



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, July 8, 2013

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; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Recreation and Parks Director Joe Glover; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Development City Planner Jackie Deibel; Community Relations Coordinator Karen Zitomer; Police Sergeant Linnea Coombs; Transportation City Traffic Engineer Muhammad Rauf; Transportation Traffic Operations Supervisor Mike Elliott; Building Operations Technician Andrew Hale; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.

Pledge of Allegiance - Boy Scouts from troops 226, 841, 629 and 1134.

CONSENT AGENDA

- 1. Approval of June 10, 2013 Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on June 24, 2013); Approval of June 24, 2013 Mayor and Council Meeting Brief.**
Administration
Approved
- 2. Approval of a Resolution to Accept the 2013 Georgia Highway Safety Grant from the Governor's Office of Highway Safety (GOHS) in the amount of \$8,000 and approval of**

Budget Amendment 22032230-07-08-13 in the amount of \$8,000 to set up the grant budget.

Public Safety

Approved

Enactment No: R2013-07-43

3. Approval of Resolution to apply for a Target™ Corporation Public Safety Grant in the amount of \$5,000.

Public Safety

Staff had requested that this item be pulled from the agenda before the Mayor and Council meeting.

4. Approval of a Resolution to sign a Lighting Agreement with the Georgia Department of Transportation (GDOT) regarding the Houze at Hembree Road Project.

Transportation

Approved

Enactment No: R2013-07-44

Approval of the Consent Agenda

A motion was made by Council Member Wynn, seconded by Council Member Orleans, to approve numbers 1, 2 and 4 of the Consent Agenda. Number 3 was requested by staff to be pulled from the agenda before the meeting. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. Recognition of Mike Elliott, Traffic Operations Supervisor, as the recipient of the Roswell Rotary Club Vocational Services Award.

City Administrator Kay Love presented this item and said each year the Roswell Rotary Club presents the Vocational Services Award based upon the Rotary principal of service above self. She introduced Mike Elliot, the City of Roswell Traffic Operations Supervisor and said he spends untold hours making sure that everything transportation wise in the area of his responsibility is taken care of and epitomizes service above self. He is always wherever he needs to be when he is needed and the City is very grateful for that. The Roswell Rotary Club recognized Mike at a recent meeting and they thought it fitting to bring this to Mayor and Council to

officially present the award to Mike.

Steve Acenbrak said that Mike started with the Roswell Police Department in 1990 as a Police Officer 1 and was promoted to Police Officer 2 and then joined the Transportation Department. He has had several leadership positions within this department and is currently the Traffic Operations Supervisor. Mr. Acenbrak said he is their go to guy for operations around the City and is always there and very dependable. He is a model employee. Mr. Acenbrak said he wanted to tell a brief story about how Mike was recommended for this award and said in a department head meeting that Kay Love had mentioned that the Rotary Club honors the best and brightest of the City of Roswell every year and added that the City has 600 plus employees with a lot of very good people to choose from. Ms. Love had asked for recommendations. Mr. Acenbrak said uncharacteristically quiet for him, he did not offer any names. He said it was the other department heads who recommended Mike and the fact that Mike is known throughout the other departments is an amazing testament. Mr. Acenbrak said he completely and fully supports this but wanted Mike to know that his reputation as a great worker and the go to guy not only for his own department but for the other department heads is a real testament to him and what he does for the City of Roswell. He said this is a well-deserved award.

Mike Elliott was recognized for receiving this award from the Roswell Rotary Club. This award is presented to an individual in public service who epitomizes "Service above Self."

2. Approval of a Planning Commission appointment - Keith Long.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this appointment to the Planning Commission be approved. The motion carried by the following vote:

In Favor: 6

3. Approval of a Recreation Commission reappointment - Debra Ewing.

A motion was made by Council Member Orlans, seconded by Council Member Wynn, that this reappointment to the Recreation Commission be approved. The motion carried by the following vote:

In Favor: 6

Administration and Finance Department - Councilmember Rich Dippolito

**4. Approval of an amendment to Section 2.6.3 of the Roswell Code of Ordinances to provide for staggering of terms for Boards and Commissions under certain circumstances.
(Second Reading)**

Presented by Michael Fischer, Deputy City Administrator

City Attorney David Davidson presented this item stating this allows the City to get back on track with staggered terms for the Boards and Commissions since going to term limits. He said this will sunset December 31, 2014 and at that time they should be back into a staggered term.

Mr. Davidson conducted the second reading of an ORDINANCE TO AMEND ARTICLE 2.6, BOARDS AND COMMISSIONS, SECTION 2.6.3, TERMS OF OFFICE, OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL BY ADDING SECTION 2.6.3.1, STAGGERING TERMS stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

The Code of Ordinances of the City of Roswell, Article 2.6, Boards and Commissions, Section 2.6.3 Terms of Office, shall be amended by adding a new Section 2.6.3.1, Staggering Terms to follow Section 2.6.3 to read as follows:

Section 2.6.3.1 Staggering Terms. Notwithstanding anything contained in Section 2.6.3, if the terms of a majority of the members of any board or commission expire in the same month, then Mayor & Council may extend the term of any board member by one or two years to create staggered terms, thereby allowing for greater continuity of experience on the board or commission involved. This Section 2.6.3.1 shall automatically be repealed at close of business on December 31, 2014.

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

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

A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that the Second Reading of the amendment to Section 2.6.3 of the Code of Ordinances be approved. This will provide for the creation of staggered terms when a majority of a board or commission members' terms expire in the same month. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2013-07-07

5. **Approval of a Resolution and authorization for the Mayor and/or City Administrator to sign a contract with the Roswell Neighbor as the official newspaper and organ for Legal Advertisements for the City of Roswell.**
Presented by Keith Lee, Finance Director

Councilmember Orlans stated that he does business with one of the bidding companies for this contract and recused himself from discussion.

