



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council Zoning

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

Monday, April 12, 2010

7:30 PM

City Hall

WELCOME

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

Pledge of Allegiance: John Albers

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Community Development Director Alice Wakefield; Planning & Zoning Director Brad Townsend; City Planner Jackie Deibel; Transportation Director Steve Acenbrak; Community Relations Manager Julie Brechbill; Community Relations Coordinator Kimberly Johnson; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.

CONSENT AGENDA

1. **Approval of March 29, 2010 Open Forum Meeting Minutes (detailed Minutes to replace Council Brief Minutes adopted on April 5, 2010) and approval of April 5, 2010 Council Brief Minutes.**

Administration and Finance

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

In Favor: 6

REGULAR AGENDA

Community Development - Councilmember Betty Price

1. **Wireless Facility - T-Mobile South, LLC., Lake Charles Drive (adjacent to 1060 Lake Charles Drive)**
Presented by Bradford D. Townsend, Planning and Zoning Director

1. *Wireless Facility - T-Mobile South, LLC., Lake Charles Drive (adjacent to 1060 Lake Charles Drive)*

Councilmember Diamond recused herself at this point in the meeting stating she resides in the path of this proposed cell tower.

Planning and Zoning Director Brad Townsend stated this is a request from T-Mobile regarding a proposed alternative tower structure to be located at 1060 Lake Charles Drive; an alternative tower structure is a man-made tree, or clock, or bell steeple. This proposed tower is to be within the opinion of Council, "camouflaged compatible with the area." The location of the proposed tower is west of Lake Charles Drive on approximately 2.8 acres; the subject property is currently vacant and zoned E-2, Single Family Residential. The proposed tower is to be constructed to represent a mono pine tree at a height of approximately 20-25 feet above the existing pine trees in the area. Photographs of existing towers of single mono pine trees were shown as well as maps indicating Roswell locations of existing cell towers, co-location towers, and the proposed cell tower location. Radio Frequency (RF) strength maps for the City of Roswell area were shown; the location for the proposed T-Mobile alternative cell tower was identified on the RF frequency map. Aerial photographs were shown of homes which currently exist on all sides of the proposed location; setbacks from the existing property lines were identified; parcel lines were identified. It was noted that city staff received over 1,000 petition signatures and letters in opposition to this proposed cell tower.

Mr. Townsend stated staff recommends the proposed cell tower in an alternative location further west of the proposed location. The alternative location would represent the person/homeowner who would receive the greatest financial gain from the proposed cell tower, that person/homeowner would also receive the largest visual impact to the proposed tower.

Mr. Townsend stated staff recommended conditions are as follows:

- 1. The applicant/developer shall construct the mono-pine structure not to exceed 108 feet, located 120 feet east of the west property line and in conformance with the plans submitted to the City of Roswell Community Development Department stamped received "March 24, 2010."*
- 2. The applicant/developer, T-Mobile shall construct a black vinyl fence with black screening so the facility equipment cannot be seen through the fence. The type of fencing shall be approved by the Roswell Design Review Board.*
- 3. The applicant/developer, T-Mobile shall install thirty-three (33) evergreen trees around the lease area to screen the view of the structure and equipment facilities from the residential homes located to the east of the property. A variety of evergreen trees and the placement of the trees shall be approved by the City Arborist and the Roswell Design Review Board.*

Council Comment:

Councilmember Dippolito asked if the applicant had addressed staff's suggestion to move the tower. Mr.

Townsend replied the applicant had not addressed the staff suggestion; that information was presented to the applicant approximately a week and a half ago.

Councilmember Dippolito inquired about the height of the trees in staff's suggested alternative location. Mr. Townsend replied the trees are between 80 and 90 feet tall.

Councilmember Dippolito stated regardless of where the proposed tower could be potentially located on the property, it would be "twenty eight to thirty eight feet higher than any of the trees." Mr. Townsend replied that was correct.

Mayor Wood requested City Attorney David Davidson to "advise Council on where we are as far as the system and their discretion in this matter."

City Attorney David Davidson stated the telecommunications act prohibits state or local governments from prohibiting the provision of wireless communication services or from passing regulations that have the effect of prohibiting such services. Federal law does preserve local zoning authority. The city has the ability to discuss and decide the placement, construction, and the modification of these facilities. There are limitations to that ability of the city; they cannot discriminate against certain carriers or favor a certain carrier; the city cannot make it so onerous that it actually prohibits the provision of such service. Federal courts have generally held that any ordinance that inhibits or limits the ability of any competitor to enter into a market, violates the telecommunications act. Under City of Roswell ordinance, the city does have in its ability to decide whether the construction of a facility is aesthetically compatible to the surrounding properties; it can also decide that a height is too high. Mr. Davidson said "They do not require co-location; if they are trying to get co-location and get three carriers on this site, then obviously that is going to be a higher tower than just what T-Mobile would require." He further stated the city in the past, favored co-location to avoid several towers popping up around the city. Mr. Davidson said provided the company can show a demonstrated need for the provision of this service in the area the Council has the authority to decide the construction, the placement, and any kind of modification to the system. A previous attempt by T-Mobile to place a tower on the city's fire department property was rejected. T-Mobile has now come forward with another site. Mr. Davidson said there is the possibility with a denial of this site, and unless evidence shows otherwise, that it could be seen as prohibiting the provision of service. Mr. Davidson said "I have heard comments both ways that there is service here, it is just not that great, so that is something for this Council to decide, on how far they want to take this."

Applicant:

Lannie Greene, SAI Communications, agent for T-Mobile South, LLC, stated he has thirteen years experience in site acquisition and permitting for wireless sites. Mr. Greene stated one of their first steps is to look at the zoning ordinance of the city to determine the requirements of the particular jurisdiction they are attempting to go into. In addition, they look for other structures which may be available for co-location. Mr. Greene stated T-Mobile considered the City of Roswell Zoning Ordinance and the Master Siting Plan as they looked for a location which would meet their requirements. T-Mobile first considered the fire station property and proposed a 150-foot structure for that location; the decision was made by the city not to move forward with that location. Mr. Greene said there are still coverage needs by T-Mobile in this particular area. He noted there are some other large tracts along Shallowford Road which T-Mobile did not approach, primarily based on the development of those properties; clearing and grading would be more significant due to the way the houses sit on those properties. He noted the target areas and surrounding areas are zoned primarily residential; more people are relying on their cell phones instead of their land lines for emergencies. Mr. Greene noted the city recognizes the benefit of using NIXLE system for email notification for its residents in the event of an emergency within the City of Roswell; NIXLE would be more effective if it was available to all residents of Roswell. He noted that competition between carriers keeps the cell phone rates lower; T-Mobile would not spend the money to build this site if there was not a need.

