



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 Orlans
Council Member Betty Price
Council Member Becky Wynn

Monday, March 12, 2012

7:00 PM

City Hall

WELCOME

Mayor Pro-Tem Becky Wynn presided over the meeting in the absence of Mayor Wood.

Present: 6 - Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

Absent: 1 - Mayor Jere Wood

Staff Present: City Administrator Kay Love; Director of Community Development Alice Wakefield; Police Chief Dwayne Orrick; Director of Environmental/Public Works Stu Moring; Transportation Director Steve Acenbrak; Interim Finance Director David Delac; City Attorney David Davidson; Human Resources Director Dan Roach; Human Resources Benefits Manager Karin Grindstad; Environmental Deputy Director Mark Wolff; Transportation Deputy Director David Low; Transportation Engineering and Design Manager Franco DeMarco; Transportation Construction & Street Maintenance Manager Neo Chua; Senior Transportation Engineer Robert Dell-Ross; Community Development Planning and Zoning Director Brad Townsend; Community Development Land Inspections City Engineer Jean Rearick; Community Development Planner III Jackie Deibel; Water Resources Manager Alice Champagne; Water Resources Stormwater Coordinator Nicholas Pezzello; Economic Development Manager Bill Keir; Community Relations Coordinator Kimberly Johnson; City Clerk Marlee Press.

Pledge of Allegiance

Boy Scout Troop #40 and Queen of Angels Catholic School

CONSENT AGENDA

1. **Approval of February 13, 2012 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on February 27, 2012); Approval of February 27, 2012 Mayor and Council Meeting Brief.**
Administration
Approved
2. **Approval of City Sponsorship and Road Closure for the Hembree Runs Wild 5k on Saturday, April 21, 2012 from 9:00 a.m. to 10:30 a.m.**
Community Development
Approved
3. **Approval of City Sponsorship and Road Closure for the Roswell Mayor's Ride on Sunday, April 29, 2012 from 7:00 a.m. to 12:00 p.m.**
Community Development
Approved
4. **Approval of a Road Closure change for the Kiwanis Spring K Classic on Saturday, April 14, 2012 from 7:00 a.m. to 12:00 p.m.**
Community Development
Approved
5. **Approval of Road Closure for the Just People Fun Run on Saturday, May 5, 2012 from 8:00 a.m. to 10:00 a.m.**
Community Development
Approved
6. **Approval of Road Closure for River Run for Hope on Saturday, June 2, 2012 from 6:00 a.m. to 9:30 a.m.**
Community Development
Approved

7. **Approval of Road Closure for the Possum Trot 10k on Saturday, June 16, 2012 from 7:00 a.m. to 10:00 a.m.**
Community Development
Approved
8. **Approval of Road Closure for the Rock N Ride motorcycle ride on Saturday, June 23, 2012 from 11:00 a.m. to 2:00 p.m.**
Community Development
Approved
9. **Approval of Road Closure for the Area 13.1 Half Marathon on Saturday, August 18, 2012 from 6:30 p.m. to 10:00 p.m.**
Community Development
Approved
10. **Approval of Road Closure for Miss Mary's Ice Cream Crankin' on Sunday, August 26, 2012 from 9:00 a.m. to 5:00 p.m.**
Community Development
Approved
11. **Approval of Road Closure for Dyslexia Dash on Saturday, October 20, 2012 from 8:00 a.m. to 10:00 a.m.**
Community Development
Approved
12. **Approval of an Intergovernmental Agreement (IGA) with the City of Milton for the rental of a Motor Grader owned by the City of Roswell.**
Transportation
Approved

13. Approval of a Private Sanitary Sewer Maintenance Agreement with the Roswell Assembly of God, Inc. located at 11440 Crabapple Road.

Transportation

Approved

Approval of the Consent Agenda

Council Comments:

Councilmember Price asked that items #6 and #8 be extracted from the Consent Agenda. Mayor Pro-Tem Wynn asked the reason for the request. Councilmember Price stated she is asking for clarification because the Special Events Budget that we see in the packets is different from the one provided at Committee and she thought there might be persons that wanted to discuss those things.

Mayor Pro-Tem Wynn said she aware that representatives from Grady were in attendance regarding Consent Item #8; she was actually going to pull this off the Consent Agenda and put it back on Committee so the people from Grady could come back to Committee to state their case for their \$1,000 request instead of doing this tonight. She suggested this on item #8 – for Community Development Director Alice Wakefield to pull this off and place it back on the next Committee. There is time and she requested that Grady be told about this. Mayor Pro-Tem Wynn said that the Sponsorship would be pulled off, but Council could approve the Road Closure tonight.

Councilmember Price asked if there is anyone here from this group. Mayor Pro-Tem Wynn responded yes; however, this already had been discussed, and it is fine with the group. She asked if there was anyone present for the River Run for Hope. Councilmember Price asked if this could be put back on the Committee agenda as well. Mayor Pro-Tem Wynn noted that the request is for Road Closure for item #6. She asked Alice Wakefield if anything needed to be done in order to put this back on Committee since it is only for road closure. Community Development Director Alice Wakefield clarified that it is on the tonight's agenda for the Road Closure only. Mayor Pro-Tem Wynn noted that this is only for Road Closure; there are no monies involved. Councilmember Price said the same could be said for item #8, but that is only because at Committee, Council disapproved their money; she asked if item #8 is put back on Committee, is then this only for road closure.

Mayor Pro-Tem Wynn noted that item #6 would also be put back on the next Committee agenda.

Mayor Pro-Tem Wynn asked for comments from the public on the Consent Agenda. There were no public comments made for all of the items except for #6 and #8, for which Council would tonight only be approving the road closures. She explained that they are being pulled because these two also wanted sponsorship monies. Mayor Pro-Tem Wynn reiterated that Council tonight would only be approving the road closure; these items would be pulled off to go to Committee to look at sponsorship monies; Council would be voting on approving the road closures tonight. She would leave the items on as presented on the consent agenda.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Orlans for Approval of the Consent Agenda as amended with Consent Item #6 - River Run for Hope, and Consent Item #8 - Rock N Ride motorcycle ride, going back to the Community Development and Transportation Committee on 3/28/2012 to discuss again City Sponsorship. The motion carried by the following vote:

In Favor: 5

REGULAR AGENDA

Mayor's Report

1. Recognition of the Queen of Angels Catholic School for winning awards at the 2011-2012 Future Cities Georgia Regional Competition.