Finance Director Keith Lee presented this item and said this is a request to approve the Roswell Neighbor as the official newspaper for the City of Roswell. This is related to RFP #13-149-C which was issued on May 9, 2013 and proposals were accepted through May 29, 2013. Three proposals were received including Neighbor Newspapers (the Roswell Neighbor), Appen Media Group (Alpharetta Roswell Revue and News) and the Daily Report. The RFP requested that the proposers provide information such as their circulation, the section in which the City's legal notices and advertisements would be placed, cost per column inch, as well as a publishing schedule for the City's advertisements. The proposals were reviewed by an Evaluation Committee composed of City Administrator Kay Love, City Attorney David Davidson, Community Development Director Alice Wakefield, and Finance Director Keith Lee. Based on the committee's evaluation, staff recommends the Roswell Neighbor. Their cost is \$10.00 per column inch which is what the current contract is. This fiscal year the City has spent \$27,000 on legal notices and advertisements. The Roswell Neighbor's financials are in good shape and they have a credit and risk

rating of 1 with Dunn and Bradstreet. They are financially low risk.

Mayor Wood said then this was based upon price and risk, with circulation also a factor. Mr. Lee said yes and they have a circulation of 19,000. Mayor Wood asked for the cost and circulation of the other bidders. Mr. Lee replied that Appen was \$19.00 per column inch with a circulation of around 15,000. The Daily Report is \$10.00 per column inch with a circulation of 39 in the Roswell area.

Council Comment:

Councilmember Price said looking at the comparison from the three responders, it looked like there may be a trend towards more internet type offering where the circulation may be not as big a factor in the future with people going online. She asked if that is part of our forward thinking, maybe not this year but at some point.

Mr. Lee replied that they requested their internet presence and they provided some information on that. The Roswell Neighbor has a legal section on their internet page and the City of Roswell comes up first when that link is clicked and added that absolutely will be a factor in the future with more presence on the internet. He said the bids are currently advertised on the City's website as well as the Department of Administrative Services and all of the City's legal advertisements are also on the Roswell Neighbor website.

Councilmember Price asked if there is any room in the law for assuming perhaps that people can find it on the City's website as opposed to having to advertise it in another organ.

Mayor Wood asked City Attorney David Davidson to address Councilmember Price's question.

Mr. Davidson said that state law currently reads that a newspaper of general circulation for the majority of the things that the City has to advertise for and added that until they change that to allow more for the City's website or another website, then the City is stuck.

Councilmember Price said then that is state law favoring or mentioning newspapers as the main source. Mr. Davidson replied, yes.

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

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this Resolution authorizing the City to sign a contract with the Roswell Neighbor be approved. Council Member Orleans recused himself since he does business with one of the bidding companies. The motion carried by the following vote:

In Favor: 5

Recuse: 1

Enactment No: R2013-07-45

Announcement about the upcoming public open house meetings in August for the Unified Development Code (UDC).

Councilmember Diamond said over the past year, the Community Development Department has been working on a re-write and general cleanup of the zoning ordinance. The Unified Development Code (UDC) is in process and there will be three public open house meetings in August: Monday August 19 at East Roswell Park from 7:00 pm to 9:00 pm; Tuesday August 20 at Roswell Area Park from 7:00 pm to 9:00 pm; and Wednesday August 21 at Roswell City Hall from 11:30 am to 2:00 pm and Hembree Park from 7:00 pm to 9:00 pm. She said a letter may have been received by residents regarding their property and information on what the UDC would mean to them specifically. She said for additional information about the meeting dates or to see the conversation table or for a contact number they could online to roswellgov.com/UDC. She added that this will not make much of a difference for the residents as far as their homes but it is a big shift for the City and they want the residents to know more about this.

Community Development - Councilmember Nancy Diamond

**6. RZ-201300928, CV-201300930, CU-201300929, 10485
Woodstock Rd., John H. Wilson, Land Lot 370.**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating this is an application to rezone the current R-1 single family residential parcel to a C-2 commercial district to allow for a conditional use for a four bedroom home to be established as a bed and breakfast. This home is located on Woodstock Road, to the south of the Roswell Area Park entrance with single family homes to the south and to the west of the property. This application was reviewed by the Planning Commission and they recommended that the property be rezoned to O-P which would also allow a conditional use of the bed and breakfast. They felt that the O-P designation was less intense than a C-2 commercial designation and included seven conditions that are included in the Council backup materials for this application. Mr. Townsend showed the existing entrance into the Roswell Area Park, the existing home and also two homes across the street in another subdivision just to the south down Woodstock Road. He said staff reviewed this application and felt that the proposed bed and breakfast as well as the C-2 or O-P zoning designation would be intrusive into the residential developments along Woodstock Road and recommends denial of this application.

Mayor Wood asked what the Planning Commission's recommendation was. Mr. Townsend replied their recommendation was for approval of the O-P designation with conditional use allowing limitations of overnight guests only on Thursday evening through Sunday evening and that the property be properly screened from the south and for a parking pad to allow for a turn-around on the property.

Council Comment:

Councilmember Diamond asked Mr. Townsend what the Comprehensive Plan view is of this property. Mr. Townsend replied it has it identified in a character area of suburban residential. Councilmember Diamond asked if there is a recommendation for what it would fall under for the UDC. Mr. Townsend replied this would still be a single family residential area. Councilmember Diamond asked if that is R-1 or R-2. Mr. Townsend replied it would stay R-1.

Councilmember Price referred to page 6 of 17 of Council's materials and said the bird's eye view shows the parcel abutting the structure and asked if there is an easement there currently. Mr. Townsend replied he thinks their driveway is right on the property line. Councilmember Price said she meant the other side at the corner of the house. Mayor Wood said where it looks like the corner of the home is on City property and said this is just an aerial; it is not an engineered drawing. Mr. Townsend said it is 8' from the property line.

