



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, May 12, 2014

7:00 PM

City Hall

WELCOME

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

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Director Joe Glover; Transportation Deputy Director David Low; Budget Manager Ryan Lockett; Budget Coordinator Denise Brown; Contracts Manager Cory Salley; Community Development City Planner Jackie Deibel; Community Development City Planner Jean Rearick; Planning and Zoning Planner Courtney Lankford; Planning and Zoning Planner Kevin Turner; Community Relations Coordinator Karen Zitomer; Financial Analyst Lynn Williams; Transportation Land Development Manager Clyde Stricklin; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.

Pledge of Allegiance - High Meadows School

CONSENT AGENDA

- 1. Approval of the April 14, 2014 Mayor and Council Meeting Minutes (to replace the Council Brief approved on April 28, 2014); Approval of the April 28, 2014 Mayor and Council Meeting Brief.**
Administration
Approved
- 2. Approval of City Sponsorship for five (5) special events**

between July and December 2014.

Community Development

Approved

3. **Approval of a Land Use Agreement between the City of Roswell and Fulton County for a portion of the property owned by Fulton County abutting Garrard Landing.**
Recreation, Parks, Historic and Cultural Affairs
Approved
4. **Approval for the Mayor and/or City Administrator to sign a construction contract with Kissberg Construction Inc. for the SR 140/Holcomb Bridge Road at Warsaw Road Intersection Improvement in the amount of \$95,980.**
Transportation
Approved
5. **Approval of a Resolution to sign a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the SR 140/HBR at Warsaw Road Intersection improvement construction in the amount of \$95,980.**
Transportation
Approved
Enactment No: R2014-05-15
6. **Approval of a Memorandum of Agreement (MOA) with the Georgia Department of Transportation (GDOT) for Roadway Lighting on SR9/ Alpharetta Highway as part of the Midtown Gap Project**
Transportation
Approved
7. **Approval for the Mayor and/or City Administrator to accept a Right of Way Agreement for the Eves Road Complete Street Project.**
Transportation

This item was pulled off the Consent Agenda.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Right of Way Agreement be approved. The motion carried by the following vote:

In Favor: 6

8. **Approval of a Resolution accepting a Right of Way Acquisition Contract with the Georgia Department of Transportation (GDOT) for the Hardscrabble Road Multi-Use Trail (Green Loop) Project.**

Transportation

Approved

Enactment No: R2014-05-16

9. **Approval of the Private to Public Street Policy.**

Transportation

This item was pulled off the Consent Agenda.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that the Private to Public Street Policy be approved with the addition of the following language: Any party aggrieved of not meeting the standards in subsection 6 shall be provided an appeal to Mayor and Council. Language will also be added that the applicant will be notified of their right to appeal. Councilmember Diamond, Dippolito, Wynn and Price voted in favor of the motion. Councilmembers Orlans and Igleheart opposed the motion. The motion carried by the following vote:

In Favor: 4

Opposed: 2

Approval of the Consent Agenda

Mayor Wood noted there were a lot of people attending for Consent Agenda item #7 for the Eves Road Complete Street Project. He removed the item from Consent for discussion.

Council Comment:

Councilmember Wynn referred to Consent Agenda item #2 for approval for the City to sponsor five special events and said the original attachment did not reflect the agenda item report. She said Community Development had provided the revised balance sheet and she requested having it replace the one in the Council packet.

Councilmember Price requested removing item #7 from the Consent Agenda for discussion.

Councilmember Price asked if approving Consent Agenda item #3 would limit the wording of the agreement or would there be flexibility. Mayor Wood replied they would be approving the land use agreement as written but it could be amended later. He said if there was an interest in changing it, he suggested doing it before presenting it to Fulton County. Councilmember Price said she thought it was already in their hands and this was merely a formality but she wanted to be sure this was the starting point of discussion, not necessarily the ending point. Mayor Wood said if the agreement is accepted as written then it is the ending point. Councilmember Price said in which case she was happy with that. Mayor Wood said if they proposed a

change it would come back to Council. Councilmember Price said if everyone else was happy with that, it could be left on Consent.

***Consent Agenda Items 7 and 9 were pulled off Consent for further discussion.

Motion: Councilmember Diamond moved to Approve Consent Agenda Items 1, 2, 3, 4, 5, 6 and 8 and to replace the revised balance sheet for Item #2 (City Sponsorship). Councilmember Orlans seconded. The motion passed unanimously.

Mayor Wood said Consent Agenda items 7 and 9 would be moved to the Transportation Department agenda which was not on the calendar tonight but it would follow the Community Development agenda.

Councilmember Igleheart said the emails they received related to the Eves Road item were specific to the East Roswell Park and road which was not part of this agenda item therefore for those people who might have to wait for two hours for that discussion it would be good to let them know now.

Mayor Wood said the point Councilmember Igleheart was making was that acceptance of the right-of-way agreement for the Eves Road complete street project had nothing to do with the street running across City property between the park and Eves Road but rather it was acceptance of a right-of-way of property owners at the eastern end of Eves Road near the Chattahoochee River and he asked if that was correct. An unidentified speaker replied that it would be about mid-way. Mayor Wood said this item is for a right-of-way being acquired to put in a multi-purpose trail along Eves Road and discussion would be heard later on for anyone attending the meeting on that subject but discussion about the connection between the Roswell Park and Eves Road was not on this meeting agenda.

Councilmember Price asked if Mayor Wood would accept a motion to entertain Consent Agenda Items 7 and 9 now rather than later that should be relatively easily disposed of so those people could go home.

Mayor Wood called for a motion.

Motion: Councilmember Price made a motion to discuss Consent Agenda Items 7 and 9 at this time prior to the Community Development agenda. Councilmember Orlans seconded. The motion passed unanimously.

***Consent Agenda items #7 and #9 discussion followed the Mayor's Report.

Consent Agenda Item #7: Approval for the Mayor and/or City Administrator to accept a Right of Way Agreement for the Eves Road Complete Street Project. Councilmember Diamond introduced this item.

Transportation Deputy Director David Low presented this item stating this is the Eves Road Complete Street Project, a bond project that consists of fourteen total parcels. Staff is asking for approval to pay fair market value in the amount of \$60,758 for 485.217 square feet of right of Way, 233.82 square feet of Permanent Easement and 6,984.97 square feet of Temporary Easement to Parcel 6. Mr. Low displayed a map on the overhead and pointed out the school and parcel 6 located just southwest of the school which was the subject of this item. This project consists of intersection and drainage improvements, bike lanes and a multi-use path along Eves Road from Holcomb Bridge Road to Riverside Road. This has been through the April 30th Community Development and Transportation Committee where it was recommended

to be placed on the agenda for tonight. Funds in the amount of \$1,189,649 are approved and available for the Eves Road Complete Street Project. He said staff recommends this for acceptance of a right-of-way agreement.

Council Comment:

Councilmember Dippolito said there was a portion of the parcel that would not be necessary for the pedestrian path or bike lanes and asked what would happen with the balance of the property. Mr. Low replied it would be left natural.

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

Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to accept a Right of Way Agreement for the Eves Road Complete Street Project. Councilmember Wynn seconded. The motion passed unanimously.

Consent Agenda Item #9: Approval of the Private to Public Street Policy
Councilmember Diamond introduced this item.

Transportation Deputy Director David Low presented this item stating this policy provides a checklist and referenced standards for applicants who wish to request their private streets be designated as public. A street and its associated systems must first be professionally analyzed and graded by the applicant against existing city Standards. The current policy is that all systems must conform to city standards in order to qualify for acceptance unless waived by Mayor and Council. As of July 25, 2013 there were 1,551 named streets in the City and of those, there were 118 private streets in apartments and/or condominium developments and 145 were private streets in platted subdivisions or other single family residential areas. On April 30, 2014 the Community Development and Transportation Committee recommended placing this item on the May 12, 2014 Mayor and Council agenda. He said requests for this kind of use are increasing and there are a number of items that must be brought up to standard. Staff recommends this policy for approval.

Council Comment:

Councilmember Diamond pointed out that this is not so much a change in policy of what the City expects but with potentially 145 streets, the City is asking the development to provide the engineering information rather than the City providing it on all those streets. That is the main component of this. David Low replied it is usually a homeowners association that requests this change and the City is asking that they hire the expertise such as a professional engineer to have core samples made of the pavement and that they compare their facilities with city standards and if they comply, they would be considered for conversion to a public street.

Councilmember Diamond asked if he had examples of streets presently in the process. Mr. Low said they have received several requests and he provided maps of four of those on the overhead that included Ashley Manor, Boxelder Lane, Tower Park and Lowery Oak off of the Hardscrabble Road Extension south of SR-92. He said Ashley Manor appears to be relatively straightforward but Tower Park is a much tighter situation with minimal setbacks.

Councilmember Price asked about the procedure for requesting this and said if all these standards were satisfied would the change be done internally or would it come before Mayor and Council. Mr. Low replied it would come before Mayor and Council and they could waive particular items if they thought that was reasonable.

Councilmember Price asked if it was worthy of putting in the procedure such that if there were items that they could not satisfy, that they could request a waiver. She

asked if a number 7 could be added to this. David Low replied it could be added.

Motion: Councilmember Price made a motion to add a statement that an applicant may request a waiver if they could not meet all of the conditions. There was no second.

Further Council Comment:

Councilmember Dippolito asked what the process would be for approval of this if there was not a specific waiver requirement. He said this outlines the general policy but asked what would be the procedure. Mr. Low replied that staff would make a determination about whether it met these requirements. Councilmember Dippolito asked what would happen if it did not. Mr. Low replied that staff would recommend that it not be granted that status. Councilmember Dippolito said he was trying to understand that if staff says it is okay, would it still come to Council. David Low replied it would. Councilmember Dippolito said it would have to come to Council whether staff approved or disapproved. Mr. Low replied that was correct. Councilmember Dippolito said they are sort of already accomplishing that and said he was trying to understand what they are accomplishing by adding a waiver provision.

Councilmember Price said #6 of the procedure list says once all these standards are met then it proceeds to the next step and she assumed if those standards are not met then it dies and Council would never know. Mayor Wood asked if that was a fair statement. Mr. Low replied it was a fair statement and that was his understanding as well...if it met every requirement. Mayor Wood said if it does not meet the requirements then it does not come to Council. David Low replied that was correct. Councilmember Price said then Council would not necessarily see it; it would not come to them if it was denied.

Councilmember Igleheart said they would probably not see it officially but he was sure they would hear about it but he thought the whole point was that if the requirements were not met then it should not be a public street and he did not see a point in putting a waiver in if the whole idea was that the street must meet requirements or else it could not become public. He said that addition did not make sense to him.

Councilmember Orlans said in the past the City had not accepted any private streets to be public unless they met all the standards of Roswell streets. He asked if that was a fair statement. David Low replied that was correct but they had not gone into this much detail before. Councilmember Orlans said his point was if the street did not meet all of the conditions then it should not come in as a public street because then the City would be accepting the takeover of an inferior product and he did not understand where they would want to waive something and that has been their practice and this is trying to put the practice into a policy.

Mayor Wood said Councilmember Price had a point...(further comments were inaudible-microphone was turned off – the microphone was turned on and he continued his comments). He stated that he supported Councilmember Price's request to the extent that if someone made a request that was substantially in conformance but might be slightly off, it would be fair to bring it to Council. He supported her provision that someone would be able to apply for a waiver without strictly meeting all the requirements because he could see potential exceptions for this.

Councilmember Diamond asked if there was an appeal process in place with a policy like this or could one be put in this particular policy. City Attorney David Davidson replied one could be put into this policy but there was not an appeal unless they

provided for it. Councilmember Diamond thanked Mr. Davidson and said that answered her question.

Councilmember Dippolito agreed with Councilmember Diamond and said he preferred having an appeal that would accomplish what they wanted rather than calling it a waiver and said to Councilmember Orlans's point; the reason for this being here is because they want people to meet the requirements.

Mayor Wood said there was a motion without a second and he asked Councilmember Price if the suggestion made by Councilmembers Diamond and Dippolito would comply with what she was looking for. Councilmember Price replied that she did not think there was a mechanism for an appeal to an application to the Transportation Department and unless it was spelled out she would not accept it. Mayor Wood said they were suggesting that it be spelled out in this case. Councilmember Price said there was no mechanism for an appeal to a Transportation application.

Mayor Wood asked Councilmember Diamond for her specific proposal as far as the right to appeal. Councilmember Diamond said it would state if it did not meet the standards of #6 then the applicant would have the right to appeal to Mayor and Council.

Councilmember Price said that was no different from a variance, etc. Mayor Wood said then you win. Councilmember Price said that was good, let's put it in there.

Councilmember Diamond said it was more consistent with how the City does this across other policies.

Councilmember Price said either a waiver or an appeal; the applicant needs to know they have recourse to come to Mayor and Council.