Mayor Pro-Tem Wynn stated the first item was the recognition of Queen of Angels Catholic School for winning awards at the 2011-2012 Future Cities Georgia Regional Competition. The students were recognized for winning awards including: "People's Choice"; "Best City Services"; and Georgia Regional Award. Cindy Miller, team mentor, introduced the members who won the award for "People's Choice." The awards are voted on by students. There were 152 teams in the region; all the teams in attendance finished in the top six of the teams. Jean Rearick, mentor for a team stated that Future Cities is a portion of the engineering week competition and is a nationwide competition. These students all participated in the Georgia Regional Competition. Last year there were only 50+ teams so this year there has been a growing concern. The Queen of Angels, in the last five out of six years has represented Georgia in the national competition. She introduced her team who won the award for "Best City Services." Bill Taylor, also a team mentor, noted that his team won the competition for Georgia and represented Georgia in the national competition. Future Cities has to do several things including preparation of a city model using a software program, designing a city that progresses 150 years into the future, design infrastructure, and write an essay on their city design. This year's theme was "An Alternate Energy Source." A city had to be designed that was at least 150 years in the future, an explanation of what the ultimate energy source is, how they built the city, how they deal with the infrastructure, supporting narrative, and build a physical model "to scale" of a portion of that City. Teams were also required to give a presentation of no more than seven minutes long. The teams were judged on all of these aspects. Marissa Muller provided a description of the city "Neveah" (Heaven spelled backwards). This project details the replenishment of the environment utilizing the earth's magnetic field, the renewable source of energy.

2. Reading of a Proclamation for March for Meals.

Mayor Pro-Tem Wynn read the Proclamation recognizing the 40th Anniversary of the Older Americans Act, the Senior Nutrition Programs, and the efforts of the 400 volunteers who deliver meals (over 37,000) to Roswell's local senior citizens through the Senior Services North Fulton program. Carrie Bellware, Executive Director of Senior Services North Fulton and Jill Baker, Meal on Wheels Director were in attendance to accept the Proclamation. Ms. Bellware thanked the City for the recognition noting that Georgia ranks sixth in the nation for senior hunger, food, and

security. The Meals on Wheels Program goes a long way to ensure adequate nutrition for Roswell senior citizens. This event is celebrated annually. There are seven Meals on Wheels routes in the City of Roswell operating out of the Roswell Senior Center on Warsaw Road. One hundred volunteers deliver meals every weekday to 60 Roswell citizens. She read a quote from one of the volunteers expressing the meaningful experience of participating, and a quote from a client expressing gratitude for receiving meals. Councilmember Price noted that the visits mean as much as receiving the meals.

3. Reading of a Proclamation for Certified Government Financial Managers (CGFM) Month.

Mayor Pro-Tem Wynn read the proclamation recognizing the month of March as CGFM Month. The Proclamation stated that CGFM certification requires a sound educational background, several years of experience, and a solid sense of ethics. This certification represents state, federal, municipal, private sector accountants, auditors and financial managers in Georgia. City Administrator Kay Love accepted the Proclamation noting that the state requested the City participate in the certification process. The City's Finance Department has been taking courses related to this topic and it is the City's goal for employees to become Certified Government Financial Managers.

4. Recognition of Sharon Wilson, Senior Field Account Manager, United Healthcare, for Superior Service to City of Roswell Employees and their Families.

Human Resources Dan Roach recognized Sharon Wilson and introduced her to Council. Ms. Wilson serves as the liaison between United Healthcare and City of Roswell employees and family members. Ms. Wilson holds office hours in Human Resources and continually provides high quality customer service to employees and family members and is deserving of recognition. Mr. Roach presented a story regarding a City employee and Ms. Wilson's services to provide assistance. He commended her for her dedication, professional integrity, and principle-minded behavior. Ms. Wilson thanked the City for recognition and stressed that United Healthcare takes service very seriously.

5. Approval of a Cultural Arts Board appointment - Rochelle T. Mucha.

Motion: A motion was made by Councilmember Dippolito, seconded by Councilmember Orleans, for Approval of a Cultural Arts Board appointment - Rochelle T. Mucha. The motion carried by the following vote:

In Favor: 5

Community Development - Councilmember Nancy Diamond**6. CU11-08, 1200 Grimes Bridge Rd., Versatile Collection, Land Lot 487.**

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Bradford D. Townsend presented the item stating this is a petition for 1200 Grimes Bridge Road. The subject property is zoned C-3. The request is for conditional use for a used automobile dealership. Mr. Townsend described the property as shown on the aerial photograph; the subject property is surrounded by commercial development to the north and south. To the west of the property is residential development. This application is to utilize the old United States Postal Service, which the City sold in 2006 to the Grady Hospital. Grady Hospital is under contract with the applicant for the use of a used car dealership. As part of selling the property to Grady Hospital, the City entered a quitclaim deed on the property and listed 14 uses that were prohibited on the property, one of them being automobile sales and establishments. For this reason, as well as for the proposed use being inappropriate for the property, staff is recommending denial of this application. Staff also feels that with this current location as a side street and not a major thoroughfare, it would be inappropriate for a used car establishment. The Planning Commission reviewed this application and also recommended denial. Mr. Townsend referred to a photograph of the surrounding zoning districts that included commercial, residential, and office area. He noted the sections of the back-up material containing the reasons given for the denial of the application. Staff included seven conditions in the Council back-up material, should Council wish to approve this application.

Staff Recommended Conditions are as follows:

It is recommended that this application for conditional use CU11-08 be denied. The application is being recommended for denial due to the following reasons.

1. The quitclaim deed which the City of Roswell entered into the agreement with Grady Hospital and its successors relating to the sale of this building prohibited certain uses on the property. One of the uses prohibited is auto sales establishments.