Marquise Lewis, T-Mobile RF (Radio Frequency) Engineering, stated the determination of T-Mobile's need for this area was based on data gathered. Ms. Lewis stated T-Mobile is unable to provide reliable in-vehicle and in-building coverage in the area between Shallowford Road and Woodstock Road. Their goal with the proposed site is to provide reliable coverage to residents and workers in that area and to provide contiguous coverage to sites that are already in the network while also introducing minimal overlap; minimize the number of sites and the height of the sites built in the area. The proposed 108-foot mono pine structure is in the center of an area of need. She stated other options were considered as were sites which were not as ideally placed. She noted that some constituents were interested in the use of a Distributed Antennae System (DAS), an alternative way to provide wireless coverage in certain areas and situations. Ms. Lewis said that the DAS would not be a viable option in this particular situation. A DAS will generally place antennas below fifty feet in height; these are low powered antennas requiring a line of sight to the antenna coverage area. The topology, terrain, and foliage in the subject area would make it very difficult to provide the line of sight. Use of existing power pole structures will not work because there are not enough above ground structures to provide the level of reliability needed to provide. Ms. Lewis stated Georgia Power has limitations on use of their structures; wooden power poles are excluded from use, which eliminates quite a few of above ground power poles in the area. She reiterated that a DAS is not a viable option for T-Mobile in this situation. Ms. Lewis stated the best solution in the 108-foot mono pine located on Lake Charles Drive.

Council comment:

Councilmember Orlans inquired if DAS is known as or is similar to a micro cell system. Ms. Lewis replied DAS is considered micro cell technology.

Councilmember Dippolito asked if DAS is not viable because T-Mobile cannot physically get it to work or is it just that it is a more costly system which would not be financially viable for T-Mobile. Ms. Lewis responded that she thought it would be more costly; she evaluates the RF aspects, from an RF perspective, the terrain and the foliage with the structures in the area would not allow the line of sight specifications needed via DAS. Councilmember Dippolito replied "The question was, it is just not feasible to make it happen or it is just more expensive and it is something that you prefer not to do." Ms. Lewis replied "With the current infrastructure, T-Mobile cannot achieve the level of reliability in the search area using a DAS system. It is not feasible for T-Mobile to obtain its objectives using the DAS system in this situation."

Mr. Greene stated the DAS micro cells are more favorable in a large facility such as a mall or airport. He said the subject site fits the city's code; the T-Mobile site will not be intrusive to the area; photo simulations show the site without leaves on the trees, which demonstrates there will be no significant impact upon the area. Property value reports could be discussed by Mr. Harris "Bo" Simpson.

Public comment:

Mike Nyden, 580 Indigo Drive, spoke on the following:

- Acknowledged the residents of various subdivisions in the Lake Charles area who helped with the preparation of presentations of opposition to the proposed cell tower.
- Remarks regarding balloon test video, test.
- Photos of neighborhood location of proposed cell tower; existing cell towers; cell tower base stations.
- Expressed appreciation to City of Roswell employees Brad Townsend, Jackie Deibel.
- Maintaining quality of life in Roswell; impact proposed cell tower would have on neighborhood areas.

Cookie Levine, 1064 Lake Charles Drive, spoke on the following:

- *Opposed to proposed cell tower.*
- *Appreciates Roswell's neighborhoods; need to be kept looking good.*
- *Offered her professional legal opinion; reviewed statutes and ordinances; agreed with City Attorney that the City of Roswell cannot reject cell towers within the city, but there is the ability of the city to control the placement, location, how constructed.*

Ken Kavanaugh, 1305 Lake Charles Drive, spoke on the following:

- *Opposed to proposed cell tower.*
- *Experience as commercial real estate consultant, broker, investor, and author.*
- *Telecom Act; case law supporting municipalities who have been successful in denying cell tower permits; telecom industry does not always win in court if their applications have been denied; neighborhood group has substantial evidence.*
- *Roswell has allowed 30 locations for communication antennas; 67 communication towers exist within a four mile radius of Lake Charles Drive, thereby eliminating the argument of prohibition of cellular service in the area.*
- *Adverse effect on migratory bird population.*

Trudy Nyden, 580 Indigo Drive, spoke on the following:

- *Opposed to proposed cell tower although she works in the telecommunications industry.*
- *Overview of T-Mobile history; future.*
- *Telecommunications Act of 1999 relates to cell phone service in cars.*
- *E-911 service; triangulation versus GPS.*
- *Katrina Rule pertains to the maintenance of power during a power loss event; generator(s), fuel, fuel storage not indicated on the proposed cell tower diagram but will be required when Katrina Rule is put back into effect.*
- *Changes in technology rapidly occur; use of micro cells will make cell towers obsolete.*

Ish McQuillen, 2 Meeting Street, spoke on the following:

- *Opposed to proposed cell tower although she is a T-Mobile cell phone customer.*
- *Refuted T-Mobile's claim of lack of service after conducting a two-hour drive study within five mile radius of proposed cell tower, no calls were dropped, service was clear.*

Shari Ward, 600 Oakstone Drive, spoke on the following:

- *Opposed to proposed cell tower.*
- *Experienced mortgage banker and appraisal background; professional opinion is that surrounding property will experience financial impact from the proposed cell tower.*

Trent Orndorf, 180 Worthington Hills Trace, spoke on the following:

- *Opposed to proposed cell tower; resides in another neighborhood that experienced decrease in property values just from the threat of cell tower going up in his neighborhood; blighted neighborhood impacts in the area.*

Chris Buck, 325 Maycroft Court, spoke on the following:

- *Opposed to proposed cell tower; lives less than 300 feet from proposed cell tower location.*
- *Health risks for growing children; long term impacts not studied.*

Geoff Anderson, 1021 Lake Charles Drive, spoke on the following:

- *Opposed to proposed cell tower; the tower would violate and do harm to the city statute to protect the health, safety, and welfare of the public, and to maintain the*

aesthetic integrity of the community.