Mayor Wood asked David Davidson to suggest the wording and Mr. Davidson stated, "Any party aggrieved of not meeting the standards in subsection 6 shall be provided an appeal to Mayor and Council."

Councilmember Price asked that the language include that the applicant shall be notified of their right to appeal.

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

Motion: Councilmember Diamond made a motion for Approval of the Private to Public Street Policy with the addition of the following language: Any party aggrieved of not meeting the standards in subsection 6 shall be provided an appeal to Mayor and Council. Language will also be added that the applicant will be notified of their right to appeal. Councilmember Wynn seconded. Councilmembers Diamond, Dippolito, Price and Wynn voted in favor. Councilmembers Orlans and Igleheart opposed. The motion passed 4:2.

A motion was made by Council Member Diamond, seconded by Council Member Orlans, to approve Items 1, 2, 3, 4, 5, 6 and 8 on the Consent Agenda and to replace the revised balance sheet for #2 (City Sponsorship). Items 7 and 9 were pulled off the Consent Agenda for further discussion. Both items were discussed before the Community Development items per a motion by Council Member Price, seconded by Council Member Orlans with a unanimous vote. The motion for the Consent Agenda carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Recognition of High Meadows School receiving the Green Ribbon School Award.**

Jay Underwood, Head Master of High Meadows School said this is an independent school with 400 pre-school through 8th grade students and now a U.S. Department of Education Green Ribbon School. It is one of only two schools in the State of Georgia and the only private school and one of only five schools in the nation. High Meadows School won this designation for environmental sustainability leadership and he noted that the students were the real reason for that leadership. Their curriculum focuses on the differences they can make with the environment and learning how to ask questions that can continue to grow their commitment to the environment and the kinds of practices they can do. He said they were proud of the efforts of all of their students and they are all grateful for being able to attend the meeting tonight and for the recognition from the City of Roswell.

2. **Presentation by the 2014 Roswell Memorial Day Committee.**

David Young introduced himself as the co-chair for the Roswell Remembers Memorial Day ceremony and said several of their committee members were also present and that they were grateful to the City and Council for the joint effort of producing the 17th annual ceremony to take place on City Hall grounds on Monday, May 26. He said this year's featured speaker is Jonna Doolittle Hoppes, granddaughter of Brigadier General Jimmy Doolittle who led the first bombing mission against Japan in January of 1942 and that the Doolittle Raid on Tokyo by B-25 bombers had earned him the Medal of Honor. Also joining in this year's ceremony are The Atlanta Wind Symphony and Chattahoochee Celtic Pipe and Drum. He said they expect around 5,000 people to attend the ceremony. Mr. Young said at this year's ceremony, they would also be honoring the eleven names that are inscribed on the World War II memorial that had been relocated several years ago from the median to City Hall grounds.

A promotional video was then shown with clips from last year's ceremony.

Mayor Wood said this ceremony makes Memorial Day a very special day and not just another holiday. It is inspiring, meaningful and emotion and there is no better way to spend Memorial Day. He encouraged everyone to attend and said it is especially important for our children who need to know about this and it is something everyone can be proud of and makes us appreciate what we really have. He expressed appreciation to the Memorial Day Committee and the Roswell Rotary who make this possible every year.

3. **Reading of a Proclamation for Police Appreciation Week May 11 through May 17 and Peace Officers Memorial Day May 15.**

Mayor Wood read a Proclamation for POLICE WEEK PEACE OFFICERS MEMORIAL DAY stating: Whereas, The Congress and President of the United States have designated May 15th as Peace Officers Memorial Day, and the week in which it falls as Police Week. The members of the law enforcement agencies of Roswell play an essential role in safeguarding the rights and freedoms of the citizens

of Roswell and it is important that all citizens know and understand the duties and responsibilities of their Police Department and that members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation. The Roswell Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service to our citizens and community. On behalf of the City of Roswell, Mayor Wood called upon all the citizens of Roswell and our patriotic, civil, and educational organizations to observe the week of May 11th through 17th, 2014 as Police Week in which we all join in commemorating Police Officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

Police Chief Rusty Grant said over the last few weeks they had recognized the Officer of the Year as well as the 911 officers for the great job they do and today they are recognizing the entire Police Department. He said having been in this business for over 35 years, he was very proud to be associated with the Roswell Police Department and said there was no finer group of men and women in law enforcement anywhere in the world and they are an outstanding group of individuals. He said not only does the Mayor and City Council support the Police Department but all of Roswell supports them very strongly. He said there were a lot of activities this week celebrating Police Appreciation Week but the favorite for the Police Department is that businesses and restaurants in the City bring food to the police department every day for lunch and dinner and they have been doing this for many years and it has become a tradition and everyone enjoys this tremendous thing that they do. He noted that earlier this year, the Police Department had been recognized for its 160 years and they are very fortunate in that time to have only lost one police officer in the line of duty in June of 1986, when Leslie Gene Warden was killed by a DUI driver. He is still remembered by officers who worked with him as an outstanding officer, a fine father and good husband. Chief Grant announced that on May 19, Officer Warden's name would be added to the Georgia Law Enforcement Memorial wall in the Georgia Public Safety Center in Forsyth and said everyone was grateful to have him honored there.

The following police officers were recognized and asked to come forward. Photos were taken with the Mayor and Council:

*Officer Omar Jones
Master Police Officer Mark Cabral
Officer Iris Scuderi
Officer Paul Reid
Sergeant Jason Wescott
Sergeant Danny Bates
Sergeant Greg Fryson
Captain Ken McRae
Deputy Police Chief Craig Easterwood*

4.

Reading of a Proclamation for National Public Works Week.

Mayor Wood read a Proclamation for National Public Works Week stating: Whereas, Public Works services provided in our community are an integral part of our citizens' everyday lives; and the support and understanding of informed citizens is vital to the efficient operation of public works systems and programs such as water, streets, public buildings and solid waste collection and the health, safety and comfort of this community greatly depends upon these facilities and services. The quality and

effectiveness of these facilities, as well as their planning, design and construction is vitally dependent upon the efforts and skills of Public Works Officials. And the efficiency of the qualified and dedicated personnel who staff our Public Works/Environmental, Transportation, Community Development and Building Operations Departments is materially influenced by the people's attitude and understanding of the importance of the work they perform. The City of Roswell will observe National Public Works Week with the following events: Touch-A-Truck event on May 17th, Sanitation Truck Competition, Forklift Rodeo and Trackhoe Competition on May 20th, and a breakfast and lunch for employees. On behalf of the City of Roswell, Mayor Wood proclaimed the week of May 18th through May 24th, 2014 as "National Public Works Week" in the City of Roswell and called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our Public Works services and to recognize the contributions our Public Works Officials make every day to our health, safety, comfort and quality of life.

Environmental/Public Works Director Stu Moring said National Public Works Week is a longstanding program of the American Public Works Association around the country. In Roswell it is a week during which they recognize and appreciate the employees of the departments of Environmental and Public Works, Transportation, Community Development and Building Operations, all of which comprise the general heading of public works. He said Mayor Wood had mentioned all of the events that would be taking place but noted that Touch-A-Truck on May 17th was a very interesting event with truck and equipment demonstrations that the children always enjoy. Mr. Moring expressed appreciation to the Mayor and Council for their support in being able to host these activities. He was also appreciative for the fact that they have allowed them to recruit and hire exceptional employees for their departments.

Councilmember Dippolito, the liaison to the Public Works Department said he has had an opportunity to get to know some of the employees and last week he actually rode on the back of a sanitation truck and helped load some residential trashcans. He said these employees work exceptionally hard and he was impressed with how concerned they were for providing the best level of service. They go above and beyond with every customer and pay close attention to every detail. That is not only true of the sanitation employees but also other public works employees. He said they are a great example of exceptional employees.

5. **Reading of a Proclamation for 2014 May Bike Month.**

Mayor Wood read a Proclamation for 2014 May Bike Month stating, whereas for more than a century, the bicycle has been an important part of the lives of most Americans and today millions of Americans engage in bicycling as an environmentally sound form of transportation, an excellent form of fitness, and provides quality family recreation. The education of cyclists and motorists as to the proper and safe operation of bicycles is important to ensure the safety and comfort of all users. The League of American Bicyclists and independent cyclists throughout our state are promoting greater public awareness of bicycle operation and safety education in an effort to reduce accidents, injuries and fatalities and the City of Roswell has been named a Bronze Level Bicycle Friendly Community by the League of American Bicyclists. On behalf of the City of Roswell, Mayor Wood proclaimed the month of May 2014 as Bike Month and the week of May 12th - 16th as Bike to Work Week and May 16th as National Bike to Work Day in Roswell and asked all citizens to participate and enjoy the sport of cycling and embrace the Bike Friendly community spirit and "Share the Road."

A representative from Bike Roswell thanked the City and all its agencies and citizens for being so welcoming to cycling.

6. Presentation of the Mayor's FY 2015 Proposed Budget.

Mayor Wood said the proposed budget is possibly the most significant presentation that the mayor does the entire year and the biggest decision that Council makes which is how to spend the citizens hard earned tax dollars. He said this would not be voted on tonight but they would provide a good picture of what is being accomplished in Roswell.

Budget Manager Ryan Lockett presented the Mayor's FY 2015 Proposed Operating and Capital Budget stating that he would provide a budget summary and then address the General Fund and other fund highlights and then discuss the next steps as they move through the budget process over the next month.

Budget summary presentation:

Budget Principles - Budget principles are met in the FY 2015 Proposed Budget and was balanced using current operating revenues to fund operating expenditures plus maintenance capital. Reserve funds were used only for one time capital. The proposed budget maintains a reserve of three months of operating expenditures or 25%. There is no increase in the combined property tax rate and the budget maintains the current level of services.

Budget Highlights - The operating revenues exceeded expenditures. There is no increase in the millage rates. Over \$2 million was invested in capital projects in the general fund and the proposed budget includes an employee merit based pay increase averaging 3%.

Revenue Summary – All Funds: The primary sources of revenue are property tax, charges for service-external which includes user fees and enterprise funds, and sales tax. Those three major sources combined account for about 61% of the total revenues that the City collects or about \$68.5 million. Some of the other categories include Interfund revenues that are primarily money that is moved between City funds such as the transfer from the general fund to the capital projects fund where all of the capital projects are expended. Other categories include franchise, alcohol, business/insurance taxes which account for about \$13.6 million or 12% of total revenues. The other revenues categories include some of the smaller categories such as licenses and permits which include building permit revenues as well as fines and forfeitures. In FY 2015, the budget proposes to use about \$5.3 million across all funds of current reserves from prior year revenues.

Expenditure Summary – All Funds: Expenditures across all funds totals \$110.4 million. Four departments make up the majority of these expenditures that include Police, Administration, Environmental/Public Works and Recreation and Parks. Combined they are about 65% or \$71.9 million of the total FY 2015 proposed budget.

General Fund Operating Budget presentation:

Millage Rate History – 10 Years: A chart of the millage rate history for the past ten years was displayed on the overhead. The total millage rate combined has maintained at 5.455 mills since FY 2009. In FY 2004, it included a shift in the M&O millage rate from Debt Service to M&O but the total rate of 5.455 mills is maintained.

Total Property Tax Revenue: A slide of the total property tax revenue averaging a growth of 6.3% from FY 2004 through FY 2010 was displayed on the overhead. Since FY 2010, property tax revenues have declined by an average of 2.2% and they anticipate a slight decline in FY 2015 primarily because of the title ad valorem tax decline that is anticipated.

Average Property Tax: The revenue that is being projecting is based on an estimated digest value. A preliminary digest should be received within the next couple of weeks but the official digest will not be available for a few months. There is no change in the millage rates. The 5.455 combined rate equates to an average tax bill in the City of Roswell of \$562.96 for the average home.

Sales Tax (the next major revenue source in the General Fund): It is anticipated at \$21.6 million in FY 2015. There are two major reasons; one is to realize the full year of the new LOST distribution rate which increased by 1.8% as of January 1, 2014 and the other is continued economic growth that is seen consistently now on a month-to-month basis that is anticipated to continue to increase moving forward.

Building Permit History: A slide of the construction permits history was displayed on the overhead that provided a picture of the City's economy showing the value of the construction permits that have been issued. The City is back to the levels that were being seen before the recession. Building permit fee revenues were budgeted for FY 2014 at \$500,000 and they estimate receiving about \$1 million and are forecasting, \$1.2 million for FY 2015.

General Fund Revenues: A slide was displayed on the overhead providing an overview of the total general fund revenues and current revenues totaling \$61.6 million that includes sales tax, property tax, franchise/alcohol/business/insurance taxes, and the other revenues category that consists of licenses, permits, fines, forfeitures and indirect cost that the general fund receives from some of the other funds.

