other issues that were out there, do they come back and say that this area is recommended is fine and we need to do a different area of the parking lot. Mr. Fischer said they looked at the parking lots that were on this list. If there are other parking areas that have issues, that need repaired, they didn't look at that specifically for this program. He said what they looked at was not outside of the scope of what was already in the FCA. Councilmember Dippolito asked over how many years do we go through a cycle maintenance for our parking lots. Mr. Fischer said 10 years. He said this whole program is run on a ten year. It will renew every five years. We will have them come in and look at it again next year which will be our year five and then they will move out another five years and then refine the next five years which a lack of a better way of explaining it was the last five years of the first program. Now that we are getting within a five year program on that, they will refine those and then they will give us another five years of planning. Every five years, we are going to be renewing a ten year program.

A motion was made by Council Member Dippolito, seconded by Council Member Igleheart, that this Item be Approved.

Council Members Orleans, Igleheart, Dippolito, and Diamond voted in favor. Council Member Price was opposed.

The motion carried by the following vote:

In Favor: 4

Opposed: 1

Transportation Department - Councilmember Betty Price

10. **Approval of a Resolution to accept Local Maintenance and Improvement Grant (LMIG) funds with the Georgia Department of Transportation (GDOT) in the amount of \$573,350.52 and approval of a Budget Amendment BA 22042200-06-10-13 to establish the grant account.**

Presented by Steve Acenbrak, Director of Transportation

Director of Transportation Steve Acenbrak presented this item and said this is the annual application that they do to the GDOT to secure funding for the maintenance that they use for the City's collector roads. This year based on the centerline, miles and population, our grant amount is \$573,000. We apply and we always over apply for these monies. We always send them more requirements than we know we will have just to make sure we get all the money that is due to us. They submitted for four roads: Nesbit Ferry, Hembree Road, Hardscrabble Road and Norcross Road. GDOT agrees with us and with Council's approval they will secure these funds and send these projects out to bid.

Councilmember Price asked if the Nesbit Ferry Road improvement abuts our issue with John's Creek. Mr. Acenbrak said it does include the Brumbelow intersection. Councilmember Price asked if we do that road, than we will do it in just the normal fashion as it is now. Mr. Acenbrak said that is correct.

Mayor Wood said when they go forward on Nesbit Ferry Road, there was a request with Nesbit Lakes to try to put in a splitter island or some way to help them improve their access. They have a real problem getting in and off of that road in the morning and they talked about the possibility of while we are mobilizing to do this to make some improvement there to help them. Mayor Wood asked staff to look into that. Now is the time to do it if we are going to do something. If there is anything we can do to help Nesbit Lakes get in and out of their neighborhood, he is sure this Council would support this.

After the vote, Mayor Wood requested that staff draft a letter on his behalf to John's Creek stating we are pleased that we are moving forward with helping them with their transportation issues, that we always look forward to working with Johns Creek, and we are glad to spend this money to work with Johns Creek and to help our citizens with their commute on this road; if they do wish to move forward with their improvement, now would be a good time to do it because as we are mobilizing they might be able to save some money; if they are not ready to move forward, he very much understands that.

A motion was made by Council Member Price, seconded by Council Member Igleheart, that this Item be Approved.

The motion carried by the following vote:

In Favor: 5

City Attorney's Report

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

Closure was cancelled.

Adjournment - With no further business, the Mayor and Council meeting adjourned at 10:05 p.m.