2. Inappropriate use of the property in the current layout and design of the building and parking area.

Side streets off major thoroughfares are inappropriate locations for this type of business.

Should the Mayor and City Council approve the conditional use application then the following conditions shall be placed on the property.

1. The property shall be used in accordance with the site plan submitted on November 17, 2011.

2. There shall be no offsite parking for the used automobiles. All cars must be parked on the property.

3. All delivery of vehicles shall be off loaded on the property and not in the street.

4. There shall be no test-driving of vehicles in the neighborhood streets.

5. The occupancy of the building shall require a complete upgrade of fire, building, stormwater and all landscaping requirements prior to a certificate of occupancy.

6. The applicant shall submit plans to the Design Review Board for all exterior changes to the site.

7. The applicant must comply with Articles 15 and 16 of the Roswell Zoning Ordinance in relation to all landscaping and tree requirements.

Council Comments:

Councilmember Dippolito addressed the deed restriction asking if this precludes Council from being able to approve this request. Mr. Townsend deferred to City Attorney David Davidson. City Attorney David Davidson read the condition that states "until such time as the governing authority of the City of Roswell enacts a Resolution specifically authorizing the grantee or its successors and assigns to use the above-described property for any of the following prohibited uses. The above described property shall be subject to a right of re-entry by the City of Roswell and its successors and interests in the event said property is used for any of the following prohibited uses." Mr. Davidson stated that stated the uses; section (b) is automobile sales and establishments. Mr. Davidson explained that if Council passes a Resolution authorizing it, then it is no longer prohibited. As of right now, it will not be used as an automobile sales establishment. Councilmember Dippolito stated prior to approving this, Council would have to pass a Resolution. Mr. Davidson said the way Mr. Townsend has it worked, Council would pass a Resolution approving it; that would be the Resolution approving it. Councilmember Dippolito asked if that is the way it is written in the packets. Mr. Davidson responded yes, if Council approves it.

Mayor Pro-Tem Wynn asked for comments from the applicant. The applicant was not in attendance.

Public Comment:

Janet Buffkin, 404 Maxwell Road, said the applicant has filed an application for a conditional use at 1200 Grimes Bridge which is you know, the old Post Office building. Their application is for used a car lot that accommodates 115 vehicles. Their present location on Alpharetta Street, if you have looked at their lot, if you have ever had that opportunity, is very unsightly. They have an array of cars that are parked extremely close to each other and even behind each other. They are leaving no room to get emergency vehicles in or out of that lot. She said does not see a benefit in moving their unsightly lot to a residential neighborhood; it adds nothing to the City. The applicant's present business on Alpharetta Street is close to the cut-through to Maxwell Road and to Grimes Bridge Road, so adding this new location will make it very convenient to transport vehicles from the new location or the old location in and out. The way that lot is situated, it allows for traffic to either come out of the new lot onto Grimes Bridge or onto Colonial Drive. Either way, it is a real traffic problem. Mrs. Buffkin said if you closed off the exits and the entries onto Grimes Bridge it would probably mean that they would cut through using the cut-through on Maxwell Road to get to their old lot to transport vehicles back and forth. The neighborhood that we live in is a very small, quiet neighborhood with a mixture of families, both young and old. Some people are retired having raised their children there, and it is just a very quiet, wonderful residential street to live on. She asked that Council leave this as a nice quiet neighborhood because it fits very well with the expectations of Roswell. She does not want to see this area become like Bankhead Avenue in Atlanta or another Alpharetta Street. She likes Grimes Bridge Road and uses it for access to GA400. If the applicant would truly like to move his car lot, there are other car lots in the area that could accommodate this use; he could probably buy a lot or a second lot to move some of his vehicles into. She said she does not begrudge him the opportunity to make money; however, she does not see that it would aid the neighborhood to have him there. With the deed restriction and for those of you that were maybe on Council at that time that the deed came across, you must have thought through this before you put this restriction on there; it is not something she has known Councilmembers to take lightly when they had a restriction, it is for a reason and it's probably to keep Roswell safe, lovely, and nice to come home to. She asked Council to deny the application. Ms. Buffkin thanked Council for the work they do every day for the residents because it is much different than living in the City.

Martin Howell, 130 Vickery Lane, representing the east side of Grimes Bridge Road, said the neighbors are unequivocally opposed to the used car lot on this street. Mr. Howell said the City of Roswell needs many things, but not another used car lot. He noted that this use is prohibited by the deed; however, he noted that he has a dozen or more signatures from his neighbors who are opposed to this. Mr. Howell said his neighbors would like something to happen with the old Post Office on Grimes Bridge Road but this is not what they want. Revitalization is needed; a used car lot is not needed. He felt compelled as a resident on this street to speak and represent his neighbors to let Council know that this is not something they want; it is not an appropriate use for the neighborhood.

Further Council Comment:

Councilmember Price asked if for clarification from the City Attorney, that if some reason we approve it, then there is no way that this land could revert to the City, is this correct. City Attorney David Davidson stated that would be correct.

Councilmember Orlans said he was on Council when this came up to sell the property along with a couple of other people that happen to be in the audience, and we did look at this exact situation possibly happening, although at the time, Council never thought it would. Council thought Grady would use it as a clinic in Roswell that is needed but things have happened differently; it is one of the reasons the deed was written as it is. Councilmember Orlans said he is sorry that the seller did not disclose this information to the buyer and that the buyer was pulled into this kind of a deal.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Igleheart, for Denial of CU11-08, 1200 Grimes Bridge Road, Versatile Collection, and Land Lot 487 for a used car establishment. The motion carried by the following vote:

In Favor: 5

Enactment No: R2012-03-07

**7. RZ11-16, CV11-06, 1240 Warsaw Rd., Warsaw Road Early Childhood Learning Center, Land Lot 525.
Presented by Jackie Deibel, Planner III**

Community Development Planner III Jackie Deibel said this is RZ11-16 and CV11-06 located at 1241 Warsaw Road. The applicant is requesting a rezoning from R-3 to C-2. To the north and east of the property is the Senior Center, to the south of the property are apartments, and to the west of the property are single-family homes. Also to the north and east, the Senior Center which is zoned R-3 and to the west, the single-family homes are zoned R-1, and to the south, the apartments are zoned R-3 and R-4. The Planning Commission recommended approval of this application during their meeting on February 21, 2012 with two conditions: The property shall remain developed as shown on the survey received December 5, 2012; and the use of the property shall be limited to a daycare center. The concurrent variances with this application are requested based on the fact that they want the building to remain "as is" so that is what the variances are for. Staff recommends approval of this application with the concurrent variances and the two conditions stated by the Planning Commission.