General Fund Expenditures: A slide providing a 10 year history of the operating budget in the general fund was displayed on the overhead. The operating budget consists of operating expenditures plus maintenance capital. The total operating budget in the general fund for FY 2015 is proposed at \$59.6 million which is an increase from FY 2014 of less than 1%. Those expenditures are spread across the operating departments primarily for Police, Recreation and Parks and Administration which make up about 60% of the total general fund operating budget or about \$35.6 million.

Authorized Full-Time Employees (All Funds): A slide was displayed of the history over the last ten years. The FY 2015 proposed budget includes 596 proposed full-time positions which is a net increase of 5 positions from FY 2014.

Personnel Change Highlights: Citywide over \$1.4 million is included in the budget across all funds for employee total compensation. This includes an average 3% merit based pay increase for full-time, part-time and firefighters and also funding reserves for the next plan year for health benefits and anticipates a 7% increase consistent with what was shown in the general fund forecast a few months ago.

Inflation vs. Merit Pay Increases – 10 Year History: A slide was provided for a point of comparison over the last several years of inflation versus merit pay increases that have been approved over the last ten years. Since 2005, total inflation has equaled about 17% for the metro Atlanta area. Generally, prices have increased 17% since FY 2005. The total average merit increase since that time that have been approved totals 15%. This excludes some of the other aspects of compensation such as the benefits packages and a salary adjustment that was approved and implemented in FY 2007 as part of a salary study.

Personnel Change Highlights in General Fund:

- *Administration Department:* Includes one additional position for Human Resources, an Employment/Staffing Manager, a Municipal Complex Officer position for City Hall security, a Special Events Manager to coordinate and manage special events on a city-wide basis, and funding for a part-time special events coordinator.
- *Community Development Department:* The FY 2015 proposed budget includes a Deputy Director position and an Engineering Permit Technician position to primarily address the increasing demand that was seen in the revenues being collected for building permits. The proposed budget also includes moving an Administrative Assistant for Special Event Permitting from part-time to full-time to address the expanded demand in special events. The budget also includes the elimination of a vacant Redevelopment Manager position.
- *Police Department:* Several personnel changes are included, the elimination of a Major position and addition of a Detention Center Manager position. The budget also includes eliminating a PC/Applications Specialist position and adding a Crime Intelligence Analyst position and upgrading two (2) existing police officer positions to Sergeants. All of these changes are a net decrease of \$21,000 for this department.

General Fund Other Program Change Highlights:

- *Administration:* Funding for a new city website and increases in IT Maintenance & Support that are primarily maintenance related to the ERP system.
 - *Community Development:* \$80,000 in professional services to begin the next round of updating for the 2035 Comprehensive Plan.
 - *Fire:* replacing a fire engine
 - *Police:* Additional training and a one-time expense for setting up a new round of examinations for the Police Assessment Center.
- Total increase for Public Safety for the Fire and Police departments is \$156,000.

General Fund Accounting Changes: Provides information on a few accounting changes included in the FY 2015 proposed budget, not necessarily new programs or program changes but changes in the funding for certain aspects of the budget.

- *Police Department:* Moving some recurring expenditures from Confiscated Assets Fund to General Fund primarily to continue and sustain the fund into the future. The move increases the General Fund budget however it is a net zero impact to the budget because it utilizes savings from the contract for Pelham which is the long term holding facility in the Police department.
- *Public Works/Environmental:* The budget includes realigning personnel expenditures that were in the General Fund and moving those out to the Enterprise Funds to account for where those duties and time is spent across the Enterprise Funds for a net decrease in the General Fund budget of \$419,000. Those funds are spread across the four major Enterprise Funds related to Public Works and include realigning a Water Resources Engineering position to Community Development with no fiscal impact to the General Fund as those Enterprise Funds will still cover the cost of that position.
- *Recreation & Parks Department:* The budget includes reallocating some administrative costs from the Recreation Participation Fund to the General Fund totaling \$78,000. It also includes redirecting the subsidy for the Recreation Participation Fund with a slight decrease of \$250,000 in moving that to R&P maintenance as opposed to a subsidy for the Recreation fund. It also includes aligning some of the personnel expenditures from the General Fund to some of the other funds based upon some of the work that was completed through the priority based budgeting process with a net decrease to the General Fund of \$256,000.

General Fund Operating Maintenance Capital Funding History: A slide was displayed to provide a ten year history of the money that has been dedicated to Maintenance Capital in the General Fund. For FY 2015 the total Maintenance Capital budget is \$3.3 million. The primary drivers include the vehicle replacement at \$1.6 million,

facilities maintenance program as well as some IT maintenance and replacements. A complete listing of these maintenance capital items is provided in the budget document.

General Fund Operating Total: The proposed revenues in the General Fund were \$61.5 million. The proposed operating expenditures including Maintenance Capital totals \$59.6 million. There were revenues that exceeded expenditures at \$1.9 million of current revenues that are allocated for One-Time Capital which leaves the remaining in FY 2015 of \$0. The Fund Balance Reserve by Policy is funded at 25% for a little over \$14 million.

General Fund One-Time Capital presentation:

General Fund One-Time Capital Funding History: A slide was displayed providing a history over the last ten years. The budget includes \$2.9 million in One-Time Capital funding in FY 2015. Compared against the history of the Fund Balance within the General Fund, over the last few years there has been a planned spend down of the General Fund Fund Balance of reserves that have exceeded the Reserve Policy. As this amount has gone down, the General Fund One-Time Capital budget has increased. Those dollars were invested in capital projects that benefitted the City.

General Fund One-Time Capital Projects:

- *Transportation Department:* The total proposed budget amount is \$1.5 million and includes \$300,000 to finalize environmental documents related to the Historic Gateway project; \$450,000 for the final design and right-of-way purchase for Sun Valley Extension; \$500,000 for pedestrian mobility including sidewalk connectivity and pedestrian safety enhancements; and \$275,000 being shared with Cobb County for the design portion to replace the Willeo Road bridge.
- *Police Department:* The total budget amount for the Police department is \$669,000 that includes additional modules for OSSI software; providing Tasers for Detectives; adding electronic warrant capability at the Roswell Detention Center; purchasing formulaic software that assists the department in lead generation and combing intelligence sources; funding for remodeling of the E-911 break room renovations; and purchasing additional traffic monitors for the E-911 center. The primary driver of the Police One-Time Capital is \$500,000 dedicated to the replacement of the radio units to comply with TDMA requirements, currently in the budget as a three-year phased approach. The total would be about \$1.9 million over three years.
- *Fire Department:* Includes funding for renovation of Fire Station #1 as well as adding a forcible entry door simulator at RAPSTC for which the cost would be shared with the City of Alpharetta.
- *Administration Department:* The projects include expanding the Wi-Fi access to the remote City sites in the amount of \$45,000; implementing a citywide camera surveillance system for \$229,000; and providing additional storm response equipment in the amount of \$30,000.
- *Recreation and Parks Department:* Projects include a new restroom facility at the Waller Park Extension artificial turf fields; pool lighting replacement; and additional funding for ADA compliance at City facilities.

General Fund One-Time Capital Total: Available Fund Balance over Reserve Policy was \$1.8 million. \$1.9 million in current year revenues was allocated for One-Time Capital projects for a total available funding for One-Time Capital of \$3.8 million. \$2.8 million was programmed which leaves a remaining balance in the General Fund over Reserve Policy of \$953,272.

Other Funds presentation:

Other Funds - Water & Sewer Fund: Revenues are projected slightly less at \$3.4

million and Expenditures at \$3.4 million. A maintenance capital project included in the Water & Sewer Fund is the replacement of the water line on Valley Drive for a total of \$319,000.

Other Funds – Stormwater Utility Fund: The anticipated revenue is \$3.4 million and expenditures of \$3.4 million. The FY 2015 budget includes \$1.4 million in Stormwater Maintenance Capital for this year's upcoming budget.

Other Funds – Solid Waste Fund: The anticipated revenue is \$10.1 million and expenditures of \$10.1 million. This budget includes the replacement of a rear-load refuse truck as well as two front-load commercial refuse trucks.

Other Funds – Recreation & Parks: A slide was displayed showing the total funding for Recreation and Parks that excludes the Cemetery Care Fund, Leita Thompson Fund, and any one-time capital allocated for them. The total budget is \$15.4 million in the FY 2015 proposed budget comprised of General Fund Support of \$10.46 million and includes a subsidy to the Recreation Participation Fund; \$4.51 million in Revenues from the Recreation Participation Fund; and the use of Fund Balance in the Recreation Participation Fund of about \$400,000. The \$250,000 that was decreased within the Subsidy to the Recreation Participation Fund was then shifted to the Maintenance Capital to support the Recreation and Parks Department.

Priority Based Budgeting Update:

Priority-Based Budgeting Update: The priority-based budgeting process and how it impacted the FY 2015 proposed budget that began in November was discussed. The major results were identified across the City including things like a safe and secure community, and well-designed neighborhoods. Once the broad goals were defined, precise definitions for each of those results were developed and those were signed off by the Mayor and City Council. Departments worked to develop a program inventory of all programs and services across the City as well as the associated costs. Those programs were then scored against how well they helped influence the objectives they hoped to achieve. That data was then used to help develop the budget for FY 2015. The results that were developed included five community related results and one result related to good governance or the way the internal operations worked within the City organization. A slide showing the definitions of each of the results was displayed and it was noted that the information was also available in the budget document and on the City website.

Priority-Based Budgeting – Current Programs by Quartile: Quartile #1 is programs of the highest priority that help achieve the results the most down to quartile #4 which are programs that have the least impact on helping achieve the results. For current programs by quartile, 74% of FY 2014 City resources are dedicated to highest priority programs which are found in quartiles #1 and #2.

Priority-Based Budgeting – Program Changes by Quartile (Operating): A slide was displayed that demonstrated the total program changes across the City and how those stack up in terms of the quartile ranking. Of the total of about \$1.2 million in total programs changes, 72% of those changes fall within quartile #1 and #2 being those are the highest priority programs.

Unfunded Operating Requests – Program Changes: The unfunded operating requests include a branding support position in the Administration Department; an additional code enforcement officer in Community Development; a part-time position within Recreation and Parks; proposals from the Roswell Arts Commission totaling about \$38,000; additional marketing funds for the historic homes; as well as a citywide bicycle and pedestrian plan of \$90,000. Total Unfunded Program Changes

are about \$342,000.

Unfunded Operating Requests – Maintenance Capital: The total amount is about \$530,000 and includes funding for system wide park improvements/beautification; a structural repair at the Bill Johnson Community Activity Building, painting at Smith Plantation; replacement of scoreboards at athletic fields; replacement of a playground at Riverside Park; and upgrades at the Cultural Arts Center. The total amount for all Total Unfunded Maintenance Capital is \$531,500. All of these are related to Recreation and Parks and the total Recreation and Park Maintenance Capital request was \$947,000. The total Maintenance Capital budget for the Recreation and Parks Department is about \$700,000 which is consistent or greater than the level of which it was funded in prior years.

Unfunded One-Time Capital Projects:

- *Administration Department: Replacement of an underground tank at the Cultural Arts Center.*
- *Recreation and Parks Department: One-time capital projects that were unfunded total \$557,500 and include renovations to restrooms at the physical activity building and BJCAB fitness room; construction of a public restroom facility at Barrington Hall; shade systems for parks/playgrounds; up-lighting at Barrington Hall; additional restroom renovations at BJCAB; funding for City Hall landscaping; pavilion improvements at Smith Plantation and Bulloch Hall; construction of a parking lot and replacing tennis courts related to the construction of the adult recreation therapeutic pool; recreation center cellphone charging stations; as well as a new restroom facility at Elkins Pointe Middle School related to the lacrosse fields.*
- *Police Department: Adding tablets, Bluetooth printers and related software for motorcycle fleets*
- *Transportation Department: Retaining wall on Oxbo and pedestrian safety enhancements totaling \$50,000.*

Next Steps in the budget process:

There will be two additional budget work sessions, one scheduled for Monday, May 19, 2014 at 1:30 a.m. that will include department presentations on the FY 2015 proposed budget and one scheduled on June 9, 2014 at 5:30 p.m. to discuss the five-year Capital Improvement Plan. In terms of budget adoption, the first reading of the millage rate hearing will be on Monday, June 9, 2014 at 7:00 p.m. An additional millage rate hearing will be on Monday, June 16, 2014 at 6:30 p.m. The second and final budget reading and final millage rate hearing will be on Monday, June 23, 2014 at 7:00 p.m. Staff will coordinate proposals for adds and deletes and everyone was encouraged to send those to the budget staff to be compiled in order to have them ready for their review. In addition, the budget document will be available on the City website as well as this presentation and all of the budget related presentations from this year's budget process.

Mr. Luckett concluded his proposed budget presentation and asked if there were any questions.