- *Attorney; offered to defend the City of Roswell, pro bono.*

Jackie Graff, 1085 Lake Charles Drive, spoke on the following:

- *Opposed to proposed cell tower.*
- *Concerns regarding decreased property values and possible health risks.*

Kierstin Hale, 530 Waterford Way, spoke on the following:

- *Lake Charles Drive construction and road closures at this time; signs posted in that area regarding proposed cell tower were not as visible.*

John Albers, 530 Junction Point, spoke on the following:

- *Consultant in the telecommunication industry; expertise in the technology and equipment.*
- *T-Mobile's chosen type of technology requires use of more towers; other carriers (Verizon and Sprint) use different technology that allows towers to be further apart from one another.*
- *Significant technology changes will occur over the next couple of years.*
- *Valuation and sale; telecommunication companies are sold by their assets such as towers, cable, and infrastructure; the proposed cell tower will make T-Mobile's valuation higher than it is today; expects they will most likely sell in the next several years.*
- *Precedence created if approved.*
- *Opposed to proposed cell tower.*

Earl Vick, resident of Roswell, spoke on the following:

- *Enjoys living in Roswell.*
- *Expressed his appreciation to Mayor and Council for the excellent job they do for Roswell.*

Applicant Rebuttal:

Mr. Greene stated he would address the concerns of the residents but would not address the case law that had been discussed. He stated photo simulations are not perfect; they were not required as part of the application. It may have been windy the day when the photo simulations were taken but he had faith that the consultant hired to do the photo simulations had the knowledge and "knew when that balloon was where it needed to be to take the photograph." Mr. Greene stated that Mr. Nyden's photograph was actually of a 150-foot tall mono pine for the fire station proposal. He further stated that the present proposal is for a 108-foot tall mono pine, to be 20 feet above the existing tree canopy. Related to staff's recommendation regarding additional plantings, Mr. Greene stated T-Mobile was willing to place a five foot buffer along the three adjacent properties to the east. Mr. Greene added that he thought staff recommended surrounding the compound, but T-Mobile is willing to put a five foot landscape strip with Leyland Cyprus along Ms. Levine's property, and the other two properties to the east.

Mr. Greene referenced the area on a zoning map which he said was the most optimal to provide the coverage T-Mobile requires; this entire area is zoned residential from Woodstock Road to the Cobb County line and from Crossville Road to the south. Mr. Greene stated T-Mobile reviewed the City of Roswell ordinance; the ordinance states they can apply for a tower in a residential area based on certain criteria. He said the T-Mobile proposal met the criteria; certain required setbacks have been met. Mr. Greene stated the fire station site was shown on the "2003 Facilities Map" as a potential candidate. T-Mobile made the proposal but the city then decided they did want to move forward with that location. Mr. Greene said they dropped the height from that original proposal, to 108-feet. He was not aware of what Verizon or AT&T has in this area. He noted that T-Mobile still has a need for service in this area and

will continue to search for a site which meets the ordinance; the NIXLE system will not work if the infrastructure is not there. Mr. Greene introduced Mr. Simpson.

Mr. Harris "Bo" Simpson, 2368 Academy Court, Atlanta, appraiser and consultant, stated he has 15 years of cell tower experience but it has constituted a small part of his business the past 10 years since the growth of the networks has not been as dramatic. Mr. Simpson explained that T-Mobile requested a study examining Fulton County cell towers, and an opinion as to whether or not cell towers have an impact on property values. He stated residential properties sell most often and are the easiest location to try to prove or disprove whether this happens; they focused on close residential areas because they tend to be the setting where this most often comes up. Fulton County has many cell towers, over 1,000 were looked at; it was narrowed down to those which they felt were instructive, some which were close to subdivisions, some in subdivisions. Mr. Simpson stated the "perfect example for T-Mobile" is a brand new subdivision with a cell tower that can be seen from some homes and some homes from which it cannot be seen. Another example would be a brand new subdivision which is half built and half sold, and then a cell tower is built, and then the subdivision other half is built and sold. He said those examples were found; the empirical data was reviewed; it was discerned that cell towers do not have any influence on value. Mr. Simpson said "Typically residents are of the opinion that this is an obnoxious use" but his opinion is that cell towers companies go to a good bit of trouble to put them in a place that is not obnoxious and intrusive; this proposed cell tower would be an example; he offered to provide examples of cell towers and other types of towers which could easily be called obnoxious. After review of data collected and interviews with homeowners and people who buy and sell homes, their findings were that it doesn't influence their purchase decision and does not matter, although they may have a valid opinion. Mr. Simpson stated "If you put a house up for sale and two people come along and say 'I really don't like that tower,' well, there are eight more people who come along and don't even notice it, they literally don't notice it." Mr. Simpson stated the proposed subject tower is to be 108-feet tall, disguised as a pine tree, which in his opinion, will have no impact on value or appreciation rates. City staff was provided his study results.

Mr. Greene referred to a displayed photograph of a 199-foot tall self-supporting cell tower built in 2001, located on the south end of Chastain Park in Atlanta. He said evaluation studies conducted by Mr. Simpson prior to and after the tower was built showed there was no impact. Mr. Greene stated there is no blight in the Chastain Park area.

Ms. Lewis stated a comment was made that T-Mobile would be able to provide 911 services via several alternative methods. She stated using triangulation technology is not a replacement for building the new facility; T-Mobile is building the facility because they do not have adequate signal. The adjacent towers cannot serve the area; therefore, T-Mobile could not use that as a replacement to provide 911 services to constituents in the area. She stated that GPS technology was mentioned; it is not possible to request that every customer change their phone; every customer should be able to use their phone whether or not it has extra features such as GPS technology enabled on it. T-Mobile is trying to provide E-911 services and enable customers to carry a reliable call in their vehicles or in their homes. Ms. Lewis referring to a resident's conducted drive test, stated there are many variables which can come into play. She stated that T-Mobile is aware of their need; they cannot provide service up to its standard in vehicles and homes in the subject area they are designing for; length of calls; different access thresholds for live network, interference, other towers come into play. She reiterated that T-Mobile has a need in this area and is well within the FCC standards for "MPE compliance" with this facility. Ms. Lewis referring to the statement regarding inferior technology stated "T-Mobile is

on the cutting edge of technology; in fact, T-Mobile is deploying UMTS technology nationwide and that is very close to the technology that is used by Verizon and Sprint." Ms. Lewis stated "It is not the technology, there are so many different factors that come into play." She mentioned they are limited to the frequencies that are licensed to T-Mobile and could not really speak about Verizon's or Sprint's network.