Applicant

John Wilson stated that he resides at 10485 Woodstock Road in Roswell. He is a certified chef and a graduate of the most prestigious cooking school in the world, The Culinary Institute of America, and is resident chef and instructor at Barrington Hall in Historic Roswell where he has been every other Tuesday night for about six years. He owns a travel company, Culinary Vacations, which he has operated for 17 years where he takes people to Europe to cook with him and said that business is for sale and he is now looking for a new job. He has been a resident of Roswell for 15 years and said he loves living in this City and whenever he goes to dinners or functions outside of Roswell, people always say, 'you live near those great restaurants.' He is here tonight to request a rezoning to an O-P from an R-1 for the use of a four bedroom bed and breakfast and that he will be operating the business himself and living in the home. When he bought the house ten years ago, he thought it would make a great bed and breakfast because most of the bedrooms are 14' x 15' or larger and has a large public area that would be great for communal. He does not have plans for holding any special events nor for obtaining a liquor license. There is a need for a bed and breakfast in Roswell because there is not one. He has been in contact with Dotty and Marsha at the Roswell Convention Center and they have said they receive calls every day about a bed and breakfast in Roswell. He has also talked to all of the special events facilities in Roswell and they get requests for bed and breakfasts as well. He wants to be a part of the exciting things that are happening in Roswell. There was an article in the paper a couple of Sundays ago about Roswell and trying to be supportive to small businesses in homes of five employees or less and this would be a small business in Roswell. He displayed a survey and said the City of Roswell park is his neighbor to the west and to the north and to the east is a single family resident that is a rental property owned by Bernie Olszeski who is in favor of this. A masonry fence would have to be built because Mr. Olszeski would like screening down the driveway and he would be asking for approval of that. There is a single family residence across the street owned by Matt Kuhn and that property has been abandoned for about five years, and to the north is Oak Ridge Run subdivision. There is a big pan handle on his property that goes out to Park Bridge subdivision that is all vegetation. Mr. Wilson displayed the site plan and pointed out the park in the back and the driveway and said there is a parking pad that needs to be enlarged per the Planning Commission meeting and they would be putting a masonry fence between the two buildings that he pointed out and said they would like a privacy fence down almost to the end of the driveway to shield the parking pad. He pointed out the Kuhn property and the subdivision entrance and said the property is well screened along Woodstock Road and the house cannot be seen going from west to east on Woodstock Road down to the east. A little bit of the entrance can be seen if going east to west on Woodstock Road. They are requiring six parking spaces; one for himself in the garage and four additional which would increase the parking pad and they would like the headlights on the parking pad to face away from the neighbor's property and one parking space would be at the top of the driveway for handicap parking. He said the Planning Commission asked that the bed and breakfast only operate Thursday through Sunday nights, but he is also requesting holidays because Christmas could be on a Monday or Valentine's on a Tuesday and people travel during the holidays, so he is asking for the times to be

extended for holidays as well. There is a concurrent variance and the minimum requirement on the side is a 50' setback by a 40' natural buffer. There is an 8.6' setback on the rear of the property. There is a 20' setback on the east side which would be the neighbor's property but the neighbor is in favor of this with the fence. There are two other properties - one on the other side of Mr. Olszeski and she is very much in favor and said there should be a letter in Council's packet from her. There is a lot of natural screening between his property and the park; probably about 75'. To the front of his property and down to the peninsula and in the back of his property next to Mr. Olszeski; someone couldn't see the two properties because there is so much vegetation and a green wall that he put up. In the front there is Leyland Cypress and natural vegetation in the panhandle and on the east. There are no windows on Mr. Olszeski's house between the two properties but there are windows on his wall but there is plenty of tree screen in the back of Mr. Olszeski's property. There isn't any screening down the driveway which is where Mr. Olszeski would like to have a fence and they are working to have him approved for that. The reason the City should approve this rezoning is because on Woodstock Road in Roswell, there is a patchwork of residences and non-residences mainly from Canton Street up to Park Ridge subdivision; but past there to the west there are non-residential businesses like churches, a park and the school. The B&B is not a retail and it is not an intense use business; it is a residence in nature like it is in a neighborhood. Most bed and breakfasts are in neighborhood settings throughout the country and especially in smaller towns like Roswell. He is supported by the special events facilities, the Conventions Bureau, the neighbor that is right next door to him, and the Kuhn's across the street. He knows it is a single family home and not in a subdivision and it is along Woodstock. It is no longer desirable property due to the heavy traffic that is on Woodstock Road. It would be hard to sell the house as a single family dwelling. It is well screened by the neighboring properties along the road except for the property to the east. The Design Review Board has asked that he build a masonry wall between the two sides of their houses for screening. Only one property abuts his house and that property owner is in favor of it and it is not in a subdivision. There are neighborhood concerns about turning this into a bed and breakfast based on the DRB and neighborhood meetings. The neighbors were talking about the rezoning that if the bed and breakfast fails and the house is sold and demolished; what could go into that area. This property is a triangle and if they demolish the house; they could not rebuild a house and parking to fit into that triangle; so he would think that it would not be a desirable piece of property. The neighborhoods and the DRB stated that it doesn't look like a traditional Victorian bed and breakfast. Mr. Wilson displayed some photos of other bed and breakfasts that are not traditional in other cities like Asheville and Charleston and said that the Victorians have kind of gone away and they have gotten very busy and expensive to maintain so different types of homes are being used as bed and breakfasts in other neighborhoods.

Mr. Wilson said in summary that this house is on Woodstock Road which is already a patchwork of residence and non-residence and due to the hours and intensity of the traffic for a single family home fronting Woodstock, it is really no longer desirable property to sell. The property is well screened on three sides and they will be putting up fencing and a masonry wall on the fourth side. He is supported by the abutting neighbor who will be the most impacted by this rezoning. The major concerns of the neighbors have been addressed in the former meetings.

Council Questions to Applicant:

Councilmember Wynn asked Mr. Wilson to put the listing of the supporters of this application back on the screen. She asked if he has a letter from the Roswell Business Alliance (RBA), the Convention and Visitors Bureau (CVB), and special events facilities in Historic Roswell. Mr. Wilson replied no, he had talked to them all. Councilmember Wynn asked who he talked to at the RBA. Mr. Wilson replied, Steve

Stroud was at the RBA and Manny and Dotty at the CVB. Councilmember Wynn said then you don't have a letter saying that they support this; you are taking a verbal. Mr. Wilson replied, right. Councilmember Wynn asked if they actually said, "I support this in this location." Mr. Wilson replied that he was overwhelmed because they said that they get calls every single day from people. Councilmember Wynn said that is not what she is asking; she is asking if they verbally said that this house is the best place to have this bed and breakfast. Mr. Wilson replied, no.