Mayor Wood said he would like to limit questions to the extent that this was the budget presentation and the first time that Council has seen it and it would not be voted on tonight and said that amendments from Council to add or delete programs would be entertained prior to the first reading. Questions tonight are not proposals for adds or deletes but questions about the process and how it moves forward. There will not be a public hearing on the budget tonight but there will be opportunity to speak at the first reading and millage hearing and at the second reading. He asked for Council questions about the process.

Council Comment:

Councilmember Diamond asked Mr. Lockett for a breakdown of the quartile before and after with numbers as to what has changed because of that system. Mr. Lockett said he would provide it to her.

There was no further Council comment.

Community Development - Councilmember Becky Wynn

7. **RZ-201303065, CV-201303066, Azalea Drive Townhomes, Azalea Dr., Jason Yowell/Metropolitan Design & Construction, Inc., Land Lots 378, 379, 380, 381. (This item was deferred at the April 14, 2014 Mayor and Council meeting) Presented by Bradford D. Townsend, Planning and Zoning Director**

Planning and Zoning Director Brad Townsend presented this item stating this is a proposed rezoning on Azalea Drive. The current zoning is R-1 and R-2. The proposed zoning is R-TH. The applicant is proposing to have two single family homes remain R-1 designation. An aerial photograph was displayed on the overhead showing the property adjacent to Azalea Drive and the Chattahoochee River. A close-up of the aerial of the location of the property was displayed showing the northern lot and western finger lot that is the proposed location of the two single family homes. The current zoning of the property was displayed on the overhead showing the R-1 and R-2 designations of the surrounding areas along Azalea Drive and the F-CA zoning on the southern property next to the Chattahoochee River. The proposed application is for 22 townhomes and two single family homes. This property is within the river corridor and there are several requested variances for this proposed development. The generalized site plan submitted by the applicant shows a single access to Azalea Drive and an access up to the Conomera location identified on the site plan as emergency only. The location of the two single family homes on the individual lots and the 22 townhomes were pointed out as well the bio-retention areas in the darker green locations. There is a point where the stream goes away and the top is piped under the road and comes out at the bottom to Azalea Drive.

Mr. Townsend said this application is requesting three variances. The first variance is to the steep slopes. The City Engineer has provided her analysis and with the best management practices that are being proposed for this development the City Engineer is recommending for the steep slope variances. A diagram was displayed to provide a rough idea of the locations of the steep slopes which covers about 80% of the property. The areas that would not be considered in the steep slope location were pointed out. The second variance deals with the stream buffer which in simple laymen terms is that it needs to completely go away because by piping the stream, the development is completely within all of the stream buffer so that must be eliminated. The applicant would also have to get variances from EPD and the Army Corp of Engineers and those reviews are in the process. The analysis from the Army Corp of Engineers has been received and they supported the variance. Staff is waiting for EPD's analysis for that information. The third variance deals with the clusters of townhomes. Under the City's current regulations, a townhouse development has to be three separate units clustered together. In two separate locations, the applicant is only proposing two units. Mr. Townsend said the Planning Commission reviewed the application and recommended denial. Staff also recommends denial.

Mayor Wood asked the reason for staff's recommendation for denial. Mr. Townsend replied because of the variances for the stream buffer, the piping of the stream and the inappropriate design of the property due to the topography of the site. Mayor Wood asked if the Planning Commission stated grounds for denial. Mr. Townsend replied they had similar reasons for denial.

Council Comment:

Councilmember Dippolito asked Mr. Townsend to explain what he meant by inappropriate design based on topography. Mr. Townsend replied in order to get a flat place to build on the steep slopes of the existing topography; the retaining walls would be 30-40 feet in height. Staff thought dealing with the topography needs to be more sensitive related to what should actually be built there. This may be the appropriate use but there is such a design constraint with the topography that it might be too many units. Councilmember Dippolito asked him to point out the tall retaining walls. Mr. Townsend displayed a plan on the overhead and pointed out the dark dashed lines that represent the walls and one location that is over 30 feet tall and another that is taller and then others that step down. He said to create a backyard in this location; the wall would need to be about 20 feet. Councilmember Dippolito asked if the walls closest to Azalea Drive would be fairly steep as well. Mr. Townsend replied yes.

Councilmember Igleheart said he had two questions and the first related to the steep slopes. He said if the variance was accepted that would essentially gut the steep slopes ordinance for the future because this would become a poster child for the reason the ordinance was created and wouldn't they essentially be saying "never mind." Mayor Wood asked the City Engineer to address the question.

City Engineer Jean Rearick said there were several criteria in the steep slope ordinance under which the applicant could apply for an exemption and she felt this project would qualify for one of these cases. There were not two; just one and that one was basically a hardship case. She said they are very limited on what they can develop on this property.

Councilmember Igleheart said that answered his question and he thought that was what was happening on this property. Councilmember Igleheart said his second question related to the other variance request and asked if there was precedence of either approving or not approving similar types in previous zoning requests. Mr. Townsend replied not that he was aware of. Councilmember Igleheart said then Council has not approved similar variance requests in the past. Mr. Townsend replied that was correct.

There was no further Council comment.

Applicant Presentation

Jason Yowell stated his home address as 5010 Old Oak Trace in Roswell and said he had lived here for eighteen years and his children grew up here. He said they are requesting these things because this site is unique. The portion of the creek they intend to pipe is the most stepped on or abused part of the property. There was a manmade dam that blew out in the 1990's but when the dam was in place, a lot of sedimentation occurred at the bottom of the pond. The creek is running through all of that sedimentation with garbage such as tires embedded in it. They did not know how much debris might be buried in the sediment.

Mayor Wood said he understands from Councilmember Wynn, liaison to Community Development that she was considering a motion to defer because the Council has not heard yet from the EPD. Mr. Yowell said the EPD has it out for comment and

they have approved it subject to public comment. Mayor Wood said if the EPD does not approve this project, would it go forward without their approval and is the City's permitting conditioned upon the EPD. Councilmember Wynn replied, yes sir.

Mayor Wood said he had a problem with saying this is subject to public comment because that says it has not been finally approved. He said Councilmember Wynn might be making a motion to defer and if she does, he would like everyone to know that up front because he did not want to go through this process twice. He said he did not hear about a motion to defer earlier or he would not have gone this far into the discussion. If Council decides to defer this until they hear from the EPD then he does not want to go through the entire process and the vote and then hear the motion to defer. This does not mean that they would cut off the applicant's opportunity to present his case when this comes forward but there is no reason to go through a full blown presentation if a Councilmember or a majority of the Councilmembers wishes to defer.

Mr. Yowell said he understood and was under the impression that the two approvals that were needed in order to come before City Council were the federal permit to pipe the creek which they have and the ARC approval which they have. The EPD was a secondary approval and they would be okay with the contingent approval.

Mayor Wood said they would have the discussion now about a deferral and it would be up to Council to decide if they wish to defer. If the motion is to defer, he would like to hear a motion and a second to the motion.

Motion: Councilmember Wynn made a motion that this rezoning and request for multiple concurrent variance, RZ-201303065, CV-201303066, Azalea Drive Townhomes, Azalea Dr., Jason Yowell/Metropolitan Design & Construction, Inc., Land Lots 378, 379, 380, 381 be deferred. This will be placed on the Mayor and City Council agenda for 6/9/2014 in the hopes of hearing from the State for a variance to the state stream buffer ordinance. Councilmember Dippolito seconded.

Mayor Wood said he would first hear the applicant's response to the motion to defer.

Mr. Yowell asked if they the approval comes sooner, could they come before Mayor and City Council in two weeks instead of four weeks.

Councilmember Wynn replied that her motion is for June 9, 2014.

Mr. Yowell asked if there is a City Council meeting in the interim between now and June 9.

Councilmember Wynn replied not for Community Development and she was more comfortable with a month because her understanding when she talked to staff was that it would take approximately 30 days to get the approval and she was comfortable with her June 9 motion.

Mayor Wood said his experience with getting responses from government agencies is that he would be surprised if they had by then. He understood the applicant's wish to move this forward but there was a motion and a second and he was not looking for the merits of the case but only the applicant's thoughts on the motion to defer.

Mr. Yowell said in that case he was amenable to the deferral because he thought it would be more productive if they had everything set before coming to Council for the formal presentation.

Mayor Wood apologized for the confusion and said before hearing public comment on the motion to defer he would hear Council comment on the motion to defer.

There were no Council comments.

Mayor Wood asked for public comment on the motion to defer and said if the deferral passes, this case would come back to Council on June 9, 2014 with a full hearing. At that time, if they have not heard from the EPD, it would be deferred again. An unidentified speaker said they could not defer again. Mayor Wood said they would make a decision regardless but Council was not comfortable making a decision until they heard from the EPD.

Council Comment:

Councilmember Dippolito asked if they are required to have something from the EPD before they can vote on this. Councilmember Wynn replied no. Mayor Wood said he thought they could vote on it but if they vote and have not heard from the EPD would that mean that it was contingent upon EPD approval. Brad Townsend replied yes. Mayor Wood said then the project could not be built without approval from everybody; that Council could approve it without the EPD but it would not be the final approval. Brad Townsend said that was correct. Councilmember Wynn said she was more comfortable waiting the EPD approval. Mayor Wood said if the EPD denies this then Council hasn't saved the applicant anything other than time but he could not predict what the EPD would do.

Mr. Yowell said he was hopeful it would make it easier for Council to make a decision in his favor if he had the EPD full official approval. Mayor Wood said it would make it easier for Council to make a decision. Mr. Yowell said in that case he could accept the deferral.

Mayor Wood asked for public comment regarding the motion to defer. There were no public comments.

Further Council Comment:

Councilmember Price said the way she sees this is that if the EPD does not approve this then it is over and asked if that was correct. Mayor Wood replied if the EPD does not approve this it is moot because the Council approval would not result in the project going forward. Councilmember Price said if the EPD approves it that still does not mean that the variance in the ordinance still has to occur. Mayor Wood said that was correct. Councilmember Price said it would be helpful to determine if the Council has a will to agree to the variance and that might solve the whole thing now.

Mayor Wood said they would have to hear all of the merits and hear from the audience and the motion to defer takes precedent. He said if Councilmember Price is saying that they want to hear it on the merits; that is not what this vote is about. This vote is about a deferral. If Council wants to hear it on the merits, they can but they could not discuss the merits unless a complete presentation was heard from the applicant and a complete hearing from the public. It would not be appropriate to make a decision on the merits unless all of that had been heard. If Council wants to hear it on the merits then the appropriate action would be to vote against the motion to defer.

There was no further Council discussion on the motion to defer.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this rezoning and request for multiple concurrent variances be deferred. This will be placed on the Mayor and City Council agenda for 6/9/2014. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-06-23

8. **RC201303321, Azalea Dr., Metropolitan River Protection Act Certificate, Jason Yowell**

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Wynn said this item was related to the one they had just discussed. She made a motion to defer this item to June 9, 2014.

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

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this request for a Metropolitan River Protection Act Certificate be deferred and be placed on the Mayor and City Council agenda for 6/9/2014. The motion carried by the following vote:

In Favor: 6

9. **RZ201400313, CV201400458, 390 Alpine Drive, Black Lab Properties, LLC**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating this is a proposed rezoning at 390 Alpine Drive. The applicant proposes to rezone the property in order to use the existing structures for an office/showroom related to his existing business located at 10364 Alpharetta Highway and is requesting concurrent variances to rezone the property due to the existing structures.

Brad Townsend displayed an aerial photograph on the overhead and pointed out the property with the two structures, a single-family home and a three-car garage to the north of it; Alpharetta Highway to the south and Alpine Drive to the west. He displayed the zoning map on the overhead and pointed out the existing zoning designations, C-3 and R-1 and said the applicant proposes to rezone the property from R-1 to C-3 commercial for showroom/office use. He displayed the survey of the property and said the concurrent variances are to allow for the existing garage and the 40 foot and 50 foot setbacks abutting the residential properties and he pointed out the location of the variances.

Mr. Townsend said the Planning Commission recommended denial of the rezoning as well as the concurrent variances. Staff recommended approval with these four conditions:

- 1. The property shall remain with no expansion of the buildings unless approved by the Mayor and City Council.*
- 2. There shall be no sign on the property related to the business.*
- 3. There shall be no cut through traffic. The driveway off of Alpine Drive shall be closed and marked for emergency access only and a walkway/interparcel connectivity shall be used as access from the adjoining property on Alpharetta Street.*
- 4. The property shall be limited to a showroom, office and storage use only.*

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

Applicant:

Clay Reese, an attorney with the firm of Moore and Reese appeared representing the applicant, Black Lab Properties and its principal Michael Bernstein. He said Mr. Bernstein was present at the meeting and would answer questions from Council and address the concerns that have been raised by the neighborhood and he confirmed that they would have a limited use for this property if the rezoning is approved.