Council comment:

Councilmember Dippolito said he thought he had read about micro cell service through T-Mobile. Ms. Lewis stated T-Mobile does provide micro cells but it depends on the situation; T-Mobile does provide DAS depending on the particular situation. She noted that micro cells would not be an appropriate solution for this area. Ms. Lewis further stated that the primary areas for micro cells, or distributed antenna technologies, are campus environments, very small concentrated area where there are a lot of users but there is a relative open area with no obstructions which would prevent line of sight with the antennas and an expansive area is not being covered. Councilmember Dippolito asked if micro cell and DAS technology are interchangeable, the same technology. Ms. Lewis stated that was correct, for the most part.

Mr. Greene, in summation, stated that T-Mobile submitted an application to the City of Roswell going "above and beyond your requirements" providing a very complete application and proven a need. He thanked Brad Townsend and Jackie Deibel from the Community Development department and respectfully requested approval of the application.

Council comment:

Councilmember Wynn inquired how T-Mobile would provide/guarantee continuous power for 911 service; noted the lack of generator shown on the site. Mr. Greene responded that if the City Council so desired, they could place a generator on the site. Councilmember Wynn asked what T-Mobile's policy is to ensure continuous operations of service to their customers. Mr. Greene responded that current T-Mobile policy is that they do not include generators with their sites; therefore, if the power were to go out, the site would lose power and there would be no service. He further explained that engineers would go out to the site; there would be a three hour back-up battery at the site which should provide enough time to get the site back on the air, depending on the situation. If a situation arises where there are multiple sites out of service, they could promise that they would be out there in three hours.

Councilmember Orlans stated he has served on Council for 17 years and was most impressed with the information put together by the citizens. He commented that perhaps some of it should even be forwarded on to Washington, D.C. Councilmember Orlans also complimented and thanked the applicant for the completeness of the T-Mobile application.

Councilmember Igleheart agreed that both sides did a lot of work. Councilmember Igleheart stated "apparently other carriers have sufficient coverage" and noted his concern with the capabilities of some of the various carriers; the city is not mandated to level the field for inferior technologies but is mandated to consider anything which impacts our residents. Councilmember Igleheart stated the city currently allows cell towers in C-3 and I-1, commercial and industrial zoning; in any other zoning category, such as residential, towers are conditional requiring Council consideration of all the aspects. He stated "I think we are making a mistake to open up all the various properties throughout the city for this process. We have tried a few times to deal with that, but once again we have to work on a plan to try and deal with the quickly progressing technologies and make it to where every other neighborhood does not have to come through this yet again every few months or every few years." He said

"I do not think that it is appropriate for residentially zoned properties to have the cell towers in their locations."

Mayor Wood noted that Councilmember Igleheart had raised a point and asked City Attorney David Davidson to discuss how the courts would respond if a city ordinance restricted cell towers in residential zones. Mr. Davidson replied the courts would be able to show that it would prohibit service in certain areas of the city because Roswell is very residential in nature. Mr. Davidson further stated "I do not think we could prohibit it from all residential zones." Mayor Wood further stated that if the city did choose to pass such an ordinance there would be a strong possibility that our ordinance would be stricken down. The Mayor asked what would happen once the city's ordinance was struck down. Mr. Davidson replied "Hopefully, we could enact a moratorium until we could adopt another ordinance." Mayor Wood asked if it was correct that if the ordinance was stricken down, they could put in a cell tower without the city's permission. Mr. Davidson replied that was correct and he would not recommend taking the action suggested by Councilmember Igleheart at this time.

Councilmember Dippolito agreed with the previous Council comments made regarding the application and stated that T-Mobile had done an admirable job with the information submitted. He said the residents went above and beyond anything which he had seen while on the City Council with concise information that seemed to be quite factual and commended them for their effort and presentation. Councilmember Dippolito said he thought it would be difficult to look at a cell tower such as this and to not consider that it would have an adverse effect impact on the residential area; it is a significant change from what is in that area. He did not think that it is compatible with the natural setting and would not support it.

Councilmember Wynn agreed with Council comments regarding the information and presentations made by the residents and the effort put into it. She noted that she has been on Council almost three years but has been a community advocate for 15 years. She agreed with Councilmember Dippolito that this proposed cell tower is not compatible with this area and said she would vote against it.

Councilmember Price thanked the applicant for the completeness of the application and expressed her appreciation to the residents. She noted that T-Mobile had not responded with an answer to Planning and Zoning Director Brad Townsend's question whether they were willing to compromise the location.

Councilmember Price stated that based on the City's ordinance Article 21.2.1, (the purpose and intent of the cell phone ordinance to protect the residential areas; to minimize the adverse impact of telecommunication towers, and to minimize the number of towers) she concluded that this would be aesthetically incompatible. This area is certainly other than a I-1, C-3, office business or highway commercial area. In her opinion, the alternative proposed tower would not be compatible with the natural setting and surrounding structures, also due to the height being greater than the other trees. Councilmember Price stated that also based on the City's ordinance Article 21.2.4, the proximity to residential structures, the nearness to other homes, being within the residential zoning area, adjacent properties, adverse effects to the enjoyment of those neighbors, and the potential loss of resale value, among other potential parameters that are difficult to definitively assess, she would move to deny the application for the monopine tower.

Motion: Councilmember Price moved to deny the application for the Wireless Facility mono-pine tower - T-Mobile South, LLC., Lake Charles Drive (adjacent to 1060 Lake Charles Drive). Councilmember Orlans and Councilmember Wynn seconded. The motion passed unanimously.

Council Member Nancy Diamond recused herself.

A motion was made by Council Member Betty Price, seconded by Council Member Becky Wynn, that this Item be Denied. The motion for denial carried by the following vote:

In Favor: 5

Recuse: 1

2.