Councilmember Orlans said that was also his question as to if they had said, yes we need B&B's in Roswell or did they specifically support this location. Mr. Wilson replied, no that he went down and talked to them and said he was interesting in turning his home into a bed and breakfast and they said that is great because they cannot believe there are none in Roswell. Councilmember Orlans said he just wanted to clarify what he was putting up there.

Councilmember Price said along Woodstock Road, she thinks there is a trend towards more commercial activity. The future plans of that area still show it as an R-1. Even though the City is in kind of transition; she did not think that was planned to change in the future without a specific request which the applicant is doing. Looking at the rest of the street down towards Canton Street; there are some non-residential and some for sale signs along there that say potential commercial. She said again those would also require a zoning change request. Mr. Wilson replied, "That is next to the day care which is a double lot." Councilmember Price said just to the other side there is a sign now that says potential commercial and she doesn't have a question other than if staff could comment on the extent of any other requests or plans that might suggest more commercial along that corridor.

Mayor Wood asked if staff has any knowledge of other potential projects along Woodstock Road in this area. Mr. Townsend replied that they have received no official applications along Woodstock Road for this area but are looking at all of the parcels related to the Unified Development Code as to whether they are appropriately zoned or what categories they would fit in. Mayor Wood said then the answer is that there are no specific projects in this area. Mr. Townsend said not to their knowledge.

Councilmember Price asked where the historic district ends from Canton Street. Mr. Townsend referred to the overhead and pointed to a parcel and said he believes it is this parcel with the gas station and the parking lot. Councilmember Price said then it is barely around the corner currently. Mr. Townsend replied, right.

Councilmember Orlans said to the applicant that he had referred to a patchwork of residence versus non-residence with churches, parks and schools. Councilmember Orlans said that many years ago he had said that they should look at Woodstock Road at the Canton Street end and whether it should be put in the historic district. He said they have always used the Young Life Daycare and then one space right across the street from it that Councilmember Orlans referred to as being shown in pink as the end point and not going any further than Fowler Street. He said you can see there is no pink in that other area and it is all considered residential and of course churches and parks and schools have always been allowed in residential areas because it is part of the atmosphere. He said he doesn't see where it is really a patchwork coming down as far as where Mr. Wilson's house is located and added that those are just some of his thoughts.

Councilmember Price said that the applicant mentioned that he was not planning to ask for a liquor license and asked if they would be serving dinners or only breakfast. Mr. Wilson replied, breakfast. Councilmember Price said then the plan is to not serve dinners. Mr. Wilson replied, "No...on the Roswell bed and breakfast outline it says

that I can offer breakfast, lunch and dinner." Councilmember Price said, "That you can." Mr. Wilson replied, "Yes." Councilmember Price said then you could offer a full host of meals but you wouldn't want to serve any alcoholic beverages. Mr. Wilson replied, no.

Councilmember Price said she had a question for staff and asked at what point having guests in your house constitutes a bed and breakfast or a commercial activity. She said if someone is staying with you but there is a financial arrangement because they want to offer to offset some of the costs; for instance a lot of people offer their homes at the Augusta National during the Masters. She said she didn't think they have business licenses. She asked at what point if you had activity at your house, would you be required to have a business license.

City Attorney David Davidson replied that there is not a direct answer to that. In the past, they have gone with the building code which requires anything that has more than three units would be considered a business. For instance an apartment complex would be considered anything that has more than three units renting out by the month. He said we don't address a bed and breakfast as far as an alcohol license.

Mayor Wood asked if the state has regulations or defines what a bed and breakfast is. Mr. Wilson said he could not answer that. Mayor Wood asked if he is aware of any state laws regulating bed and breakfasts. Mr. Wilson said no, not in the State of Georgia. Mayor Wood said then they are not treated as inns by the state. Mr. Davidson replied not that he is aware of. Mayor Wood said he doesn't think they have an answer to Councilmember Price's question.

Mayor Wood said to Mr. Wilson that he would have an opportunity to respond after public comment. He said this will not be an opportunity to introduce new information but to respond to points that they have raised.

Councilmember Price asked if the applicant plans to put signage out. Mr. Wilson replied yes.

Public Comment:

Debbie Crawford stated she lives in Oak Ridge Run subdivision which is directly across the street from this property. She said she had a petition with 69 signatures against this bed and breakfast. Mayor Wood asked her to give the petition to staff and they would bring it forward and said she could proceed with her comments. Ms. Crawford said she also brought some photographs. She pointed out the entrance to her subdivision turning right around the corner and into it and said it gives a view of the homes in the subdivision. She then referred to another photograph and pointed out her subdivision and coming into the subdivision and where the subject property sits behind the Leyland Cypress. She showed another view and said just past their subdivision entrance is a speed limit sign and also an end of school zone sign. She said the applicant's property sits within the school zone and pointed to where you can see the applicant's house and then the sign and then the cypress which the applicant referred to as a buffer. She referred to another photograph and pointed out the applicant's house and the entrance to the park which the house borders. She pointed out their subdivision entrance again along with the school zone sign and said during school when they let out is very busy and traffic is horrible. She pointed out coming into the subdivision entrance and the Kuhn property that the applicant talked about that has been abandoned. She said Ms. Kuhn stood up in favor of his proposition because she would also like to turn her property into commercial property. Ms. Crawford said she talked to a neighbor down from Ms. Kuhn who had offered to purchase Ms. Kuhn's property for his mother to live in and she refused to sell it and