Mr. Reese said that Mr. Bernstein has a green company that cuts up old junk cars that are destined for the scrap yard and creates furniture and art such as lamps, tables, couches and bars and he does a lot of special order work. It is interesting work and nice to see and enjoyed by a lot of people. The actual work of cutting up the cars, painting and welding is not done on this property but on the other property as was shown by Mr. Townsend at 10364 Alpharetta Highway building. The request for the limited use at 390 Alpine Drive would be for an extension simply as a connection with a recommendation for showroom use only. The product would be taken from the next door property by truck to 390 Alpine Drive and put into the showroom. Because some of the pieces are very large and difficult to push even 20 or 25 yards, they would need to be transported on the back of a truck and therefore they need interparcel connectivity. As shown on the site plan, there is a very small driveway connecting the two properties about midway on the property, less than 1,000 square feet and they would not have to worry with the drainage ordinances trying to do as low impact as possible on this property and there would be no work turning dirt or anything else. This would be a short connecting driveway used to take the product to the new facility. There would only be one or two workers at the facility on Alpine but they would be based at the 10364 building working in the office. Customers would mostly come by appointment and would typically be shown the production process and then would walk to the showroom if they wanted to see the finished product. The applicant's business is done well but there is not adequate room to properly show the finished items at the manufacturing location therefore they saw the need to take the property next door to potentially use for a showroom. The traffic anticipated with the limited use would be very minimal with only one or two employees probably parking at the other building and most of the traffic for the showroom would be by appointment only and the customers would not typically come to the showroom but would come next door. The deliveries that are either for rental or purchase does not happen very often, possibly once or twice a month. Usually one raw product car is brought in about every other month so traffic is not heavy either from bringing a car in or taking the finished product out.

Mr. Reese said they have heard from the neighbors, the Planning Commission and the staff and have tried to agree to reasonable compromises and have suggested reasonable compromises to help make this as low impact as possible on the neighborhood. He said they had a neighborhood meeting and Michael Bernstein had lunch with a couple of the neighbors before that meeting. They also had the Planning Commission meeting and last week at Mr. Bernstein's request, they met with one of the Council members and several of the neighbors again to address specific concerns they had. There were not a lot of specific concerns but generally the neighborhood does not want this to happen. He believed he and Mr. Bernstein had suggested good reasonable compromises.

Mr. Reese said as Brad Townsend had pointed out, the staff recommended four conditions. Those conditions were displayed on the overhead screen and Mr. Reese stated that at Planning Commission, they had agreed to two of the four conditions and tonight they are agreeing to three of the four with a good explanation and a compromise on the fourth. He discussed each of the conditions as follows:

Condition #1 - The property shall remain with no expansion of the buildings unless approved by the Mayor and City Council. Mr. Reese stated they are in agreement with that condition.

Condition #2 - There shall be no sign on the property related to the business. Mr. Reese stated they are in agreement with that condition.

Condition #4 - The property shall be limited to a showroom, office and storage use only. Mr. Reese stated they are in agreement with this condition that is consistent with what they have said they would be doing.

Condition #3 - There shall be no cut through traffic. The driveway off of Alpine Drive shall be closed and marked for emergency access only and a walkway/interparcel connectivity shall be used as access from the adjoining property on Alpharetta Street. Mr. Reese said they are not in agreement with this condition not because they don't want to or because they don't want to try to limit traffic but their concern is a legal use. The driveway for the applicant's property at 10364 Alpharetta Highway out to Alpharetta Highway is through an easement that crosses the Hugo's property and the easement is strictly limited to the benefit of 10364 and would not benefit this property. The Planning Commission asked if the applicant had spoken to the owner of Hugo's and they had not at that time, but since then Michael Bernstein has spoken to the owner and discussed the issue. However, the owner of Hugo's had other issues to resolve with the City that do not affect this property before he could agree to anything like this. His restaurant is very successful and has a lot of traffic and any additional traffic even a couple of cars a day would not be beneficial to him. Mr. Reese said unfortunately they cannot agree to this condition but to try to alleviate some of the concerns raised by the neighborhood, they are willing to try to limit the use of the driveway to anyone but themselves. He said their suggestion is during non-business hours to put up a couple of bollards and a chain across the small driveway with a sign stating no thru traffic or no Hugo's parking or something along those lines to try to restrict access to anyone other than people for their property in relation to their business. That would not prevent someone from driving around it and parking although they don't do that now and if they did, the police could be called because they would not have authorization to park there. The applicant has tried to be good neighbors with Hugo's and have allowed them to use their 10364 parking but that would not expand to include this property. He said again they are not trying to increase the traffic in any fashion.

Mayor Wood asked Mr. Reese to point out the location of the easement and existing driveway on the plat so he could get a clear understanding of what was being discussed. Mr. Reese pointed out the driveway. Mayor Wood said the condition would be to close the driveway. Mr. Reese replied that was correct. Mayor Wood asked him to point out Hugo's easement. Mr. Reese pointed out the easement and the location of Hugo's property and indicated how the property would be entered from Alpharetta Highway and the location of the parking. Mayor Wood asked if that was the adjacent parcel. Mr. Reese said correct that is the 10364 property and said the suggestion by staff is that they close the driveway so access is through a little connecting driveway which would be constructed and then enter the parking lot. Mayor Wood said Hugo's parcel is limited to the adjacent parcel but the applicant could not use Hugo's easement for the subject property. Mr. Reese replied that was correct. Mayor Wood thanked Mr. Reese for the explanation and said he understood it now.

Mr. Reese continued with his discussion of Condition #4 stating they believe they could address it and limit the impact as much as possible and said they have discussed a couple of other conditions in an attempt to appease some of the issues

raised by the neighborhood. One would be additional landscaping to screen it but their understanding from Friday is that generally the neighborhood likes this house the way it is so the applicant would be fine with leaving the house exactly the way it is and not screen it. He noted that had mentioned a couple other options that the neighborhood was not agreeable to. He said it is tough in an area going straight from single-family residential to commercial with no buffer zone or transition zone such as multi-family or some other mixed use but the applicant is proposing a very limited use they would restrict themselves to. He said the screening that is typically required between commercial and residential already exists on this property and he pointed out an area on the plat where there are 30 to 35 foot tall Leyland Cypress trees that have been there for a number of years that are plenty tall and grown together. The only volatile thing being requested by the applicant is for there to be a free-standing garage that he pointed out on the plat and said it is within the buffer area and already from a physical perspective screened off like would be required for a commercial property. That separation already exists and with the limited use the impact is minimal.

Mayor Wood asked for the current use of the property. Mr. Reese said it is a house that is currently occupied. Mayor Wood asked if it is currently a residential use and residentially zoned. Mr. Reese replied that was correct.

Mr. Reese continued his presentation and said price is always a question mark that neighbors raise. He said the applicant would be paying more for this property as a commercial property than similarly situated houses in the neighborhood are selling for. As was heard earlier in the budget presentation, the average price in the City is \$250,000 and they would be paying over \$300,000 for this property as commercial. Because of the way this property is already screened off and if Mr. Bernstein were not able to get approval for this and Mr. Mabry were ever to sell it from a residential perspective more than likely it sell as a rental property because there are commercial neighbors on three sides and the applicant's property at 10364 looks like it is the backyard. This makes sense for Mr. Bernstein because this property is right next door to his existing business. He noted that the applicant has a high end product and has recently done custom work for Gladys Knight and hopefully that would help promote his business as well as the City of Roswell. Some of their special order things never go to the showroom; they are made and picked up. They do not anticipate much traffic other than by appointment. They do not believe this use would detrimentally contribute to a decline in any property values of the surrounding properties. Mr. Bernstein is already in the community and simply wants to expand an existing business and is proposing reasonable conditions that will hold them to a very low impact use. In conversations that Mr. Bernstein had earlier with City personnel it was his understanding that this parcel makes sense for rezoning to commercial because it is stuck within the commercial corridor. Mr. Reese referred to a map on the overhead and pointed out an area that was highlighted in yellow and said if that line was drawn straight across there would be one consistent corridor particularly if the Mansell Connector comes through that would be a nice broad sweep as opposed to this residential piece sticking down into what is otherwise commercial. This piece of property is actually more situated in a commercial area than as residential when looking at the overall plan with commercial on three sides of it and the two residential on the backside already screened from view. He said they would continue with that screening that he understands is already acceptable to the staff. The applicant's plan is consistent with the Comprehensive Plan in the City because it allows residential uses to integrate with low impact, low rise nonresidential uses and this type of use with limited commercial activity is strongly encouraged in the Comprehensive Plan because it provides for viable live work areas in mixed use opportunities. The plan is also consistent with Roswell's stated vision of connecting neighborhoods with entrepreneurial spirit and there is no better example of that spirit being in a home

where nothing would change. They have agreed to the condition that it would look exactly the way it does now but it happens to be a showroom on the inside. This plan is also consistent with the City's strategic goals with one of those being a solution to provide a balance with support and balanced livability and a limited impact on the resource's infrastructure. This property is currently zoned residential and used as a single-family residence and the proposed use would not impact the utilities, infrastructure, roads or sewer any more than it does now so this would be a good commercial use with no further taxing upon the infrastructure. The applicant believes the conditions that staff has recommended are reasonable and has agreed to most of them but cannot legally agree to the fourth condition but they have provided a compromise and an additional condition to try to restrict the use for the traffic, interparcel access wise. The applicant believes this is a good decision for the City and the neighborhood and they respectfully request that Council recommend this matter for rezoning and for agreement to the variances.

Council Comment:

Councilmember Price asked if the other commercial properties have access to Alpine. Mr. Reese replied that Hugo's has one driveway onto Alpine. Councilmember Price asked about a pie-shaped piece of commercial property that was shown on the plan and asked if there was anything on that piece of property. Mr. Reese replied it is currently vacant. Councilmember Price asked if it is unimproved. Mr. Reese replied it is unimproved. Councilmember Price said it is commercial. Mr. Reese replied yes. Councilmember Price said it would have access on Alpine should it ever be developed. Mr. Reese replied he believed so. Councilmember Price asked if it is restricted in any way. Mr. Reese replied not that he was aware of.

Councilmember Price asked if the condition that Mr. Reese had stated they were not happy with was to restrict the access to Alpine. Mr. Reese said no, it is to cut off the access to Alpine. Councilmember Price said right, to restrict the access from Alpine and asked what that would look like with a sign or a chain or tearing up the driveway or what would be required if there were no access from Alpine. Mr. Reese said as he understands, staff would require a heavy gate across it. Brad Townsend said they put a condition that it would be closed off but did not determine the method. Councilmember Price said it would be nice to see the proposed acceptable solution to cutting it off. Mr. Townsend said they were waiting for the applicant to agree to the condition before proposing how it would happen. Mr. Reese said he did not have pictures but they had looked at breakable gates that emergency vehicles could push through.

Councilmember Wynn said that Mr. Reese made a statement that the land use shows this parcel and she believed that was an incorrect statement because as she sees it, the future land use map shows it as Suburban Residential which is consistent with the neighborhood. She asked staff if that was correct. Brad Townsend replied that was correct. Councilmember Wynn said she wanted to clarify that it is not on the future land use map other than Suburban Residential. Mr. Reese said those were conversations he had but he did not say that it was shown on the plan as such. Councilmember Wynn said she was just clarifying that this piece of property is on the City's future land use map as Suburban Residential.

Councilmember Dippolito asked if the only access to the existing property is through the access easement. Mr. Reese replied that was correct. Councilmember Dippolito said that is a perpetual easement that provides access to the public street. Mr. Reese replied that was correct. Councilmember Dippolito asked if that is the only access currently for this property. Mr. Reese replied that was correct. Councilmember Dippolito asked if there is a requirement for the applicant to provide

parking for the restaurant. Mr. Reese said there is no such requirement. Councilmember Dippolito asked if the applicant could potentially negotiate it from the position of strength and said he was thinking in terms of improving the access to Alpharetta Street and if there might be a way to improve that access so the access on Alpine could be eliminated. Mr. Reese said Hugo's has valet parking because they are so packed and for example on Mother's Day there was not an empty seat. He said he did not believe that Hugo's physically had room to expand that in any way and that Hugo's has asked Mr. Bernstein for the use of his 10364 property to park cars during busy times. Being a good neighbor, Mr. Bernstein has agreed to that to date. Councilmember Dippolito said it seemed there should be some kind of tradeoff there. Mr. Reese said the applicant does not have much to give there and he wished it would work but he did not see how anything else could be squeezed out and noted that looking at it the other way around, Hugo's might want to park on Alpine also in order to allow the applicant access and that would not be good for anyone.