Planning Commission Recommendations are as follows:

The Planning Commission recommended approval of the rezoning to C-2 (Neighborhood Commercial) with the concurrent variances during their February 21, 2012 public hearing with the following conditions.

1. The property shall remain developed as shown on the survey stamped "Received December 5, 2011 City of Roswell Community Development Department." The use of this property shall be limited to a day care center.

Council Comment:

Councilmember Dippolito asked if the applicant is in agreement with the conditions. Ms. Deibel responded yes.

Applicant:

Trent Myers, attorney with Sutherland, Asbill and Brennan, 999 Peachtree Street, Atlanta, Georgia, stated he was in attendance representing their client, Early Learning Property Management, or ELPM. ELPM's mission is to support and promote early childhood learning and development by providing safe and adequate facilities where early learning can take place. Over the past 12 years, ELPM has built about 13 centers, like the one on Warsaw Road, in the metro Atlanta area, and then sells or leases these properties to certified non-profit care providers like Easter Seals, who is actually the tenant at the Warsaw property. Easter Seals is a non-profit, a Georgia Pre-K provider, and a Head Start program provider throughout the nation. They also have a presence in metro Atlanta. Under the lease to Easter Seals, they pay low market rent; all the money from this rent is used to pay operating expenses that are the responsibility of ELPM under the lease. Mr. Myers noted that the property is currently zoned R-3 and under that zoning classification, a daycare center is not a permitted use. He said they are subject to the non-conforming use provisions of the zoning code; under those provisions we would basically lose our right to operate a daycare center if for some reason the site lies vacant for more than three months or if for some reason the property is more than 50% damaged or destroyed. Mr. Myers said that since the central mission of ELPM is to operate these daycare centers, this is of obvious concern. He said they think C-2 is a great fit for the site; it is the least intensive commercial district in which a daycare center is a permitted use. The property has also been used as a daycare center since 1993 with no problems with neighbors. He said they are also seeking a variance request in addition to the rezoning to basically allow the footprint as it is built, and the layout of the improvements on the property within the C-2 classification. In summary, Mr. Myers said this is a very technical application in which the applicant is seeking to match the zoning classification with the current use of the property.

Mayor Pro-Tem Wynn asked for public comment. There was none.

Further Council Comment:

Councilmember Price asked if this is going to be a conditional use or is that not the terminology that we would be using. Ms. Deibel stated this is a rezoning from R-3 to C-2 so it will change the zoning to the C-2 Neighborhood Commercial district. Councilmember Price asked if the recommendation is to put a conditional use on this. Ms. Deibel said there is no conditional use with this; it is a rezoning to C-2 with two conditions based on the survey the applicant submitted and that it is limited to a daycare center. Councilmember Price asked for clarification as by what authority is number two achieved. Ms. Deibel said a daycare is permitted in C-2; this will limit the daycare; no one will be able to develop anything else in the C-2 district. By limiting it to the daycare use, if anybody else wanted to come through in the next five to 10 years or if something happened and the daycare left, a person would have to come through and rezone the property or come through with a conditional use request of some kind. Councilmember Price said "It is conditioned, just not a conditional use." Ms. Deibel responded that is correct.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Dippolito, for Approval of RZ11-16, CV11-06, 1240 Warsaw Road, Warsaw Road Early Childhood Learning Center, Land Lot 525 with the

concurrent variances with two conditions: 1) the property shall remain developed as shown on the survey stamped "Received December 5, 2011 City of Roswell Community Development Department; and 2) The use of this property shall be limited to a daycare center. There was no further discussion. The motion carried by the following vote:

In Favor: 5

Enactment No: R2012-03-08

**8. RZ11-17, CV11-07, CU11-09, 40 East Crossville Rd.,
Crossville Veterinary Hospital, Land Lot 407.
Presented by Jackie Deibel, Planner III**

Community Development Planner III Jackie Deibel, stated this is rezoning RZ11-17, concurrent variance 11-07, and conditional use 11-09 located at 40 East Crossville Road. The property is currently Zoned R-1 with an overlay of PV (Parkway Village). The applicant is requesting OP (Office Professional) to allow for a veterinary clinic. To the north of the property is Slope's Restaurant, to the south of the property are single-family homes, to the east of the property is R-1/PV for office complex, and to the west of the property is a church and Crabapple Pointe Townhomes. Ms. Deibel pointed out on the zoning map, that everything around the subject property is zoned R-1; everything is also in the overlay of Parkway Village except for across the street, which is zoned OP/PV. The proposed site plan proposes to turn the existing house into a vet clinic; the applicant wants to add onto the house and put some parking mainly in the rear. A revised site plan was submitted in February, which would address the bio-retention, and public works requirements. The applicant is also requesting several concurrent variances with this rezoning for the building to remain as is on the property and to meet the requirements. Ms. Deibel explained that a vet clinic requires a 100-foot buffer abutting residential property lines and that would be the house to the east. In addition, the applicant is also asking for variances in order to meet the 40-foot buffer along the side on the south, and a reduction in the side abutting Slope's from 40-foot down to 10 feet. She said Staff recommends approval including the February 28 site plan, to the fact that the vet clinic shall be interior only with no outside kennels or runs; all signage on the property must conform to the Parkway Village requirements; the applicant shall remove the first 30 feet of the asphalt drive on the western property line; and the applicant shall comply with the Parkway Village fencing requirements. Ms. Deibel noted that the revised site plan submitted on February 28 shows the 30-foot removal of the asphalt. She noted that the Planning Commission recommended approval of the rezoning, conditional use and concurrent variances during their February 21, 2012 public hearing with the following conditions:

- 1. The property shall be developed in accordance with the survey stamped "Received December 6, 2011 City of Roswell Community Development Department."*
 - 2. The veterinary clinic shall be interior only, no outside kennels or runs.*
 - 3. All signage on the property must conform to the Parkway Village requirements.*
 - 4. The applicant shall remove the first 30' of the asphalt drive on the western property line prior to receiving a certificate of occupancy for the business.*
 - 5. The applicant shall comply with the Parkway Village fencing requirements prior to receiving a certificate of occupancy for the business.*
- The Planning Commission also asked the applicant to discuss with the owner of Slopes to see about the possibility of connectivity. This was not a condition.*

Council Comment:

Councilmember Orlans asked for clarification regarding Ms. Deibel's statement made that the applicant wanted to add onto the house; he thought she meant the driveway.