then he offered to rent it and she also refused to rent it. Ms. Crawford said there is still a need for people to live along Woodstock Road because the area is residential and by the park, school and daycare center; it is a wonderful area where she has raised two children. She displayed another photograph and said it shows that the Kuhn home sits within the confines of her subdivision. Ms. Crawford said that the applicant's single family home is located in a residential area bordered by Roswell North Elementary School, Roswell Area Park, numerous homes and subdivisions and Young Life daycare and all of the properties from Highway 92 to North Coleman are residential or schools or churches that are normal community and family type areas. Beyond North Coleman Road to Canton Road has become commercial and she feels Canton Street would be a much more conducive area for a bed and breakfast and said she understands there was one there but it failed. She said they do not want the commercial creep to come any further than where it stops at North Coleman and if zoning is changed for this home then others will want it too as is the case with the home on their corner that has been abandoned. She said they must have their home values and their way of life protected by the City of Roswell because they made a decision to purchase homes there because they were protected by residential zoning and she would not have purchased a home next to a bed and breakfast or any other business. A lot of children in this area must walk to and from school by the applicant's house every day and due to the transient nature of this proposed business would not be safe for them. She said a bed and breakfast is a fancy name for a motel and this home is located within the school zone as the street signs indicated in the pictures she presented and a motel in a school zone is unacceptable. She said she also resents the fact that the applicant is using access to the Roswell Area Park as part of the draw for his business; no public property which is paid for and supported by the tax dollars should be used for personal monetary gain. She displayed a map showing the layout of the elementary school, North Coleman Road and pointed out that everything from there is all residential and nothing is a business and said that once it is opened up for one business, it would have to be opened up for more. She requested that Council deny this application.

Barbara Vellan stated her home address as 100 Broadmeadow Cove. In the seventies she worked at a part time job at the Roswell Animal Hospital and at that time Roswell had very strict restrictions and everything had to be done just right. She now lives in Roswell and her parents had lived there for 20 years and she has inherited their house. As properties get older they get junkier and Alpharetta Highway by Woodstock Road going towards Holcomb Bridge is very junky. Mr. Wilson has said that the property owner next to him has no objection, but he is renting his property. She has two properties on Woodstock Road across from Roswell North Elementary that total approximately 150-175 feet. The people that live behind her that have a Woodstock Road address are renters and the owner of that house has wanted to put more houses in there to do something because he bought the property as an investment probably like the lady that lives across that doesn't want to rent or sell her home. Mr. Wilson never addressed the fact that there is a school zone there and when someone goes on vacation and are going to have dinner; they are going to want a glass of wine or beer and Mr. Wilson is going to be asking for alcohol at some point in time. If this business fails, it is already zoned for something so it would then be an easier step to be zoned for something a little stronger commercial and then the neighborhood values will go down. This is a residential neighborhood and they don't need to have a bed and breakfast. The applicant's home is lovely; she had looked at it to buy approximately ten years ago probably before Mr. Wilson purchased it, but it is a ranch house with a big common area and big bedrooms and all remodeled but it is not a charming little bed and breakfast type home. She does not see this business doing well and does not think it is going to work and feels strongly that this is not the place to put this. The people who have rental properties don't care and won't object when their property is next to

a commercial property. She said if someone offered her a ton of money for her property because it was going to become commercial, then she would sell it, but she doesn't want to because she wants to live there and enjoy it. Ms. Vellan thanked the Council.

Adam Gasper, 450 Oak Ridge Run, said he is a second time resident of Roswell because business took him away and when he had the opportunity to come back Roswell was the only place he wanted to live even though he works in the Brookhaven area of town. He has lived here ten years in the two combined times. He is an active voter and active in the community and has significant concerns about a zoning change primarily to put a motel/boarding house/inn directly next to one of the cornerstones and keystones of the Roswell residential community, the Roswell Area Park. The City must be very careful with how they zone and what is put in that area to preserve it for the residents. There is not a patchwork on Woodstock Road, as Mr. Wilson had commented before. One of the Councilmembers had already pointed this out where all of these services along Woodstock Road are in support of the residents and not in support of visitors and bringing new visitors into the area. He expressed concern about how the space is utilized today and that it must be utilized wisely. This is not in the Unified Development Code or the master plan for Roswell development and he respects that and thinks the plan should be adhered to. There are plenty of areas and properties inside of commercial zoned real estate that are dark. There are three similar properties on Woodstock Road and others on Mimosa Drive that would be very suitable for a bed and breakfast that are for sale and expanding the search to Alpharetta Highway gives even more opportunities for existing commercial space and there is a need to continue to utilize and make sure those spaces do not go dark. The future of this business is also a significant concern. He has been a board member with the newly formed City of Brookhaven and one of their big concerns is that homes in areas of DeKalb County there are businesses of a certain reputation that have a checkered past that are adult oriented massage businesses. There are a few examples of that inside Roswell on Highway 92 that have easily moved into a home location like this and it is very concerning that this could be an opportunity to have that move in right next to the park. He also expressed concern about the use of alcohol and liquor next to the park and said some of his family members attended Mr. Wilson's cooking school and classes in his home and had taken alcohol in there and he was surprised they were allowed to consume alcohol at those dinner parties right next to the park that places a potential risk for the area. Mr. Gasper said in closing that staff has recommended leaving this zoned R-1 and there is significant outcry from the residents that there is an issue to protect the residential area. There is also the fact that it is not in the UDC plan which states this is an area that is meant to be left as residential. Mr. Gasper requested that Mayor and City Council deny this application and leave this property designated as R-1.

Councilmember Price asked Mr. Gasper to place a photograph back on the overhead and asked if that is a picture of the property in question. Mr. Gasper replied it is. Councilmember Price asked if the picture is current. Mr. Gasper replied it is and is one that was on the application. Mr. Gasper asked permission to add one more thing. Mayor Wood gave him permission to speak again.

Mr. Gasper said it is his job to find new opportunities and new businesses and he also creates new businesses. Looking at some of the competitive space in the local area, Roswell is fortunate to have a three to four star hotel in the Doubletree which is \$125 per night on weekends. When questioning the competitiveness of someone staying at a location such as this bed and breakfast for \$175, he has strong concerns from a competitive standpoint saying that this business is going to be successful which probably would also have shared bathroom facilities when there is a four star

hotel here significantly less expensive for travelers in this City.