Councilmember Dippolito asked if there was any thought to expand the current buffer for additional screening and said there are some evergreen trees that run not quite down to Alpine Drive. Mr. Reese said a concern with extending the trees that was discussed with staff is with the site view pulling out of the driveway because there would be a blind drive coming out if they took them all the way to the street. Mr. Reese said they would be in agreement to plant a couple more trees to extend it out a bit and still be within the site distance.

Councilmember Price said in regards to parking there has been some concern of a good deal of parking there for a number of events not just related to Hugo's and asked if there could be a condition put upon it as to the number of cars that could be there at any time if it were commercial or residential. Brad Townsend replied for the process of determining the numbers of cars, they could go through a square footage number for the spaces and things like that but that type of condition is pretty much unenforceable. There has to be a complaint and someone has to report that there are too many cars and the City would have to go out and tell them they would have to move some of the cars. It becomes incumbent upon someone knowing that they are breaking a condition of approval and staff felt that would be creating an unenforceable type of situation. Councilmember Price asked if that was not one of the concerns of the neighbors as to cars being parked there. Brad Townsend said he thought the biggest concern was with it just being commercial.

Councilmember Dippolito said the question came up about the triangle piece of property across the street currently zoned commercial and asked if it was owned by the parcel immediately in the front. Brad Townsend replied it goes with the prior restaurant that is now the Title Pawn. Councilmember Dippolito said then it is two parcels but with one ownership. Mr. Townsend replied it is two tax identifications but with one ownership. Councilmember Dippolito said in the future it could potentially be used for commercial purposes and he had driven by and saw there were a lot of trees but had not notice the typography to see if it was actually useable. Mr. Townsend said the topography is difficult because it slopes down at that location and some of it is probably related to a 40 foot buffer from the commercial existing and he was not sure how much of it would be developable after taking away the buffer and slope. Councilmember Dippolito thanked Mr. Townsend.

There was no further Council comment.

Mayor Wood said the applicant would have an opportunity for rebuttal following the public comment and would be limited to rebuttal and not new information.

Public Comment:

Beth Hampshire stated her home address as 1600 Oakfield Lane in Hilton Hills Subdivision and said she had lived there since 2001 and had attended all four meetings with Mr. Bernstein. She said she and two other presenters, Adam Mullen and Brad Thomas who also live in the Hilton Hills Subdivision would present a three-part presentation discussing the concerns of their neighbors. She said she also works in Roswell and some of her points would be from the perspective of a business person and she made the following comments:

- The neighbors united as soon as the re-zoning sign first appeared in their neighborhood and they took the following actions:
 - o Created a neighborhood action committee;
 - o Emailed the Mayor, Councilmembers and Planning Commission;
 - o Signed a petition with 66 signatures, each representing a household for an estimated 150 people. The petition was also signed by the HOA of Roswell Station so the number is greater;
 - o Distributed over 1000 flyers and spoke with commercial property owners around the neighborhood;
 - o Met with the current owner, Wayne Mabry;
 - o Created a neighborhood mailing list;
 - o Researched and analyzed various information sources
- The Planning Commission unanimously voted no to the commercial rezoning on April 15th.
- Mr. Bernstein has been unable or unwilling to convey anything to them. They have never seen the site map that was shown tonight and have received no written documentation, business plan or drawings and they want a visual because this severely impacts the entrance into their neighborhood. Mr. Bernstein stated several times that rezoning R-1 to Commercial is not a big deal but to the neighborhood it is and the definition of residential means a lot to them. Midtown Roswell is well-defined in the UDC plan and 390 Alpine is carved out of the commercial corridor and is part of the residential area.
- The driveway for 390 Alpine is only 24 inches from the driveway at 380 Alpine so that homeowner would only be two feet away from a commercial access or a chained barricade.
- There was opportunity to talk about compromise but there was nothing for them to view.
- Questions have been raised about Mr. Bernstein's character because of incidents when cars have been parked all over the grass at 390 Alpine while he was having a party.

Adam Mullen stated his home address as 1545 Oakfield Lane. He and his wife moved to Roswell about six months ago after looking all over Johns Creek, Milton, Alpharetta and other places. After a lot of due diligence, they chose Hilton Hills Subdivision most importantly because of what the City is doing for this neighborhood. Regardless of all the issues he originally had when he drove down SR-9 with all of the car dealerships and auto repair businesses, at the end of the day just inside SR-9 is a phenomenal neighborhood filled with dumpsters and dumpsters represent progress. The median home average is \$250,000 and there are a couple of examples of \$200,000 ranch homes and homeowners are investing well over another \$200,000 in them and the average sales price in their neighborhood is in the double digits over last year in terms of percent improvement. They have a lot to be excited about in their neighborhood. They love the live, work, play; but not the work in their neighborhood. He said Mr. Bernstein's attorney said the neighborhood had not expressed a lot of concerns to them but they have and they tried to make it simple for Mr. Bernstein. He discussed the neighborhood concerns as follows:

- Safety: Traffic issues with blind drives and trucks dropping off junk cars. The point the applicant keeps going back to on their contingencies is the driveway access which is the neighborhood's number one concern. That is the reason the applicant

wants to buy this property.

- *Property Values: The biggest investment in life is in a home and they saved ten years for their home and they do have concerns about property values.*
- *The Unknown: A lot of forward looking statements were made tonight with a lot of words and overt uses of the word "showroom." Showroom actually means warehousing and fulfillment of product that means transportation needs to be involved. They have concerns about unlimited commercial use and the use of words versus what is actually going to happen.*
- *Setting a dangerous precedence: They are concerned they will have the same problem in their neighborhood as Strickland Road for example with the car lot on the corner. They fear coming home off of SR-9 driving around the MARTA bus to turn right on Alpine Drive and see flatbed trucks taking away furniture products for a show that night or having people looking at furniture products with a truck in the driveway and the residents will have to park on the street. It is already difficult to stay safe on this road.*

Mr. Mullen said there had been a lot of talk tonight about precedence and not having to repeat things but this is a repeat. They have already been down this path with this piece of property and there is no need to repeat it. There is a need to uphold the City's missions and values and this is a great example of being able to do that. He said he was confident that the Council would make the right decision for their neighborhood, their homes, their children and their assets

Brad Thomas stated his home address as 100 Sunset Court in Hilton Hills Subdivision and said he would discuss a few facts to summarize their presentation:

- *There is plenty of commercially zoned property within walking distance to this property which needs adequate investment and the same amount of investment that they are all putting into their homes within this neighborhood.*
- *The proposed UDC does not include 390 Alpine Drive. He displayed a diagram from Roswell documentation to make the point that 390 Alpine Drive is a part of Hilton Hills neighborhood although there have been misdirected statements that this property does not reside there.*
- *On April 8th, the property at 390 Alpine Drive turned into a parking lot. He displayed a photograph showing how the property looked with a lot of cars parked there on the yard. He said a police report was filed stating that Mr. Mabry, the current owner of the property did not give Mr. Bernstein permission to park 15-20 cars on the property. Mr. Thomas said he believed Mr. Bernstein said to Mr. Mabry that he only wanted to park 4-5 cars on that property. This is a residential code violation as well as sheer disregard of commitments and promises made by Mr. Bernstein. He said Mr. Bernstein would not be a good residential neighbor or good commercial neighbor and questioned why a very successful businessman would want to pursue a residential property in lieu of something already zoned commercial and for sale within walking distance of this property. He thought Mr. Bernstein was not stating the entire truth. The average price of commercial property is extremely high compared to taking a home in a residentially zoned neighborhood and turning it commercial which could end up as a great business deal.*
- *The neighbors met with Mr. Bernstein on Friday but tonight is the first they have heard any of the proposal around the Planning Commission's four points. At the meeting on Friday they were told if Mr. Bernstein did not get the property zoned commercial, he would buy the property anyway and do whatever he could within the confines of the residential code to continue to run and maintain his business from there and Mr. Thomas thought that was threatening. He said there was a mix of Hilton Hills residents and some of the Roswell leadership present at that meeting and the way some of them perceived this was very different from the way the way the lawyer had just described it.*
- *This property was intentionally carved out on the UDC documents according to the midtown Roswell district boundary that includes 390 Alpine Drive. He showed the*

tax record for the property and noted it was zoned R-1 with an R-3 residential lot and the neighborhood as 2411 and pointed out his home in R-1, R-3 and said this home at 390 Alpine does sit within his neighborhood.

Lisa-Anne Sitton stated her home address as 1575 Oakfield Lane and said she and her husband moved to this neighborhood about a year ago and expressed the following concerns:

- She and a neighbor met with Mr. Bernstein for lunch and he spoke about how he leases a lot of his furniture for events and has had several gatherings at this residential property for shows for planners to understand what is available to lease. She was previously in the catering and wedding planning field and understands how this works and said these types of gatherings normally occur five-six times a year. Alpine Drive is the entrance to their neighborhood but it is a typical narrow older neighborhood road where a lot of people live. The easement to Mr. Bernstein's business is extremely narrow and if his plan is to block the driveway to the property, she questioned how he would get a large piece of furniture such as a sofa in and out for rental. It would not fit where his office is because the easement is too narrow so he would have to use the driveway and Mr. Bernstein said he would be using the driveway for in and out. She was concerned about emergency vehicles trying to come through with semi-trucks in the road and turning around in cul-de-sacs.
- She and her husband moved from Dunwoody to Roswell for their retirement because of the lifestyle, beauty, parks and everything else Roswell has to offer. This is a betrayal of the investment in their home for which they spent a lot of money to renovate. The City should not allow this for current homeowners or for people moving here in the future.

Neda Goshvar stated her home address as 1623 Oakfield Lane off of Alpine Drive and made the following comments:

- Her biggest concern is her child's safety. School buses for elementary, middle and high school stop for their neighborhood a couple of houses from 390 Alpine Drive and if this property was rezoned to commercial, Fulton County would have to change the bus stop which would affect more than 100 homes. There are many new residents they don't know and that could be a safety concern.
- Closing the driveway would be an eyesore and it is too close to the neighboring driveway.
- There are already traffic and congestion problems. Exiting left out of Alpine is already difficult during rush hour and would be more so with additional traffic and loading and unloading and the road is not straight along 390 Alpine; it is in a curve. Many people would have to go to Roswell Station to exit which would make for a longer travel and would add traffic to Roswell Station.

Jenny Roark stated her home address as 460 Junction Track and said she is the Vice President of Communications for the Roswell Station HOA and speaking on their behalf. Roswell Station is a subdivision off of Crabapple Road with 104 homes and connects to Brandon Heights and Hilton Hills to Alpine Drive and exits onto Alpharetta Highway and Crabapple Road and Alpharetta Highway are the only two entrances and exits for these three connected neighborhoods. She made the following comments:

- As Vice President of the HOA, she sent an email to all of the Roswell Station residents asking if they were in support of having someone come to this hearing to represent them and for their opinion of this rezoning. There was a majority vote of 105 homes at Roswell Station adamantly against this rezoning and no one communicated support for the rezoning.
- She said speaking as a homeowner; she was born in Atlanta and grew up in Sandy Springs in the 1970's and had many friends in Roswell and has seen a lot of changes here. She moved to Roswell in 2004 after living out of state for seven years

and raised three children here who attend Roswell North, Crabapple Middle and Roswell High. Her youngest child is in fifth grade at Roswell North and they recite an honor code every day that reads, "I will do the right thing because it is the right thing to do. I will respect myself and others. I will work hard and do my very best. I will be a person I can be proud of. I will make this a great day." She said these are great words for anyone to live by. She read the City of Roswell mission statement, "To provide our citizens with responsive high quality services in a fiscally sound manner to ensure Roswell continues to be a vibrant community" and said both these statements conclude that Council should not vote for this rezoning.

- At the previous Planning Commission meeting, only Mr. Bernstein, a Sandy Springs resident and his lawyer spoke in support for the rezoning to turn this residential property into commercial property. The residents of Hilton Hills, Roswell Station and Brandon Heights do not want this community changed and a business setting up shop in this residence that does not front on Alpharetta Highway. Both the UDC and 2030 Comprehensive Plan shows this property as residential. The residents in opposition to this rezoning elected the Mayor and Council and the only person speaking on behalf of this rezoning is a Sandy Springs resident who does not vote for this Council. Residents rely on Mayor and Council to make decisions in Roswell's best interest and she hoped they would think about what they have heard and do the right thing in order to ensure Roswell continues to be a vibrant community.

Bill Wiley stated his home address as 180 Alpine Drive and made the following comments:

- He said for clarification, the wedge shaped piece of property that was mentioned earlier has such a narrow point at the top of the hill driving up into the neighborhood that it is unusable and it is part of the parcel next door that is the Title Pawn. He did not think there could be a driveway and would not have a reasonable frontage on Alpine Drive.
- Their neighborhood is about to have the newest elementary school in the state 250 feet from their entrance which is a great opportunity to be able to walk their children to school but they do not want to be concerned with a commercial entrance and commercial traffic into their neighborhood. He grew up in Roswell but moved to Decatur for a while and by choice returned to Roswell because the inner part of Roswell has inner City neighborhoods that are wonderful islands of residential neighborhoods. They are able to step outside of their street to go up the streetscapes the City has been working on for years to go to restaurants and schools and shopping and it is getting better with the new bike lanes, etc. This rezoning would be a setback and he asked that Mayor and Council consider that and vote no.