Ms. Deibel said the applicant requests to enclose the carport and put in a new driveway to extend to the rear for a parking lot. Councilmember Orlans asked if there would be a change to the footprint of the current house because of where it is located. Ms. Deibel replied no.

Councilmember Price said the February 28 site plan indicates the asphalt driveway to remain. She said she is unclear because in some places it says a portion would be removed; however, this does not clearly show that. Ms. Deibel said the first 30 feet of the driveway will be removed, and the rest of the driveway will remain. Councilmember Price asked if the first 30 feet is measured from the road. Ms. Deibel responded yes, from the road. Councilmember Price asked if there is a distinction between veterinary clinic and veterinary hospital in any of the City's ordinances because the entity is called Crossville Veterinary Hospital and their application refer to it as a hospital; however, in all of the City's writings the term clinic is referenced. Ms. Deibel stated there are not any differences in the City ordinance.

Councilmember Dippolito said he lives within proximity to this facility. Some of his neighbors have expressed concern about noise and barking dogs. He asked if there would be overnight boarding. Ms. Deibel said the applicant indicated the only overnight boarding would be for a dog remaining overnight due to surgery; it will not be a kennel for boarding. Ms. Deibel confirmed for Councilmember Dippolito that this would be an entirely enclosed facility, all inside. Councilmember Dippolito said the buffer on the rear is a 40-foot natural buffer. He asked if this is an undisturbed buffer and if it is to remain. Ms. Deibel responded the buffer on the rear is to remain on the rear, abutting the office complex. Councilmember Dippolito said they are showing a detention area close to this and wanted to ensure that the 40-foot buffer is not disturbed. Ms. Deibel said the 40-foot buffer would not be disturbed.

Councilmember Orlans said since the request is conditioned with no kennels and overnight stays other than your example and no runs, would they never have to take a dog outside. Ms. Deibel said the applicant indicated that if they ever have to walk the dog, they would walk the dog; but it is not where they would be outside. A dog will have to be walked from outdoors to the clinic; if they are staying overnight then they might have to go outside but other than that, they indicated everything would be inside.

Applicant:

Rosa Denning, 1589 Ashford Drive, Marietta, Georgia, and Bill Culbrenner, 175 Sherwood Pass, Roswell, Georgia were in attendance. Ms. Denning, the applicant, said she is applying for a rezoning to Office Professional with a conditional use and variances. She said there would not be any exterior dogs runs except for her patients that need care overnight. Ms. Denning noted that the Planning Commission included that as far as the need for people to walk their dog into the facility from the car, and also when the dogs need care and stay overnight and are taken outside. Her technicians will have the animal on a leash when outside. Mr. Culbrenner clarified that as Ms. Deibel had stated earlier, they have made themselves available to meet with the neighbors and have signs all over the property. They have been pro-active with meeting with majority of the neighbors, immediate property owners, Slopes Barbecue, and tenants and owners of the office condominiums behind, as well as some of the retail buildings. He said that to their knowledge, no one has voiced opposition to or concerns with the rezoning. There have been some concerns regarding barking issues. Mr. Culbrenner clarified that there will not be outdoor storage or kennel runs with the exception of the walking of the dog or animal from the car to the clinic and back. He noted that the Planning Commission reviewed this item at their meeting and heard their presentation, suggestions, and ideas. Mr. Culbrenner said the idea of connectivity to Slope's Barbecue and the possibility of

working on the variance for the buffer that separates this parcel from Slope's Barbecue was introduced by the Planning Commission. He said they met with Slope's Barbecue owner, Bob White to discuss possible connectivity as well as the variance requirements for the buffer. He said Mr. White expressed his support of reduction of that barrier. Mr. Culbrenner said they were following procedures and it was brought to their attention and the reason why this was put in at the last moment. He said they did get a possibility with the buffers of having 80 feet of natural buffer between the two parcels of property, which some may feel is excessive, and others may not. He said that a possible reduction is certainly something that would be willing to work with; they are not seeking reduction for all of the buffers all the way around, they want to continue in the spirit of cooperation and work with the City of Roswell to see what is possible as far as reduction of this buffer. Mr. Culbrenner said Andy Pittner, arborist for the City of Roswell inquired how they were going to "plant through this asphalt drive." Mr. Culbrenner noted that there is an existing asphalt drive which they do not plan on using and had been working on the condition that we were going to remove it. He said that after looking at it further, it was determined that the removal of the asphalt drive could possibly endanger the trees that we are trying to save. He noted this is reason for the request of the many different variances using the existing structure as you see it today and trying to preserve the trees.

Further Council Comment:

Councilmember Price asked if there is an existing sidewalk. Mr. Culbrenner responded yes, however, it is overgrown with weeds. Councilmember Price said she assumes the sidewalk, the fencing, the signage, etc. will all be included in the conditions, but she thought she saw something about sidewalks. Ms. Denning said they plan to widen the driveway and rework the sidewalk. Mr. Culbrenner said it is their intent to maintain the sidewalk as well as introduction of the fence to keep the spirit of the Overlay alive.