Kelly Kicklighter stated she is the executor for the estate of Matt Kuhn and made the following comments. At no time in the last three years have they had anyone approach them about renting or purchasing their property. It is undesirable as zoned R-1. She and her husband bought on the east side of Roswell because they couldn't stand the noise. She supports Mr. Wilson and his plan to try to develop this area and it would be good for other properties along that area that look junky as someone else has said. Matt Kuhn's house has been there since 1947 when her grandparents moved here from Dahlonoga. It is old and there isn't much that can be done with it. She is in favor of the applicant being able to take their property and do something good with it that could benefit the community.

Eric Shumaker stated his home address as 145 Prospect Street and said he had previously spoken on this topic at the Planning Commission. He is generally against creating islands of commercial space in residential areas. He said speaking to some of the technical points the applicant is asking for a substantial variance on the offsets from the other properties with 8' on one side and about 20' on the other. This house is also using part of the park land for landscaping for their lawn and the City should look at easement type issues there as well. The issue of alcohol being served there is significant because it is within 500' of an elementary school. Even if they wanted to get a liquor license, they would not be able to do so. Changing zoning in an area that is residential like this does impact the other properties because people research what the zoning is when they buy a house and he imagines that everyone around this area looked to see that there was only R-1 or R-2 properties here. If a commercial property is injected within this residential area, it does decrease property values for the neighbors. He brought a handout that he received in his water bill about the UDC plan changes and what is not changing. He put the handout on the overhead and pointed out an area in blue that comes down to Fowler Street and Coleman Road and said they spent a lot of time on the UDC and the rezoning but it did stop there and didn't come down farther down that area. He said he mentioned in the Planning Commission meeting that he would be for a bed and breakfast if the City intended to bring commercial down into this area. That is probably impossible because just south of this property is an HOA subdivision and residential properties nearby. The City does not create islands with the other zonings and should not do it here either. This property is near an elementary school and alcohol should not be served here. The offsets and the variances they are asking for are extreme in this case. This property is not appropriate for a bed and breakfast although he is in favor of the applicant having a bed and breakfast somewhere else in Roswell. Mr. Shumaker thanked Council.

Bernie Olszeski stated that he owns the property at 10475 Woodstock Road next to the subject property, but lives on Etris Road. He had mixed feelings about this and likes this property the way it is. However, he had met Mr. Wilson and talked to him in-depth about what he was going to do and how he was going to aesthetically make it look pretty by having a fence in between. He said he thought about it and now feels that Roswell does need a bed and breakfast and although this is not the perfect scape of it, thinks that the applicant will do a good job. If he is involved in making it look aesthetically nice between the two house, he does not have a problem with this. He is in support of a bed and breakfast on Thursday, Friday, Saturday, Sunday and holidays.

Sally Grimes said she lives in Oak Ridge Run subdivision and made the following comments. The residence at 10485 Woodstock Road is next to a Roswell area park and elementary school where children are taught, learn, and play. She is deeply concerned about this residence being a bed and breakfast because they are typically

not owned by the same person for a long period of time. So, if this is or is not a success, it can be flipped to some other type of commercial business and could be a controversial business as her neighbor has mentioned and at that point they would have very little say as to what would happen to it. If this is approved as a business; it sets a precedent for other owners in the area who are contemplating the sale for the purpose of rezoning for commercial business and they are aware of other people in the neighborhood who are thinking of putting businesses in this area where they live. A bed and breakfast in the area adds additional traffic and people will use their cul-de-sac for a turnaround. The continuous turnaround of unknown people at the bed and breakfast will have access to the neighborhood parks and elementary playground. The applicant may have experience as a chef but does not have experience in running a business or a bed and breakfast. There will be additional people and employees on his property using this residential area with continuous access to their neighborhood. Ms. Grimes requested that the Council deny this application for rezoning.

No further public comments. The public hearing was closed.

Applicant Rebuttal

John Wilson said he would like to make it clear that he plans on serving breakfast only and does not plan on serving any alcohol or getting a liquor license because it would not be approved as this is so close to the park and the school and that is not even an issue here. He said there was a bed and breakfast at 1050 Canton Street owned by a couple who still live in their home and they were very successful stating that he called them once about having a family reunion there because they wanted to have it in Roswell and they told him they were booked six months out. He said for the people on Park Ridge who talked about their children and their safety with this being so close to the school, that is why the Planning Commission suggested that he only be open on Thursday, Friday, Saturdays and Sundays which would cut down on the seven nights per week lodging. He said he is requesting holidays as well. The variances are not extreme because the back of the house backs up to Roswell Area Park and then next door is Mr. Olszeski who is in favor of this. He said he has run many businesses in his life including a catering business and currently owns Culinary Vacations and has run many B&B's and continues to do that. He said he is a substitute teacher and knows a lot about running a B&B and has had a lot of experience.

Further Council Comment

Councilmember Wynn referred to item number 5 on the Standards of Review and asked Mr. Townsend if the C-2 is changed to O-P would staff still have a negative response on that question. Mr. Townsend replied yes. She said that Mr. Wilson had stated if this is not a successful business there is no way that anything else could be built there but there is assemblage of properties and since there are some properties that are residential there, she could see some type of assemblage. That piece of property would still be viable on something like that and she does not think that is a good argument. She said she also has serious concern when she sees the names of the Roswell Business Alliance and the Convention Visitors Bureau up on the screen saying that they support this project. She said they might support B&B's in the area but not this one and she thinks that was very disingenuous. The main thing is that of the 23 questions on the Standards of Review, 8 of them are negative and do not support this application. She read number 5 that states, "Whether the zoning proposal is in conformity with the policies and intent of the 2030 Comprehensive Plan." She said the response states, "The proposed rezoning to C-2 (Neighborhood Commercial) for a Bed and Breakfast does not comply with the intent of the 2030 Comprehensive Plan. The future Development Map indicates the character area of Suburban Residential for this location." Councilmember Wynn said she could go on

with the other 7 but there is no way that she could support this.