Kate Herndon stated her home address as 175 Alpine Drive and said she hoped what Mayor and Council heard from her neighbors was that they consider themselves a community, not just a street or just Alpine Drive and to prove her point she asked everyone present in opposition to the rezoning to stand up.

Chuck Clayton stated his home address as 1505 Oakfield Lane and said they had not heard enough about Hugo's easement. Although Mr. Bernstein's lawyer commented about it, they did not hear enough about the process and getting the extra easement through Hugo's. He said there was potentially another way into the property and noted that the back of Mr. Bernstein's lot connects to the dance studio lot with a small wall and there is a way to use that lot in lieu of Hugo's easement. He asked the applicant if the rezoning were not approved would he still close on the contract.

Mayor Wood said that had not been heard but the applicant could respond at the appropriate time.

Mark Tatt stated he lived on Driftwood Court around the corner from this property and

said he moved to Roswell 24 years ago and wants to grow old here. The neighborhood has always been quiet with the exception of loud cars that sometimes speed through that is dangerous which would get worse if this property becomes commercial. There is plenty of room on the applicant's existing property to do whatever he wants without interfering with this residential property.

Richard Moltz stated his home address as 165 Alpine Drive on a cul-de-sac where he has lived about 35 years and raised three daughters. He has six grandchildren who come to his home to play and his grandson with Downs Syndrome plays in the cul-de-sac and this is a great neighborhood to play but it terrifies him to think he would have to look out for commercial traffic. He asked Mayor and Council to reconsider this.

Elizabeth Vann stated her home address as 1420 Driftwood Court in Hilton Hills Subdivision and commented that she thinks this sets a precedent. She said a slide was shown earlier that made it look as if the house at 390 Alpine Drive was more commercial because it is bordered on two sides by commercial but across the street and to the other side of the property is residential homes. She noted that her property is at the end of a cul-de-sac where they own five acres that also backs up to Highway 92 and said this opens the door to anyone who might want to nit pic their neighborhood because the City allowed Black Lab do it and because they have commercial on two sides they would think they could do it also. Mr. Bernstein's attorney will come up and make a lot of rebuttals to their statements but at the end of the day, they are just statements. The residents of Hilton Hills do not want this in their neighborhood. She said they have already been down this road and as was mentioned before, driving up the hill on Alpine where it crests, the visibility is poor and there is not a lot of room and the bus stops every day at the end of Driftwood Court and Alpine Drive and neighbors drive there and pick their children up. She said this is truly a neighborhood and any type of commercial development there would be wrong.

Eric Jorgensen stated his home address as 115 Pullman Trail and has lived there since 1984. About 20 years ago he appeared before Council with the same issue with the same properties but with different people involved. An auto collision company was located where Black Lab is located now and there was a small white house where the brick house is today. The collision company bought the house and wanted to put a driveway into the auto collision business along with an office building as a customer reception center and it came before Council around 1990 but was denied. He said the question came up about entrances into the Black Lab property and there is a driveway into the property from the Thomas Center. He put a slide on the overhead and pointed out the north side of the building of Black Lab property showing a concrete driveway from the Thomas Center which is between the Black Lab property and Holcomb Bridge/Crossville. It is a large asphalt area with about six or seven huge metal buildings on one side and four to five metal buildings on the other side which is the dance complex. Most of the buildings on the side where Black Lab is located are auto repair shops and there is an entrance on the north side or the side with Holcomb Bridge. He requested that Council vote against this rezoning.

There were no further public comments. The public hearing was closed.

Applicant Rebuttal:

Clay Reese said he would respond to the concerns that had been raised. He said someone expressed concern about the bollards on the street and that was one reason they do not want to close the driveway because it would not look good with the residential neighborhood. He said someone stated that they support the live, work area but they do not work here which is the "not in my backyard argument" that

is not factual but just an emotional argument. He said with the conditions and restrictions the applicant is willing to put on this and with the limited size of what this building allows them to do, the traffic would be limited. That is a legitimate concern but the applicant is doing everything to limit that to the extent feasible. The applicant never uses semi-trucks and the deliveries occur maybe once every two months but there would not be a large amount of truck traffic because the business is not that big and they do not have a need for that many vehicles coming in and out. He said comments were made about Mr. Bernstein's character but they do not belong in this conversation and said, "Let's stick with the facts, please." He talked about the cars that were parked in the yard one time and said Mr. Bernstein, "does intend probably once every three or four months to have an event that he might host" and there might be some cars and there were a lot that night. He said Mr. Bernstein's conversation with Mr. Mabry was, "can I park some cars for this event" but there was no discussion about numbers. The police were called but no citations were issued but perhaps that was a misunderstanding. The reason the applicant wants to buy this property is because it is next door to what he currently owns and although there are a lot of commercial properties, this one happens to be next door and makes sense from a business plan perspective. The documents that the applicant showed tonight, the City has had and the staff has seen those and they were not trying to keep them from anyone. Some were shown at the neighborhood planning meetings and they have tried to be communicative with the neighborhood. He talked about safety and said one of the requirements from staff is that they build a sidewalk in front of this property if it is rezoned commercial which is a little bit of help and he noted that there are not sidewalks in some other parts of the neighborhood but they are willing to do what is required. The applicant is a Roswell businessman and a good taxpayer and has invested a large amount of money in his existing building next door and is also concerned about the vibrancy of the community and likes Roswell or otherwise he would not be trying to buy this property and to expand his business. He said with the limitations they have discussed and are willing to put on; the actual use that Mr. Bernstein plans for this property is something that could probably be done under a home occupation activity and in accordance with all of the regulations but they would rather not do that. They would like to rezone this commercial and be able to do what they have said they will do without having to deal with any day to day restrictions on the business. He said Mr. Bernstein respectfully requests that Mayor and Council grant this rezoning and reiterated that the only staff recommendation to which they could not agree as they explained was because legally they could not. He said a comment was made about other properties being adjacent and the applicant could drive across that property but that might not be viable for those other people having them wind around through other buildings. That is not a logical approach to this. He said the truck traffic is non-existent as far as semi-truck and big trucks and the volume would be very limited.

Council Comment:

Councilmember Price said Mr. Reese had mentioned that large trucks would be coming there and she asked if they would be unloading intact vehicles or parts of vehicles.

Mr. Reese replied that the mostly intact vehicles could be put on a flatbed and those might be delivered one every two months. Councilmember Price asked where they go on the property and how many garages are on the property. Mr. Reese replied they go to the existing property at 10364 but would not be used, cut up or dropped off at 390 Alpine. Councilmember Price said then currently they are unable to get large intact cars to the site. Mr. Reese replied they get cars there now and that is would continue to do that but the existing facility is self-contained but it does not have room for a showroom. Councilmember Price said, "So the connection between the existing building and the house is...is there a terrain difference?" Mr. Reese replied it is a

small slope and it is grass. Councilmember Price said she did not understand why these large deliveries would have to come onto Alpine. Mr. Reese replied they don't; they can come up the easement just as they do now from Hugo's which is their only driveway currently; they do not have the right to come through Alpine at this point. Councilmember Price asked if this were a home occupation would it solve the problem. Mr. Reese replied that home occupation could solve the problem and they could still move the completed product over the same little inter-connecting driveway between the two parcels.

Councilmember Price asked staff if they could put restrictions on a home occupation. Mayor Wood said they would have to change the current ordinance. The ordinance allows home occupations and either that is complied with or not. If someone complies with the home occupation ordinance then specific additional requirements could not be placed on a particular parcel. Councilmember Price asked if a home occupation within that ordinance specifies that it can't in any way look like a business. Mr. Townsend replied yes and it cannot have a sign and it cannot have more than two people per week in conjunction with a home occupation and only occupants of the dwelling and one additional employee. He said retail and wholesale shops, personal service establishments and special events are prohibited uses. Councilmember Price asked if there is any way for this activity to comply with the City's home occupation ordinance. Mr. Townsend replied no.

Councilmember Igleheart said he had the same question about home occupation and noted that more importantly is that the business has to have someone living there. He said the UDC has just passed and will take effect in days and a key part of that is to protect neighborhoods as well as promote business. They created a slot of areas right along this property that are for new business with numerous business opportunities. He said this neighborhood is just down the street from where he lives and it is one of the few existing neighborhoods that is actually walkable and they keep talking about walkability and yet this is one of the few places where they do not have to build new apartment units or whatever because they can walk. He said Council has an obligation to protect this neighborhood. It cannot be incurred upon.

Councilmember Orleans said the last time this came up was not quite 20 years ago because he was on Council at that time and they voted to protect the neighborhood. He said from his understanding of home based businesses he did not see how this could be used as a home based business and fit all of the parameters. He said Mr. Bernstein has done a great job with his shop and his products are very unique and artistic but he could not see cutting into this neighborhood to make this first piece commercial at this point. Nothing has changed since the last time it came before Council.

Councilmember Diamond said this hit a couple of her hot button issues. She said she attended Mr. Bernstein's opening and he had invested in a time that was not economically good which was risky but he did a redevelopment in an area where it was needed and she thanked him for that and said she really likes his product and did not want to take away from that. She was unclear as to how he could provide parking which is such a premium in some places and why that could not be traded for an easement but that was kind of secondary; her real issue was that there were no supporters for this. She said they seldom see anyone come in for a rezoning other than the applicant and the City needs people to come and tell Council what they are for because a lot of cool things are happening in Roswell. She said she walked this property and tried to picture how it would work in the layout of the structures and unless it could be expanded in the other direction or there was another way to do the entrance, she could not see how this would not be part of the neighborhood and that she could not support this.

Councilmember Dippolito said like Councilmember Diamond, he remembered when Mr. Bernstein came to Roswell looking for a facility and was excited about the opportunity to obtain that warehouse. As he recalls, the Black Lab business was a hobby and was not even going to be a business. In some ways Mr. Bernstein is a victim of his own success where a hobby has turned into a very successful business. This would be a challenging piece of property for anyone because it is currently bounded by heavy commercial on two sides with the restaurant to the south and all of the warehouses to the east. Equally difficult is having such a neighborhood entrance feel to it so whatever this becomes it is truly a transitional piece of property. It needs to address the fact that it abuts commercial as well as a residential neighborhood. At some point in time someone might come in with a plan that addresses both of those although he could not see what that would be. There is probably a way to make this work for everyone, but this plan is not there yet and it needs additional work. He supports Mr. Bernstein and his success but he did not think this was an appropriate place for this business to move at this time because the plan as it is today creates a lot of challenges.

Mayor Wood congratulated the neighborhood on organizing regardless of how the votes goes and said he hoped they would stay organized and stay active in Roswell because as a group they could accomplish great things not just for their neighborhood but to influence where this City goes in the future.

Motion: Councilmember Wynn made a motion for Denial of RZ201400313, and CV201400458, 390 Alpine Drive, Black Lab Properties, LLC. Councilmember Igleheart seconded. The motion passed unanimously.

A motion was made by Council Member Wynn, seconded by Council Member Igleheart, that this rezoning and request for concurrent variances on Alpine Drive be denied. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-05-17

10.

Approval of a Resolution to adopt the Unified Development Code (UDC) Design Guidelines.

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Brad Townsend presented this item and noted that what Council had before them was Draft 3 dated April 30, 2014 along with a spreadsheet that included 18 changes. He discussed some of the changes in the spreadsheet as follows:

Item #1: Councilmember Price requested color tabs be added on the side of pages to color code the sections. Mr. Townsend said a distinct color would be shown in the corner of each of the three sections. Part A to have the Roswell logo green; Part B to have the Roswell logo blue and Part C to have Georgia gold.

Item #6: The change is to add a page for Public Art and work on some photo replacements. Mr. Townsend displayed the draft for the Public Art page that is now two pages because additional pictures were added for that location.

Item #7: This change refers to page 36. Councilmember Dippolito requested to replace two photos; one that shows more human scale and the other with a better primary entry.

Item #14: This change refers to page 101 dealing with images on Canton Street. There was concern about not having shown how the front landscape should look as well as not showing a lot of parking. A new picture was proposed to show the landscaping in that location.

Mr. Townsend said staff recommends approval of the proposed Unified Development Code - Draft 3 and the Resolution to adopt the UDC to include the proposed draft edits included in the spreadsheet, Exhibit B that was provided in Council packets.

Council Comment:

Councilmember Igleheart referred to the change for Public Art to be added after page 25 at 1.11 and 1.12 and asked if adding that would change all the ones that follow. Mr. Townsend replied yes, the numbering system would be cleaned up throughout and he noted it would be the same for the two pages that Councilmember Price requested that they add.