Councilmember Orlans asked if the applicant has operated a veterinary hospital previous to this. Ms. Denning said she has worked at one further down Highway 92 but has not had one of her own. Councilmember Orlans asked about her general experience and if she does surgery normally every day on animals. Ms. Denning said yes, they do spays and neuters every day and they do not necessarily stay, but the more complex surgeries that she wants to see the next day. Councilmember Orlans asked about the number of rooms, the number of animals kept overnight, and if that frequently happens. Ms. Denning said it does not happen frequently, probably twice per week animals stay overnight. Councilmember Orlans asked staff is there a reason to remove the buffer between the two properties, if the house footprint stays the same; what are the pros and cons of doing that. Ms. Deibel said the reason for the request to possibly eliminate a portion of the buffer was brought up by the Planning Commission who felt that since next to this property, when the Roswell Crossing Shopping Center went in, they were required to have the 40-foot buffer because this was a single-family residential home. This property, because they are requesting an OP zoning and it would be abutting an R-1 underlying zoning with the Parkway Village Overlay, is required to have a 40-foot buffer because of this underlying zoning abutting R-1; that is the reason that it would end up with 80 feet of buffer between the Slope's building and this structure. Ms. Deibel noted that when this was brought up at Planning Commission, they suggested that the applicant speak with Mr. White, the owner of Slope's, to see what he felt. The applicant did speak with Mr. White. Ms. Deibel stated Mr. White sent a letter indicating that he did not see a problem with the reduction. Councilmember Orlans said he understood and asked why since they are not changing their footprint, is there a reason to adjust it and take the buffer out; if they are not changing the footprint is there any reason to do anything with it since this is a more recent request. Ms. Deibel said no, there is no change so there would be no reason to reduce it.

Mayor Pro-Tem Wynn invited public comment. There was none.

Further Council Comment:

Councilmember Price said there are two sets of conditions; one is from Planning with five (5) and the other is from staff with four (4). She asked which one is being used. Mayor Pro-Tem Wynn asked staff to provide the conditions. Councilmember Price said she is trying to figure out what is missing from staff that is in the other one. Mayor Pro-Tem Wynn asked about the difference between staff and the Planning Commission's recommendations because one has four and one has five. Councilmember Price noted that fencing was not included in one list. Mr. Townsend stated the fencing requirement and the clarification of removing the first 30 feet of asphalt were the two changes from Planning Commission to the Staff conditions. Councilmember Price noted that conditions one and four are combined in staff's conditions. Mr. Townsend stated that was correct. There was no further discussion.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Dippolito, for Approval of RZ11-17, CV11-07, CU11-09, Crossville Veterinary Hospital, Land Lot 407 with concurrent variances at 40 East Crossville Rd. with five (5) Planning Commission recommendations as follows:

- 1) The property shall be developed in accordance with the survey, stamped "Received December 6, 2011 City of Roswell Community Development Department."
 - 2) The veterinary clinic shall be interior only, no outside kennels or runs.
 - 3) All signage on the property must conform to the Parkway Village requirements.
 - 4) The applicant shall remove the first 30' of the asphalt drive on the western property line prior to receiving a certificate of occupancy for the business.
 - 5) The applicant shall comply with the Parkway Village fencing requirements prior to receiving a certificate of occupancy for the business.
- The motion carried by the following vote:

In Favor: 5

Enactment No: R2012-03-09

9. RZ11-18, 2830 Holcomb Bridge Rd., Sherwin Williams Paint, Land Lot: 824.

Presented by Jackie Deibel, Planner III

Community Development Planner III Jackie Deibel, stated this is rezoning RZ11-18 for 2830 Holcomb Bridge Road. This is a different rezoning; it is basically not rezoning the land. The applicant is asking for removal of a condition that was placed on this the entire tract of property in 1988 by Fulton County. One of the conditions was related to signage and it restricted the entire tract of property to one sign. Ms. Deibel referred to a graphic and noted that the parcels have separated since that time, and the Sherwin Williams tract would like to have their own ground sign. The property is all zoned FCA (Fulton County Annexed). Across the street from the property are apartments; adjacent to the south is the mini storage building; to the east is the strip retail center that contains the Waffle House; to the west is the mini storage. Staff and the Planning Commission have recommended approval based on the survey and the fact that the ground sign should comply with Article II, City of Roswell Zoning Ordinance.

Council Comments:

Councilmember Igleheart referred to the southern part of the existing property with the U-Haul and storage facility business and asked if it has its own ground sign. Ms. Deibel said it has a wall sign. Councilmember Igleheart asked if the reason there is not a ground sign for this property is because when it was originally zoned and the reason for this condition was because it was a single piece of property. Ms. Deibel said yes, the entire tract, which contains the storage, daycare, etc., were all located on one tract of property when they were zoned in 1988 by Fulton County. Councilmember Igleheart said over time that has been separated out into individual parcels and in this particular instance it is a separate building from the others. He asked if staff knew how many other properties are located in the City of Roswell that this could happen, where there could be parcels subdivided and bought by individual property owners and then be eligible for their own sign. Ms. Deibel said she would not know the answer to that question. Councilmember Igleheart said the point is there was a reason why the sign was not allowed back then and you could easily do this; he said he knew of one or two. He said this could be done in a number of places; this could open it up to having a ton of signs. He noted that later in the meeting Council would discuss some other signage changes. He asked that if Council were to pass that, which would allow larger ground signs, would this entity be allowed to take advantage of that to have larger ground signs than currently. Planning and Zoning Director Brad Townsend said yes; if the text amendment he was referring to is the one that is on the agenda later on at this meeting, they would be able to utilize that text amendment to get whatever additional signage that the text amendment would allow. Councilmember Igleheart said, "The point being, the Waffle House sign that's existing is about 40 square feet, the other sign is probably close to 50, and I could almost guarantee when we talk about this later when we will get more into it, if you were to put a bigger sign, right down from the one that's a little smaller you can almost guarantee that the next one will come back and say they want a bigger sign to match up to the others. So, we are going to go from two signs that used to be one sign to be three signs that will be large signs. I think it is a wrong move to make when we move forward for this." No further comments or questions for staff.