Councilmember Orleans said he would agree about the RBA and the CVB. He said the City could use some B&B's and the one at 1050 Canton Street was very successful but added that unfortunately he does not feel that this is the spot to have one. He said they have had discussions in the past on some of the commercial creep coming down Woodstock Road and Canton Street but the general consensus has been to stop it prior to Fowler Avenue and Young Life and this is right in the middle of a main residential area and he does not see making this a commercial zoning.

Councilmember Dippolito said to Mr. Wilson that he couldn't think of a more perfect person to have a bed and breakfast in Roswell because he is a Roswell resident, a certified chef and a graduate of the Culinary Institute and he appreciates the quality of chefs that they turn out. He said unfortunately this is in the wrong location. He believes that Mr. Wilson would do an outstanding business with a bed and breakfast but that he agrees with Councilmember Orleans that the non-residential uses need to stop at Fowler Avenue. Although there are churches and schools and parks, they support the residential components of the area. He said he loves the idea and Mr. Wilson would be a great person to do this but this is not the appropriate place.

Councilmember Igleheart said he was glad Councilmember Dippolito said that because it feels like they are all beating up the applicant. He agrees that the idea is good and Mr. Wilson would probably be a great person to do this, but this particular location does not work so well for the area and for what the City's zoning allows. There is validity if that were to change then it could become a domino for the rest of the area and that is not something he could support. As a number of people have said, the idea is great and if this was in a different location then they would all be in support of that, but he cannot support this location. He said not against Mr. Wilson in particular but the location just doesn't work.

Councilmember Diamond said to the applicant that in the world of timing people and property make successful economic development and he certainly has two of them in his favor and she couldn't think of anybody who would be better to do this because he is already a part of the Roswell fabric. She would love to see him do a project like this and added that she has a contact if he would like to learn more about other options. She said she is excited about the potential and hopes that he will not give that up but that she would have to make a motion to deny this.

A motion was made by Council Member Diamond, seconded by Council Member Orleans, that this rezoning with a conditional use and concurrent variances to allow for a Bed and Breakfast be denied. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-07-46

Transportation Department - Councilmember Betty Price

7. **Approval of a Resolution accepting a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the Big Creek Parkway, Phases 3 and 4 Planning Study and approval of a Budget Amendment BA35042102 07-08-13 in the amount of \$280,000 to establish the grant account.**

Presented by Steve Acenbrak, Director of Transportation

Director of Transportation Steve Acenbrak presented this item stating that the City received funding from the Atlanta Regional Commission (ARC) in the amount of \$280,000 to perform a planning study for the Big Creek Parkway Phases 3 and 4. He displayed a graphic on the overhead and pointed out SR 400 and Holcomb Bridge Road (SR 140). He said Big Creek Parkway generally runs across SR 400 between exits 7 (Holcomb Bridge Road) and exit 8 (Mansell Road). This will be a local connection across SR 400 with no connection to SR 400. This planning study is already funded and under design. This study contemplates the connection of using this gateway as the backbone and then connecting to the east to Holcomb Woods Parkway and then will study connecting to Mansell Road and perhaps to Westside Parkway; west of SR 400. For this effort, the City has \$350,000 of which there is a required 20% match that would be \$70,000. The North Fulton Community Improvement District (CID) has generously agreed to share the cost of that match 50/50. The City of Roswell's share will be \$35,000 and the CID share is \$35,000 of which that money has already been secured. Staff is asking approval to secure the project and framework with the GDOT to begin this process.

Council Comment:

Councilmember Price asked if the amount of \$35,000 is not in the current FY 2014 budget. Mr. Acenbrak replied it is; they are fully funded for this effort.

Councilmember Price said, so it is a budget amendment because... (she did not complete her comment). Mr. Acenbrak replied this is the project framework agreement and basically the City's contract with GDOT and this is how these agreements are worked. The project framework is essentially the language that says the City is a qualified government.

Mayor Wood said it is already funded and we are asking for a green light to move forward. Mr. Acenbrak replied, yes sir that is correct.

Councilmember Price said she was wondering why it is a budget amendment because she thought it was an addition to the current budget. Mayor Wood asked Ms. Love to respond to this question.

City Administrator Kay Love stated what is in the current budget is \$70,000 that was appropriated during the mid-year of which the North Fulton CID will participate 50/50. This is the state funding that the City will receive and that was not included in the budget at that time, so this is establishing that account for the state funding. Councilmember Price thanked Ms. Love and said that is what she wanted to know.

There were no further council comments. Public comments were invited. None were made.

Motion: Councilmember Price made a motion for Approval of a Resolution accepting

a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the Big Creek Parkway, Phases 3 and 4 Planning Study and approval of a Budget Amendment BA35042102 07-08-13 in the amount of \$280,000 to establish the grant account. Councilmember Wynn seconded.

Further Council Comment:

Councilmember Wynn said she would like a clarification. She said Phase 3 is going to Mansell, not Holcomb Woods Parkway and asked if that is correct. She said that Mr. Acenbrak had said Holcomb Woods Parkway. Mr. Acenbrak apologized and said he meant to say Northpoint Parkway. Councilmember Wynn thanked Mr. Acenbrak and said she just wanted that clarification to make sure it is going in the right direction.

A motion was made by Council Member Price, seconded by Council Member Wynn, that this Resolution accepting a PFA with GDOT and the budget amendment be approved. This Planning Study is for Phases 3 and 4 located west and east of SR 400 connecting Big Creek Parkway and Mansell Road in Alpharetta. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-07-47

8.

Approval of a Resolution to support creation of the Holcomb Bridge 400 Livable Center Initiative (LCI) area.

Presented by Steve Acenbrak, Director of Transportation

Director of Transportation Steve Acenbrak presented this item stating that this is the creation of an LCI. The City currently has two Livable Center Initiative areas and the Atlanta Regional Commission (ARC) manages this program and allows for projects such as this to be grandfathered into that umbrella. The City has already done planning studies that include the 2030 Comprehensive Study, the Strategic Economic Development Plan, and the Holcomb Bridge Corridor study and that combination of studies for this area allows the City to be grandfathered into the LCI study. This allows the City to seek funding for improvements in that area under the ARC umbrella and establishes the ability to seek funding; it does not currently request any but gets the City into the program.