RZ10-02, 1266 Minhinette Drive, site plan approval.

Presented by Bradford D. Townsend, Planning and Zoning Director

2. *RZ10-02, 1266 Minhinette Drive, site plan approval.*

Planning and Zoning Director Brad Townsend stated a petition for RZ06-46 was to rezone 1266 and 1253 Minhinette Drive from R-2 to R-3A was denied by Mayor and Council on March 12, 2007. Per a court order, the City of Roswell rezoned the property located at 1266 and 1253 Minhinette Drive on May 11, 2009. A requirement of that rezoning was that any development on the property would require a site plan approval from Mayor and Council. Applicants Lew Oliver and Alfredo Ortiz submitted an application for a site plan. Mr. Townsend stated "that site plan takes the individual lot and separates it into two single-family lots." The site plan requires a minimum lot width variance from eighty (80) to fifty-five (55) feet. The Planning Commission reviewed and approved the application at their March 16, 2010 meeting with the following two staff conditions:

1. The subject property shall be limited to two single family homes and developed in accordance with the site plan received by the City of Roswell's Community Development Department on January 27, 2010.

2. A Division Plat must be submitted and recorded with both the City of Roswell and Fulton County prior to the issuance of a grading or building permit.

Mr. Townsend identified the current area on the zoning map; an aerial photograph of the surrounding properties was displayed. The proposed site plan was displayed, identifying the fifty-five foot minimum lot width for the individual two lots. Mr. Townsend stated staff recommended approval with the two conditions as proposed.

Council comment:

Councilmember Dippolito stated the site plan only shows improvements to a portion of the property but the entire property was zoned; he asked how will this impact the remaining Betty Ann Nations' property. Mr. Townsend answered "That subject property will be required to receive site plan approval prior to their land disturbance permit, as per the zoning condition." Councilmember Dippolito asked "If the subject property uses up two of the units, then she is allowed three units on her property." Mr. Townsend replied yes, if they are able to conform with the requirements of the R-3 zoning. Mr. Townsend confirmed for Councilmember Dippolito that she would be required to come back for site plan approval on her property, as well.

Public commented was invited. None was heard.

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

In Favor: 6

3. **RZ10-01 Text Amendment to Article 22.3 of the City Code and Section 10.23 of the Roswell Zoning Ordinance regarding the parking of commercial vehicles in residential areas. (First Reading)**

Presented by Bradford D. Townsend, Planning and Zoning Director

3. RZ10-01 Text Amendment to Article 22.3 of the City Code and Section 10.23 of the Roswell Zoning Ordinance regarding the parking of commercial vehicles in residential areas. (First Reading)

Planning and Zoning Director Brad Townsend stated this would be the first reading of this text amendment. He clarified the recommended language portions of the text discussed at Committee when it was initiated, as well as the additional language ("combination of vehicles") recommended by the Planning Commission. These recommendations are to be included in both Article 22.3 of the City Code and Section 10.23 Roswell Zoning Code. Discussions have occurred regarding the vehicle size this action would apply to. Mr. Townsend displayed an aerial photograph of trucks which were over 16,000 pounds; he stated the ordinance references trucks in excess of 10,000 pounds. Mr. Townsend stated "We are dealing with trucks over 10,000 pounds, a class 3. A reference in some of the other sections of the code is for trucks over 8 tons; which is a truck that is over 16,000 pounds, a class 5 or higher (which is an F-350 vehicle). That reference, in dealing with anything over that would be the 8 ton referenced vehicle." Mayor Wood asked if it would be permissible to park a half-ton pickup in a residential drive-way. Mr. Townsend replied "A half-ton pickup would fall under a class 2." Councilmember Price clarified that a half-ton is equal to 1,000 pounds.

Mayor Wood noted that a half-ton pickup truck would be allowed; he inquired about three-quarter ton pickup trucks with dual rear wheels. Mr. Townsend replied that the way the ordinance reads that size truck and type could be parked in a driveway if it is screened or in a garage. Councilmember Dippolito stated it would be okay to park a larger truck as long as it is screened. Mayor Wood stated he understood; unscreened, the truck size needs to be three-quarter ton or less.

Councilmember Dippolito noted that the phrase "commercial vehicle" remained included in the first reading; he asked if they were attempting to define commercial vehicle within this text amendment. Councilmember Dippolito further stated that we are essentially saying no one should stand any vehicle with a gross weight exceeding 10,001 pounds, therefore, the phrase "commercial" should actually be removed. Mr. Townsend replied the term "commercial vehicle" is used in state code with identifying vehicle weights, types of tags, and registration manner. Councilmember Dippolito stated he wanted to avoid the confusion, for example, if someone with a 15,000 pound truck, that has no signage, says it is not a commercial vehicle but is a residential vehicle; that is the sort of problem we currently have. Councilmember Dippolito stated he would defer to City Attorney David Davidson, but the phrase "commercial" seems to add confusion. Mayor Wood provided another example of dual wheeled trucks used for hauling horse trailers for recreational purposes; he asked if those need to be screened or are they exempt because they are not commercial. Mr. Davidson replied the definition of commercial vehicle came from state law for commercial vehicle sizes; if the word "commercial" is removed it will still work but Council could be stricter than the state. Councilmember Dippolito replied he wanted to avoid the confusion regarding whether it is commercial or not, otherwise the current circular argument remains. Mr. Davidson stated the language "a vehicle used in connection with the home occupation" could be used since that is what is

being addressed. Councilmember Dippolito replied it does not necessarily have to be a home occupation; it could be someone who is working away from their home. He stated the question is, are we getting into an argument over whether the vehicle is commercial or not and whether it weighs more than 10,000 pounds. Councilmember Dippolito stated if the word "commercial" is removed, we would avoid that issue. Mr. Davidson replied screening of the trucks would be something Council would also need to consider.

Councilmember Wynn asked if both sections (a) and (b) under Article 22.3 would need to be changed. Councilmember Dippolito noted that changes could be made before the text amendment returns for the second reading.

Councilmember Dippolito stated the intent of the Planning Commission was to avoid having too many commercial-like vehicles, but he thought that the addition of "or combination of vehicles" makes it complicated; for instance, if someone with 2 residential, larger class 2 pickup trucks or someone with 3 Suburban vehicles, would probably exceed that.