Applicant:

Marty Kuechelhan, 3550 Mary Taylor Road, Birmingham, Alabama, said he worked for the sign manufacturer for Sherwin Williams. He personally surveyed the site and after driving up and down the road several times, it was very hard to identify this site; there is no signage there at all. He displayed a picture of the subject property and noted that Sherwin Williams is a separate parcel situated on a hill on Holcomb Bridge Road and on a curve. The speed limit is 40 or 45 mph but people do exceed the speed limit. Mr. Kuechelhan said it is hard to find the property if you do not know where it is; identification is needed. The current sign is situated 15 to 20 feet back. He noted that they would be willing to do the same setback. They need something that is visible enough for customers to be able to see the sign, slow down, get in the merge lane and have enough time to turn. The current code allows for a 50 square-foot sign at 12 feet overall height. Mr. Kuechelhan they are proposing 42 square-feet which is their standard size, at about nine (9) feet overall height.

Mayor Pro-Tem Wynn invited public comment. There was none.

Motion: Councilmember Diamond moved for Approval of RZ11-18, 2830 Holcomb Bridge Road., Sherwin Williams Paint, Land Lot: 824 given this is a single property on a main road, to approve the request to remove the zoning condition to allow one ground sign. Councilmember Orlans seconded.

Further Council Comment:

Councilmember Dippolito said he thought the condition was for the entire property which would include other parcels. He asked how this would impact what is being done and if it would allow a sign for this individual parcel or does it open it up to all of the parcels. Planning and Zoning Director Brad Townsend said there are four (4) parcels with frontage on the road; two of these parcels currently have ground signs. He explained that depending on how the motion is crafted and adopted, Council could either limit it to just Sherwin Williams, which then the mini storage building would not be able to obtain a ground sign unless they came through the same process, or the condition could be crafted in such a manner that the limitation is removed from the property completely and thereby allowing the mini storage building to have a ground sign. Councilmember Dippolito asked for clarification on the motion.

Councilmember Diamond said she would leave her motion as is, but that Councilmember Dippolito could choose to amend the motion.

Mayor Pro-Tem Wynn noted that Mr. Kuechelhan did state a sign size. She asked if Council could condition and limit the size of the sign, because he did state 42 square-feet by nine (9) feet overall height. Planning and Zoning Director Brad Townsend clarified for Councilmember Diamond that the property has 135 linear feet of road frontage.

Mayor Pro-Tem Wynn asked if there is an amendment or if there are further questions or comments.

Restated Motion: Councilmember Diamond restated the motion recommending approval to remove the zoning condition to allow for one ground sign for Sherwin Williams. Mayor Pro-Tem Wynn asked Councilmember Diamond if she wanted to condition the size based on the quoted information from the applicant's representative. Councilmember Diamond said she would leave the motion as is noting that there could be an amendment. Mayor Pro-Tem Wynn said the restated motion clarifies that it is to approve the ground sign for the Sherwin Williams parcel only and called for a second. Councilmember Orlans confirmed for Mayor Pro-Tem Wynn that he seconded the motion.

Councilmember Igleheart said, "If you follow the reasoning of a single property owner coming forward to request a new sign all the other property owners would have to do is come forward and request a new sign and they will get one, so to be business friendly, you might as well let everybody have one because you are going to do it eventually anyway. I am going to vote against it either way and it is silly to me to separate it into one."

Final Action: Mayor Pro-Tem Wynn said there is a motion and a second to allow the ground sign for the Sherwin Williams parcel only.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Orlans, for Approval of RZ11-18, 2830 Holcomb Bridge Road, Sherwin Williams Paint, Land Lot: 824, to remove the zoning condition to allow one ground sign for the Sherwin Williams parcel only. The ground sign must comply with Article 22 of the City of Roswell Zoning Ordinance.

Councilmembers Diamond, Dippolito, Orlans and Price voted in favor.

Councilmember Igleheart opposed. The motion carried by the following vote:

In Favor: 4

Opposed: 1

Enactment No: R2012-03-10

10.

RZ11-14 Text Amendment to the Sign Ordinance related to the distribution of allowable ground and wall sign square footage. (Second Reading)*Presented by Bradford D. Townsend, Planning & Zoning Director*

Planning and Zoning Director Brad Townsend said this is the Second Reading for Chapter 22 of the Sign Ordinance. It deals with two main issues, the first being the current size code dealing with ground and wall signs which requires that the wall sign and ground sign be divided in reference to the frontage of the property as well as when they have wall signs the allowance is divided between all the signs on the establishment. He provided the current code sections dealing with wall and ground signs. What is being discussed this evening are the areas in green that will be struck through for the ground signs; this way the ground signs are only determined by the linear road frontage that the property has. They are not combined with those on the wall. They do still have the maximum sizes - a property may have 150 feet of linear frontage; they would only be allowed a maximum of a 50 square-foot sign. The individual establishments that are greater than 400 feet could have a maximum of a 64 square-foot sign for a ground sign. The next area that is being discussed is the establishment of determining how they allow wall signs to be calculated. What is changing with this text amendment is they are allowing the linear building frontage of the establishment to determine the size of the wall sign. If they have one square foot of linear frontage, and they have a 50 square-foot building frontage, they are allowed a maximum 50 square-foot wall sign on that location. What is also being recommended in the proposed text amendment is they are allowed up to three (3) wall signs of that 50 square feet. He said that is the simplest way to explain this issue.

Mayor Pro-Tem Wynn confirmed that the last statement would pertain to a maximum total of 150 square feet. Mr. Townsend stated correct, three wall signs, each being 50 square feet would be a total of 150 square feet of wall signs. He provided the example when the text amendment was working through the process, H-1 Automotive on Alpharetta Highway – they were dealing with this building frontage when this sign issue came through the applicant, using the current sign code, has 79 linear feet of frontage – he would be allowed 79 square feet of signage. He chose 24 square feet on the ground sign, 21 on the frontage that faces Alpharetta Street, and 33 on the southern portion of the building, choosing three (3) signs. The proposed text amendment would be the wall signs would allow 44 square feet on three (3) walls and the ground sign would be allowed 50 square feet maximum. If he walked in tomorrow and this text amendment was approved, his ground sign would almost double and his wall signage would almost double also as well as he would be allowed the third sign.

City Attorney David Davidson conducted the second reading of an ORDINANCE TO AMEND THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE CHAPTER 22 SIGN CODE REGARDING THE DISTRIBUTION OF ALLOWABLE GROUND AND WALL SIGN SQUARE FOOTAGE stating, Pursuant to their authority, the Mayor and City Council adopt the following amendment to the zoning ordinance:

1.