Council Comment:

Councilmember Price asked if this is anticipated to out prioritize any of the current LCI plans. Mr. Acenbrak replied no and that this will be a stand alone area and that the City would then study this area. He added that when the ARC has a call for projects, the staff will get together with Community Development and others and look for ways to find out how much money is available, scope a study and those sorts of things. This is basically the first phase of setting up for the ability to do that.

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

A motion was made by Council Member Price, seconded by Council Member Orleans, that this Resolution to support creation of this LCI area be approved. The LCI program will provide a new potential funding source for supplemental planning studies and transportation projects in the interchange area. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-07-48

9.

Approval of the Sun Valley Road Conceptual Design.*Presented by Steve Acenbrak, Director of Transportation*

Director of Transportation Steve Acenbrak said Sun Valley is a project to connect two roads that are currently dead ends that are pointing at each other. He displayed a graphic on the overhead and pointed out Mansell Road that runs east and west, SR 9 that runs north and south, a section of Sun Valley that currently runs to the east and ends, and a connection of Warsaw that ends. He said when the area was being developed, they contemplated a road connection and preserved that area on the plats. It has come time to connect these roads which would be good for mobility, congestion relief, and very attractive as an economic development corridor. They are working with the neighborhoods and businesses to maximize the value of this for all concerned. The City is currently funded for design and has hired a design firm who is moving forward on this design. Staff is requesting approval of this concept so they can finalize the concept development. He said there is a residential area in the south that would be a two-lane road and as it moves to the west into more of an industrial area, it is a three-lane road because there are a lot of auto dealerships there with a lot of turning movement. They have been very context sensitive in the way they have looked at this and are making intersection improvements to SR 9 and also adding some traffic calming just north of Warsaw for the residents to be able to walk to the businesses on Mansell and they would be accommodating those. There is also review of some landscaping issues. They are constantly meeting with the stakeholders to ensure they are incorporating their desires into this design and they are confident they have done a good job with that so far.

Council Comment:

Councilmember Price said to clarify the route and the necessity for any right of way acquisition, asked how much of that is owned either by the City or is currently in the right of way. Mr. Acenbrak replied that currently there are 11 parcels along this section that the City will be working to acquire. Mr. Acenbrak pointed out an area of land that is owned by the City that they would be utilizing as part of the alignment. He said another issue that he did not mention is that there is an area called Old Ellis that goes off of Old Roswell Road and points to the west and then ends. He said they contemplate and anticipate that Old Ellis will come in at some sort of alignment (that he pointed out on the graph) and then connect. He said they are also anticipating this in the design. The right of way, like in any other design, will be designed to minimize the impact to the property owners and they will approach the property owners and offer them fair market value and go through the entire right of way acquisition process. Councilmember Price asked if the road as it approaches Alpharetta Highway private or is any of it public. Mr. Acenbrak replied it is all public currently but they would be widening it slightly and would be encroaching on those properties. He said Honda Carland is going through a metamorphosis and are going to demolish their sale center and they have a huge master plan to redo the entire site so the timing of this is good and they are favorably disposed to this improvement.

Councilmember Price asked what the anticipated improvement of traffic flow along Alpharetta Highway is. Mr. Acenbrak replied they have done some modeling in that area and they did one with the North Fulton CID about two years ago. He said there will be fairly significant improvement to the intersection operations at Mansell and SR 9 and traffic will adjust itself and there will be good distribution of traffic given that the new quadrant will be open. Councilmember Price asked if this will aide economic development. Mr. Acenbrak replied, yes and General Motors has already planted their flag at the old Herman Miller building and there are other businesses around there. He said they have had a lot of contact with both Honda Carland and the owners of the Audi dealership and the Porsche dealership and they own real estate

which they use for collision centers. There are a lot of things happening in that area and a lot of excitement about this new road section helping the businesses along that corridor. Councilmember Price said if the people in the apartments at the lower end were to have to go to the hospital or something like that, would this make it a quicker trip to the hospital. Mr. Acenbrak replied it would significantly shorten their trip. Councilmember Price thanked Mr. Acenbrak.

Councilmember Dippolito said to Mr. Acenbrak that there is a billboard at the intersection of SR 9 and asked if there is an opportunity to dispose of that and if it is within the right of way that would be acquired. Mr. Acenbrak replied that the intent is to improve mobility and the way they do that is to apply best practices in road design and the way they are improving the intersection right now, that billboard is in the right of way. Mr. Acenbrak said he has already consulted with the legal department about the impacts to that and they are doing this as a public purpose solely to improve mobility and there may be some collateral damage and some times that happens and they will just follow that where it leads. Councilmember Dippolito said he would not necessarily consider that damage but that would depend on whose side you are on. Mr. Acenbrak added that was in no way part of their design strategy. It just fell out that way. Councilmember Dippolito said he understood and didn't want it to become a legal issue but was more of a question.

Councilmember Dippolito referred to the proposed roundabout and said he had made this comment at committee and that he would like for staff to look at ways to minimize some of the islands coming into the roundabout to reduce the footprint wherever possible. He said also to be very cautious with turn lanes and truck radius to make sure on the perimeter that they don't create situations where landscaping is getting torn up by trucks having to cut a small radius and to make sure there are plenty of mountable curbs designed for as large a truck as possible. Mr. Acenbrak said they will do that.

Councilmember Price asked if this is a preliminary design and would there be a full design to come. Mr. Acenbrak said this is the opportunity for Council to make comments because if this is approved tonight, this is the way it will be designed and it will be completed in about six months; this is a very fast track project. Councilmember Price said but for the details of medians and turn lanes, etc., they would still have an opportunity for input on that. Mr. Acenbrak replied absolutely, but this is the general concept as far as the alignment is concerned.

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

A motion was made by Council Member Price, seconded by Council Member Orland, that this concept be approved. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

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

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that recommendation for closure be approved. The motion carried by the following vote:

In Favor: 6

Adjournment - After no further business, the Mayor and Council meeting of Monday, July 8, 2013 adjourned at 8:28 p.m.