Councilmember Igleheart stated the Planning Commission notes indicate that "combination of vehicles" was intended to deal with attached trailers, not necessarily however many vehicles; the concern is that the vehicle itself may not weight 10,000 pounds but once the trailer is attached, then it becomes an issue; getting the correct wording of the text language is a challenge.

Councilmember Price requested that this item be again discussed at Committee before the second reading and to include the input of Code Enforcement as to the feasibility of enforcing a combination of vehicles when the weight of the second vehicle would be indeterminate.

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND THE COMMERCIAL VEHICLE PARKING REQUIREMENTS IN ARTICLE 10 OF THE ZONING ORDINANCE OF THE CITY OF ROSWELL and ARTICLE 22 OF THE CITY CODE OF THE CITY OF ROSWELL BE IT ORDAINED AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Roswell, Georgia, pursuant to their authority as follows:

1.

Article 10, Specific Use Requirements, Chapter 10.23, Home Occupations, Section 10.23.4, Vehicles and Parking is hereby amended by adding a second paragraph to read as follows:

Vehicles kept on site in association with the home occupation shall be used by residents only. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation. Incoming vehicles related to the home occupation, if any, shall at all times be parked off-street within the confines of the residential driveway or other on-site permitted parking. The transporting of goods by truck is prohibited.

No person shall park or stand any commercial vehicle or combination of vehicles with a gross vehicle weight (GVW) that exceeds 10,001 pounds upon a Residential lot unless completely screened from abutting property and from street view or within an enclosed building except while actually engaged in loading or unloading of a lawful activity.

2.

Article 22, Traffic and Motor Vehicles, Article 22.3, Parking and Restrictions, Section 22.3.4, Restrictions on Parking Commercial or Oversize Vehicles, Campers, Boats,

etc., of the Roswell City Code is hereby amended by adding a subsection (c) to read as follows:

- (a) No person shall park or stand any bus, truck, or other freight or passenger carrying vehicle in excess of eight-ton gross vehicle weight upon any street within the corporate limits of the city for a period longer than six (6) hours, except while actually engaged in loading or unloading.*
- (b) No person shall stop or stand any commercial vehicle, truck, or bus with a body more than either eight feet wide or ten (10) feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.*
- (c) No person shall park or stand any commercial vehicle or combination of vehicles with a gross vehicle weight (GVW) that exceeds 10,001 pounds upon a Residential lot unless completely screened from abutting property and from street view or within an enclosed building except while actually engaged in loading and unloading of a lawful activity.*

Mr. Davidson noted that if approved, this would be the first reading of the ordinance.

Motion: Councilmember Price moved to approve RZ10-01 Text Amendment to Article 22.3 of the City Code and Section 10.23 of the Roswell Zoning Ordinance regarding the parking of commercial vehicles in residential areas. (First Reading) Councilmember Wynn seconded.

Public comment:

Chloe Farver, 890 Oakhaven Drive spoke on the following:

- Ordinance is a waste of time for a residential area; course regarding trucks is necessary before the Code is written; Code Enforcement department does not know passenger vehicles from commercial vehicles; "commercial is commercial whether or not the truck has a sign on it."*
- No commercial vehicles or heavy duty equipment parked in neighborhoods.*
- Wire fencing.*

Keith Farver, 890 Oakhaven Drive spoke on the following:

- Vehicles kept in association with a home occupation; Code sections.*
- Commercial vehicle definition: "anything used in business."*
- Code Enforcement should prohibit they type of equipment parked at his neighbor's home.*
- Wire fencing.*

Council comment:

Councilmember Price noted an earlier made reference regarding a half-ton truck and what it can carry; she also noted that a half-ton truck actually weighs a little over 5,000 pounds. No further discussion.

A motion was made by Council Member Betty Price, seconded by Council Member Becky Wynn, that this Item be Approved on First Reading and placed on the Community Development and Transportation Committee agenda on 4/21/2010 for further discussion before the second reading. The motion carried by the following vote:

In Favor: 6

4. **Initiation of a text amendment to the zoning ordinance allowing indoor recreation facilities as a permitted use in the Parkway Village District.**

Presented by Bradford D. Townsend, Planning and Zoning Director

4. Initiation of a text amendment to the zoning ordinance allowing indoor recreation facilities as a permitted use in the Parkway Village District.

Planning and Zoning Director Brad Townsend the Community Development and Transportation Committee requested that this text amendment be initiated. Mr. Townsend displayed the definition and the uses which would be utilized under "Commercial recreational facility, indoor." He stated that at Committee, it was suggested that some of the uses should be excluded as part of an umbrella use in the Parkway Village District. The current draft of the text amendment leaves "Commercial recreational facility, indoor" with the complete definition.

Council comment:

Councilmember Dippolito asked if there is a definition for amusement halls. Mr. Townsend replied no. Councilmember Dippolito recommended the removal of billiard halls and pool rooms, video arcades, and amusement halls from the definition. Mayor Wood asked if this would be changing it city-wide or just in the Parkway Village District. Councilmember Dippolito confirmed his recommendation was only for the Parkway Village District.

Councilmember Orlans noted his disagreement regarding removal of billiard halls from the definition.

Councilmember Price stated she was concerned about the intended parcel that has necessitated this ordinance to be changed. She asked if the suggested definition would allow them to do what they are asking to do. Mayor Wood noted that the definition states "provision of sports and leisure activities to the general public for a fee, including but not limited to." Mr. Townsend replied what the applicant was asking for would be included under that definition. Councilmember Price stated, therefore, the definition did not need to be modified. Mr. Townsend replied it did not.

Motion: Councilmember Price moved for approval of the Initiation of a text amendment to the zoning ordinance allowing indoor recreation facilities as a permitted use in the Parkway Village District and to exclude the words in the definition: billiard halls, pool rooms, amusement halls, and video arcades. Councilmember Dippolito seconded. No further discussion. No public comment. The motion passed 5:1. Councilmember Price, Councilmember Igleheart, Councilmember Wynn, Councilmember Dippolito, and Councilmember Diamond voted in favor. Councilmember Orlans voted opposed.