Councilmember Price asked about the two pages that she requested to be reproduced. Mr. Townsend said they were Items 4 and 5 on the Exhibit B spreadsheet and those pages were reproduced on page 42 and put between pages 77 and 78.

Councilmember Dippolito said Bill Bruce, one of the Historic Preservation Committee (HPC) members who could not be at the last meeting brought up a couple of questions or concerns about pedestrian lighting in the historic district. There was a suggestion to have different heights of pedestrian lighting depending on the situation. He asked Mr. Townsend if he recalled that discussion. Mr. Townsend replied he did not but he thought it would be a policy decision related to how to handle different pedestrian lightings. Councilmember Dippolito said the concern was particularly in the historic district because there is pedestrian lighting but the parking areas need to be a bit more sensitive because it is more urban. He said the second item brought up by Bill Bruce was screening in the historic district for dumpsters as well as other things. For example, Diesel Pizza has struggled for a while for guidelines on what would be appropriate to use for their building in the back. That has been a challenge for the HPC because there are no guidelines for that type of thing. He said those two items were not shown in this spreadsheet. Mr. Townsend indicated he did not know if they had been followed up on. Councilmember Dippolito said he made the comments on three occasions.

Councilmember Price asked someone to clarify the eventual legality or strength of this resolution as compared to an ordinance. David Davidson said this is just a resolution and could be changed in one reading. As to the legality, these are simply guidelines to give instruction to basically what the City would like to see; they are not conditions. Unless they are adopted as a condition during the process, they would not be enforceable. Councilmember Price asked if the guidelines are enforceable. Mayor Wood said they are not enforceable standalone but through the action of the Design Review Board (DRB) or the HPC, they can be implemented. For example, the DRB could follow the guidelines and if something was inconsistent with the guidelines, they could not approve. On the other hand, they might see that something was even better than the guidelines and approve that. These are guidelines to be implemented but not standalone in the sense that they are enforceable but they serve as a tool for the HPC and the DRB to implement and can justify a decision by the HPC or DRB and that decision becomes enforceable and the applicant could not build without their permission. Councilmember Price asked if an applicant has the right of appeal. Mayor Wood said the applicant has the right to appeal for either the DRB or HPC.

Planning and Zoning Planner Courtney Lankford referred to the issues that Councilmember Dippolito had discussed on behalf of Bill Bruce and said those issues were raised several times but staff thought a lot of those were more policy decisions. For example he wanted certain fixtures approved and in the guidelines such as for Groveway where a certain fixture is required, staff did not think the HPC could just dictate one over the other and make that decision for developers. Mr. Bruce also requested things such as screening for dumpsters and sheds and she referred to page 30 of the UDC Design Guidelines and pointed out that they had expanded on what was there previously. Staff thought that utility and service areas in the section for All Districts were applicable not only for the historic district but also the area that the DRB reviews. Page 28 was added per Mr. Bruce's request for Public Area, Semi-Public Area and the Private Outdoor Area that now also includes some light fixture elements.

Councilmember Dippolito asked staff to check with Mr. Bruce about the utility and service areas and said the way Mr. Bruce explained his request to him about the lighting was not necessarily dictating the style but more trying to give guidance on different heights. Currently there is pedestrian and parking lot lighting and there needs to be multiple different heights to give direction on what is appropriate in different size parking lots.

Mr. Townsend said that expands also into what is put on the right-of-ways besides the private property lighting and how the style of lights for alleys is dictated. Councilmember Dippolito said that needs to be looked at city wide. Mr. Townsend said that would be public policy more than this dictating that Council would be choosing a fixture on Oak Street or round-about fixture lighting to a certain extent. A lot more will be coming in front of Mayor and Council related to public lighting that would feed into what would be accepted in alleys and parking lots. A couple of different styles are needed to get it to work when protecting a secure area that needs a lot of light in the back of a parking lot as compared to how much light is needed on the walkway for that location. Councilmember Dippolito said there are two issues; one is how to handle the private property and the other is the public property which is equally important that is outside of this scope but important to start talking about. He said he was just passing along Mr. Bruce's comments and asked staff to follow-up with him.

Councilmember Price said she did not see anything in the guidelines about decorative lighting as far as adorning trees and buildings. Mr. Townsend said that was correct; that is not in the guidelines. Councilmember Price said then it is neither prohibited nor specified. Mr. Townsend said that was correct. Councilmember Price asked if it was prohibited anywhere else in the City's existing ordinances. Mr. Townsend said not that he was aware of that would be prohibited; it was probably related to how it is utilized for instance if it is adorning the landscaping or accent lights for the building or decorative lighting. Mayor Wood asked if they were referring to holiday lights that are strung everywhere and if that was being addressed. Mr. Townsend replied that was not addressed. Councilmember Price said then it would be safe to assume that those things are allowed. Mr. Townsend said it would be safe to assume that someone would have to ask for permission instead of doing it. Councilmember Price asked if that could be inserted into the guidelines at this point. Mr. Townsend replied not at this time unless Council wants to insert it. Mayor Wood said a resolution could be passed at a later date to add that but trying to change it at this late date could delay things. Councilmember Price said it was something she asked for on numerous occasions and it has never appeared. She said she would like to make a motion that Council addresses that if not now, at some point.

Mayor Wood asked if her motion would be to address it at some point or to address it

tonight and make a change to the resolution tonight. Councilmember Price said waiting is sort of foolish. Mayor Wood said her motion would stand a better chance if she said wait.

Councilmember Wynn thought some of the things they heard could be a little tweak and since this is a resolution and not an ordinance, it would only take one reading and Ms. Love could direct staff to look at that closer and come back with an answer for Councilmember Price on that item and if Council chooses, the resolution could be amended.

Mayor Wood called for a motion to adopt this resolution as it stands.

Motion: Councilmember Wynn made a motion for Approval of a Resolution to adopt the Unified Development Code (UDC) Design Guidelines dated April 30, 2014, Draft 3 with Exhibit B of the changes. Councilmember Diamond seconded.

Mayor Wood called for amendments to this motion.

Second Motion: Councilmember Price made a motion to add a section at the appropriate place to allow decorative lighting on buildings and trees in accordance with approval by either the Design Review Board or the Historic Preservation Committee.

Councilmember Wynn asked if that had been discussed with the DRB or HPC. An unidentified speaker replied, no.

Mayor Wood said it lacks guidelines. To simply say that it could be approved or denied would be implicit in what could be done. If they are providing for guidelines, then it would need to say what type, what limitations, where, what colors, blinking or not blinking. Guidelines would go beyond simply giving authority because the authority currently exists. That is the problem with creating guidelines on the fly because it is more than just saying they would have authority to grant or deny because they already currently have authority to grant or deny.

Councilmember Price said this was brought up to the DRB and they said it would be covered in the guidelines. Mayor Wood said it is not but he said he was just suggesting to Councilmember Price that what she is proposing does not create guidelines; there would be further work to actually create workable guidelines. To simply say the DRB or HPC has authority to grant or deny, currently exists. That could be reinforced by making the motion but it currently exists.

Mayor Wood said there is a motion to add that the DRB or HPC has the authority to grant guidelines as to whether to approve decorative lights. He asked Councilmember Price if that was her motion.

Councilmember Price said she would probably withdraw her motion because Mayor Wood was encouraging her to do so. She said the motion was simply to allow such decorative lighting on trees or buildings at the discretion of the DRB or HPC. Mayor Wood said he was not discouraging her motion but simply saying that authority currently exists. He asked if that was a fair statement. Councilmember Price said it does not because when she presented it to that body, they did not know what to do with it. She said the understanding was that it would be addressed here in the guidelines. Mayor Wood said it was fair to say that it has not been addressed but he was hearing that the authority currently exists although it may not be exercised and in fact there are lights everywhere at Christmas time. Councilmember Price said but that is in an existing ordinance.

Mayor Wood called for a second to the motion made by Councilmember Price. The motion failed for lack of a second. Councilmember Price then withdrew her motion.

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

Vote on Original Motion: Councilmembers Diamond, Dippolito, Igleheart and Wynn voted in favor. Councilmember Price opposed. The motion passed 5:1.

Mayor Wood suggested that Councilmember Price work with Councilmember Wynn on potential guidelines for decorative lighting. He asked that staff look at guidelines from other jurisdictions that would be helpful for Councilmembers who are interested in this.

A motion was made by Council Member Wynn, seconded by Council Member Diamond, that this Resolution adopting the UDC Design Guidelines dated April 30, 2014 Draft 3 with amendments that are attached as Exhibit "B" be approved. Councilmembers Wynn, Diamond, Dippolito, Igleheart and Orlans voted in favor of the motion. Councilmember Price opposed the motion. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: R2014-05-18

11. Final Plat 201400704, Hardscrabble Rd. and Crosscrabble Lane, Traditions at Roswell Applicant Traton Homes.
Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating it is a final plat for fourteen (14) single family residential lots located at Crosscrabble Lane backing onto Hardscrabble Road. This was part of a rezoning approximately three to four years ago by the CORO development. Staff recommends approval of the final plat.

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

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this Final Plat be approved. The motion carried by the following vote:

In Favor: 6

12. Initiation of a text amendment to add C/D landscape buffer to Section 10.2.3. of the approved Unified Development Code (UDC)
Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Wynn introduced this item stating this is an existing PRD to proposed PRD's. Planning and Zoning Director Brad Townsend said he had nothing further to add. He said staff recommends approval.

There were no questions from Council.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that initiation of the text amendment to the UDC be approved. The text amendment will be processed to the Planning Commission for recommendation. The motion carried by the following vote:

In Favor: 6

13. **Approval for the Mayor and/or City Administrator to sign a contract with TishlerBise to update the City's Impact Fee Program in the amount of \$46,500.**

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield presented this item stating this is a request to approve TishlerBise to complete the update of the Impact Fee Program. They were the most responsive bidder and the lowest bidder. Two bids were received and both were interviewed and rated by the evaluation committee and they unanimously recommended TishlerBise.

Mayor Wood asked when this was last updated. Ms. Wakefield replied in 2003, approximately ten years. Mayor Wood asked if changes are anticipated. Ms. Wakefield replied yes.

There were no questions from Council.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this contract to update the City's Impact Fee Program be approved. The motion carried by the following vote:

In Favor: 6

Environmental / Public Works Department - Councilmember Rich Dippolito

14. **Approval of an Amendment to the Code of Ordinances, Chapter 8, Health and Public Safety, Article 8.8.3, Types of Nuisances (Second Reading)**

Presented by Stuart Moring, Director of Public Works/Environmental

Director of Public Works/Environmental Stu Moring presented this item stating this amendment is to specifically declare filling or blocking a drainage easement to be a public nuisance.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND CHAPTER 8.8.3, TYPES OF NUISANCES, TO DECLARE FILLING OR BLOCKING A DRAINAGE EASEMENT TO BE A PUBLIC NUISANCE stating pursuant to their authority, the Mayor and City Council adopt the following ordinance to amend Chapter 8.8.3, Types of Nuisances, as follows:

1.

Section (b) is hereby amended by renumbering the existing section (b) as (b) (1) and by adding a new subsection (b) (2), so that the new (b) reads as follows:

8.8.3

(b) (1) *The presence of debris or other material on sidewalks or the public right-of-way which impedes safe passage or otherwise creates a hazardous condition;*

(b) (2) *The filling or blocking of a drainage easement;*

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

There were no questions from Council.

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this Ordinance to Article 8.8.3 regarding nuisances be approved on Second Reading. This declares filling or blocking a drainage easement to be a public nuisance. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2014-05-05

Public Safety - Councilmember Jerry Orlans

15. **Approval of an amendment to the City of Roswell Code of Ordinances, Chapter 8, Health and Public Safety, Section 8.8.3, Types of Nuisances, (s) Noise; creating unnecessary noise. (Second Reading)**
(This item was deferred at the April 14, 2014 Mayor and Council meeting)
Presented by Rusty Grant, Chief of Police

***Due to the length of the minutes, and the sound level tables, please return to MEETING DETAILS and select File #14-0133_Item #15_MC 051214, to view the entire minutes.*

A motion was made by Council Member Orlans, seconded by Council Member Dippolito, that this Ordinance regarding noise be approved on Second Reading with two changes:

- 1) **Addition of a Definition of receiving party - Area from which the measurement of sound pressure levels is being taken, provided said area is not within the property lines of the sound projecting property or within the confines of the sound projecting unit in properties with common ownership such as condominiums and/or apartments.**
- 2) **Eliminate the last sentence of 7 (a).**

The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2014-05-06

City Attorney's Report

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

Closure was cancelled due to the lateness of the meeting.

Adjournment - Meeting adjourned at 11:47 p.m.