A motion was made by Council Member Betty Price, seconded by Council Member Rich Dippolito, that this Item be Approved with recommended language. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Transportation Department - Councilmember Rich Dippolito

5. **Approval to reallocate funds from the Midtown Roswell Hog Waller Creek / Value Village Pedestrian Crossing project and approval of PBA4210CP-04-15-10 to establish the Midtown Pedestrian Crossing-Midtown Hawk Beacon project in the amount of \$25,000**

5. Approval to reallocate funds from the Midtown Roswell Hog Waller Creek / Value Village Pedestrian Crossing project and approval of PBA4210CP-04-15-10 to establish the Midtown Pedestrian Crossing-Midtown Hawk Beacon project in the amount of \$25,000. (Deferred from April 5, 2010)

Steven Acenbrak, Director of Transportation, displayed a graphic of the midtown area and noted that several years ago pedestrian fatalities had occurred in this area. He pointed out the midtown project limits, and three small raised islands along the corridor which are located at the Value Village near the intersection with Woodstock Road. In the area of the intersection with Thomas and Strickland Road there is not any formal crossing area. An analysis conducted showed that a regular traffic signal is not warranted. Mr. Acenbrak stated that when this midtown project was first contemplated the intent was to encourage redevelopment, mixed-use, and a pedestrian friendly environment; this will bring pedestrians to this area and encourage them to walk along the corridor, but also across the corridor; the Transportation department is looking for options. A brief crossing analysis measured in several locations on the corridor for one day in January, showed that 186 pedestrians crossed; between 7 a.m. and 9 a.m., 50 crossings occurred; between 11 a.m. and 1 p.m., 64 crossings; between 4 p.m. and 6 p.m., 72 crossings. It is anticipated that during warmer weather the pedestrian numbers will increase.

Councilmember Orlans asked how all these people could be funneled into one crossing; how will we get them to change their pedestrian habit and use the new Hawk cross section; will the police department be issuing jaywalking tickets; will the new Hawk beacon be utilized there. Mr. Acenbrak responded that the Transportation department believes, based on national statistics, his visit to Portland, Oregon, and a Hawk Beacon being utilized in Suwannee, Georgia that has been very well received, that it will be utilized there. The small raised islands will create "an informal pedestrian refuge area" which people will naturally migrate to for safe crossing. He pointed out a fairly large gap in the center which will be an ideal location for the Hawk signal and an ideal solution for that particular section of the mid-town area. Mayor Wood asked if there would also be a pedestrian island at the Hawk signal. Mr. Acenbrak replied no. Councilmember Orlans asked if jaywalking will be enforced. Mr. Acenbrak replied yes; we do not have any type of formal crossing throughout the entire length; once we create that we will be expecting people to use it appropriately. Mayor Wood stated the city has used a pedestrian island at Waller Creek as a way to get people across and we have chosen to use a Hawk Beacon here instead of a pedestrian island; he asked what the benefit is of the Hawk over a pedestrian island and what the difference is in cost. Mr. Acenbrak replied that as he recalled from the first discussions of this project there was "significant pushback towards a median along that corridor; the islands popped up as little compromises." He noted that the third island was added late in the project as a balance. Mr. Acenbrak stated they would consider the Mayor's points. The Mayor stated that his first question was to look at options because a Hawk may cost \$140,000, possibly less. Mr. Acenbrak stated a rough estimate for an island would be \$20,000 to \$30,000. Mayor Wood stated he would rather spend \$140,000 for 7 pedestrian crossings than one Hawk as a way to get more people across, although he realized it might not be as safe. Mr. Acenbrak stated staff thought this would be an ideal location for a Hawk system within Roswell and hoped Council would support it as an experiment, especially since MARTA is paying for the construction and the City had budgeted funds for the

midtown project. Mayor Wood asked if the City could use the MARTA funds to put in 6 or 7 pedestrian islands instead of one Hawk. Mr. Acenbrak replied yes; the Intergovernmental Agreements (IGA) are structured broadly to include crosswalks, this is essentially an electrical crosswalk. Mayor Wood apologized for interrupting and noted that he wanted this on the table for Council consideration.

Councilmember Wynn asked for island dimension, length and width. Mr. Acenbrak replied they are very small; probably 30 or 40 feet long by 14 feet wide, the width of the center turn lane. Mr. Acenbrak stated the raised area islands, is to prevent people from making those long runs where they do now, will be unobstructed by anything in the center turn lane and will have textured areas.

Mr. Acenbrak displayed another graphic created which showed distances and how the corridor is divided. He noted that the idea is not that everyone along the entire corridor will funnel across at that one location, but that the people who generally are within several hundred feet of a crossing area will be more likely to cross in a safe manner. As an experiment to see how it will work in the City, it is good to have MARTA help fund this one; the Hawk is growing technology, new and progressive. Mr. Acenbrak stated there was a line item within the midtown project for pedestrian crossing in the amount of \$40,000 which was not used. He said their original point was to move the \$40,000 into the Hawk system. After staff contacting an on-call consultant they have been told that the design can be done for less than \$25,000. Mr. Acenbrak stated the request tonight was to ask for the \$25,000 to complete the design and the coordination with the Georgia Department of Transportation (GDOT); an amount of \$100,000 was budgeted of the MARTA offset money; after the design detail is worked out he hopes to have a more detail estimate for construction cost.

Councilmember Dippolito asked if there would be time available for Council to go back and consider pedestrian crossings as an alternative. Mr. Acenbrak stated yes there is time. He stated staff's vision is that the signal would be a mast arm with a foundation requirement that is constructed early so that it doesn't conflict with something later on. The contractor has indicated that he would start at the extreme north end by Mansell Place and work south which would allow some time before he gets to the area. Mr. Acenbrak stated there is a criticality of intermeshing of several tasks in the process: design and coordination, GDOT approval. Councilmember Dippolito stated he had the sense that Council is not one hundred percent convinced, wanted to be sure there was not the constraint of a quickly needed decision.

Councilmember Price, referring to Mr. Acenbrak's pedestrian counts, stated she noticed that close to half are south of Woodstock Street, where there is a traffic light. Councilmember Price further said that she was not certain that it has reached a level of significant numbers, although it would be a tragedy for any one pedestrian that might be injured. At Councilmember Price's request, Mr. Acenbrak clarified that a school was not shown on the Suwannee, GA photo he had earlier displayed. Councilmember Price noted there was always the desire to prevent anymore pedestrian fatalities on this road. However, the reason given for this location was that the line of sight was better than the area where the pedestrian fatalities had occurred further north. She further stated that if the line of sight was not good where the fatalities occurred, then perhaps that is where the Hawk should be used as opposed to an area where the line of sight is very good and people are able to safely cross; it should be placed in area that is not safe to cross. Councilmember Price noted that the elevated medians will help pedestrians across safely. Mr. Acenbrak referred to a photograph of the road, noted the location of the break in the vertical curve. He stated that the point for moving the location further south was because further away from that vertical curve provides greater sight distance to see oncoming traffic and will encourage pedestrians to cross at a safer area. Mr. Acenbrak said

obviously they will not be able to control each pedestrian's decision where to cross, but staff is trying to do the best they can to balance the needs of the pedestrians and the motoring public. Mr. Acenbrak added that if it is the Council's pleasure, staff would look at putting in an island in lieu of this Hawk signal and perhaps look at another location for a Hawk signal, if Council so desired.

Councilmember Diamond stated her preference would be the addition of sidewalks wherever possible. Many times pedestrians will be less than a block away from a cross walk and do not use it and so she understood the concerns regarding that; she is not totally opposed to the Hawk signal and not ready to dismiss it either, especially if the city is receiving funding for it. She noted the fact that that the city is trying to change what happens on that street; therefore, going forward the Hawk signal should be considered, especially if it is something that is forward thinking and "not on our dime" which might possibly be an asset to businesses in that area.

Mayor Wood stated there had previously been strong opposition to a median because it would eliminate the possibility of left turns. The Mayor stated he did not believe there was opposition to islands because it did not prevent left turns but eliminated this five lane highway. He added that he would like to see more islands even if we do not have pedestrian crossings because it would change the street character; with more islands, a sense of a median is created even though it is not a true median with something breaking up the street and is another way of calming traffic and creating a more pedestrian environment. Mayor Wood stated that if it is possible to get a more pedestrian environment with landscaped islands to create pedestrian crossings, people will gravitate to the safety of that island. More islands would provide more safe crossings and accommodate more MARTA bus users. Mayor Wood noted how intimidating it is to walk across the six lanes of traffic on Woodstock Road without the pedestrian island. Mr. Acenbrak agreed, stating the pedestrian island breaks up the movement into two parts. The Mayor stated he is totally in agreement for pedestrian safety but is also inquiring how to leverage that money to get as many crossings as possible. He strongly encouraged Council to look at pedestrian islands.

Councilmember Diamond stated everyone in theory loves pedestrian islands but when they are placed in front of a business, they will feel the same way about islands as they did the medians. She stated that if she were spending the MARTA funds, it would all be used for sidewalks; it is all about the pedestrian things that will last us forever.

Mayor Wood suggested that if the interparcel access is considered, along with the length of the pedestrian island and their locations, it should be possible to come up with pedestrian island locations that make sense; we do not want to block a business access. He noted that many of the properties have long frontages; some frontages are more than forty (40) feet and may have two entrances; it should be possible to find locations for pedestrian islands that will not eliminate a left turn into someone's property although it might eliminate one of their curb cuts.

Motion: Councilmember Dippolito moved to defer the Approval to reallocate funds from the Midtown Roswell Hog Waller Creek / Value Village Pedestrian Crossing project and approval of PBA4210CP-04-15-10 to establish the Midtown Pedestrian Crossing-Midtown Hawk Beacon project in the amount of \$25,000. (Deferred from April 5, 2010) until the next Committee meeting, and return to the May 10, 2010 Mayor and Council Zoning meeting. Councilmember Diamond seconded.

City Administrator Kay Love, referring to an earlier request for clarification regarding the action taken on the MARTA agreements last Monday, noted that one of the projects approved was the Hawk Beacon. She assumed, based on this action of

Council, as well as her discussion with staff, the combining of the Hawk Beacon with another agreement to allow different types of pedestrian crossings to be done. The Hawk Beacon could be one of those but it could also be the pedestrian islands or sidewalks. Ms. Love reiterated that she was assuming that with this formal action Council had just taken, that staff could take that guidance and combine those, for discussion at Committee. Mayor Wood asked if a Council vote should be taken. Ms. Love replied that would be helpful. Ms. Love stated the motion would be for the combination, renaming the Beacon Hawk project to pedestrian crossing. Mr. Acenbrak added that Item 3 specifically identified the Hawk Beacon, Item 4 related to sidewalks, countdown pedestrian timers at nineteen (19) intersections and crosswalks at three (3) intersections. Mr. Acenbrak suggested that Item 3 include language "the Hawk will be incorporated into enhancing crosswalks at MARTA serviced areas." He added that is in within the spirit and intent of the entire agreement; the Hawk was simply a form of crosswalk; crosswalks had previously been included in the agreement. Councilmember Dippolito asked if this effectively combined IGAs number 3 and number 4. Mr. Acenbrak replied yes.

Motion: Councilmember Dippolito moved to combine MARTA IGAs number 3 and number 4. Councilmember Wynn seconded.

Council comment:

Councilmember Price stated "I recall a statement last week that we were assured that there was flexibility in these monies that if we didn't approve the \$25,000 or \$40,000 or whatever the number was for the design, that this number 3 could be rolled into one of the others and that was the information we would get back this week, which I don't know that anybody has addressed." City Administrator Kay Love replied "I did state that we needed to talk with MARTA and since this was a specific action, last week, I just wanted to clarify that for the record but MARTA is amenable to us combining that, so that is a possibility. We should have stated that at the beginning of the meeting."

No further discussion. Mayor Wood called for the votes.

Vote on Motion to defer: The motion passed unanimously.

Vote on Motion to combine the MARTA IGAs: The motion passed unanimously.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Nancy Diamond, that this Item be Deferred and placed on the Community Development and Transportation Committee agenda on 4/21/2010 and the Mayor and Council Zoning Meeting on 5/10/2010. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

6.

Recommendation for closure to discuss personnel.

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

In Favor: 6

Adjournment

With no further business, the Mayor and Council meeting adjourned at 10:47 p.m.