*The City of Roswell is hereby amending Article 22 of the City of Roswell Zoning Ordinance, Table 22.18 (2), Ground Signs in Nonresidential Zoning Districts and Table 22.18 (3) Wall Signs in All Districts, as follows: ***(PLEASE go back to MEETING DETAILS for 03-12-12 M&CC meeting, FILE #11-0445, ATTACHMENT: "Ordinance-Signs-allowable ground and wall sign sf 2nd reading-clean copy-for*

signing", to view the Ordinance containing Table 22.18 (2) Ground Signs in Nonresidential Zoning Districts and Table 22.18 (3) Wall Signs in All Districts.)***

Mr. Davidson noted if approved, this will be the Second Reading.

Council Comment:

Councilmember Orlans said there was an initial discussion to separate the wall and the ground sign and he was under the impression that the general thought process was to give them the additional amount for the wall sign, but then that was the amount they would use, whether it was one, two, or three walls. He said what Brad is saying is that the actual ordinance in front of them is not splitting up that additional signage, it is putting the maximum, whatever this is, not on one, not on two, but up to three walls. Mr. Townsend responded that what Councilmember Orlans just said is correct.

Councilmember Diamond asked if an owner decides to use any of these and use all of their size on one version of those, is it changing any of those sign sizes. She said, if the owner had decided just to use a ground sign (referencing H-1 Automotive), he could have made this 50 square feet. Mr. Townsend said yes. Councilmember Diamond asked if he had just decided to do either of the wall signs, he could have made that one 50 square feet if he wasn't having a monument – the way the current code is. Mr. Townsend said the way the current code is written he has 79 linear feet to utilize. Councilmember Diamond said he could have actually done 79 square feet on one side of the building or could he have only done 50. Mr. Townsend responded we have the maximum still, which would be a maximum of 50. Councilmember Diamond said he could have put 50 square feet on any one wall if that was the only wall that he chose. Mr. Townsend said yes. Councilmember Diamond said so we're not actually changing sizes – we're changing distribution. Mr. Townsend said yes, and we are also changing the criteria in which the distribution is based upon. The ground sign is based on the road frontage; the wall sign is based on the building frontage. Councilmember Diamond said which is actually smaller than it used to be. Mr. Townsend said yes. Councilmember Diamond said in the present.

Councilmember Price said this is confusing. She thinks the original intent was because of the split, it was an inordinately small sign relative to some of the neighbor's signs and then once it was divided among the walls it didn't allow very much visibility. The picture doesn't really show the sign next door which towers over this one, so that's sort of a fairness issue which is irrelevant as far as the actual ordinance. Councilmember Price said she thought, and after reviewing the minutes from last month, she doesn't think it was clear that their intent was to have each wall the maximum. She thought it was to have each wall equal that former total. Councilmember Price said it was her understanding in the very beginning, knowing that last month didn't clarify everything and went in the wrong direction, she thought, saying that they would not divide it and that the maximum could go on each and every one of the three walls. Mr. Townsend said so you are indicating that the linear square footage of the building which in this particular instance is 44 linear feet would be divided amongst any of the wall signs to a maximum of 44. Councilmember Price said yes. Mr. Townsend said if this is the intent of Council he is not sure that's what staff understood from the first reading.

Councilmember Igleheart said this is entirely different because the motion from last month was that each wall could have the maximum. Mr. Townsend said this is what staff understood. Councilmember Igleheart said this is different from what Councilmember Price just said. If they actually followed splitting between all the walls of the frontage, that would actually reduce the signage available. Mr. Townsend said yes. Councilmember Igleheart said there is currently 54 feet on the walls and it would

be reduced to 44 if you followed what Councilmember Price just said. Mr. Townsend said right and what you would do is the part that is struck through that is allowing shall be divided between all of the establishment signs – you would probably change that language to the wall signs and leave that language in there if that is the intent of Council. Councilmember Igleheart said this was not his original question. Just to clarify because technically it's correct that they are not changing the maximum allowed of 50 square-feet, on a ground sign, that is true. But when you have an amount that you separate, if you put all the square footage in the ground sign you are not going to have anything on the building or vice versa and if you put everything into your building you're not going to have anything on the ground. Mr. Townsend said right. Councilmember Igleheart said from the previous thing they just heard, clearly people want the ground sign. He doesn't think it's realistic to say that anybody will put it all into one basket. So, by making this change, they would in many cases or most cases, as they don't have numbers to verify this, but certainly in this case you're allowing them to have a larger ground sign. That is the effective result even though the maximum may not change. He said this is a statement and a question. Is that correct? Mr. Townsend said yes. Councilmember Igleheart said this is true on the others that they are not technically increasing the amount but effectively they're going to increase what they can put anywhere. Mr. Townsend said the capability of them having larger signs is definitely what's going to be the outcome of this text amendment. Councilmember Igleheart said he wanted to clarify this.

Councilmember Dippolito said for comparison purposes, he went to the City of Alpharetta, using the example. In Alpharetta, they would be able to have a 42-square-foot monument and one square-foot of sign area per frontage, which is the same, except they are only allowed one sign. If they make this change in the ordinance and they adhere to the total allowable, they would still be having a larger sign than Alpharetta allows plus they'd be allowing flexibility of being on three sides. Mr. Townsend said right. Councilmember Dippolito said so even with a more restrictive version of using the total, this would be more lenient than Alpharetta's ordinance which they have a substantial amount of commercial and they seem to be doing pretty well with that.

Mayor Pro-Tem Wynn opened up the floor for public comment.

Public Comment:

Bob Reed, 350 Martin's Trail, Roswell said he has been in Roswell for 30 plus years and the last thing in the world that he wants to see is Roswell become Highway 41 or something plastered with signs. From what he can determine from what Mr. Townsend said, this ordinance would allow net more signs and larger signs. He asked Council to think in terms of how people shop today. When he shops, he goes to the internet, he goes to some form of social media – he looks at websites, he looks for directions and phone numbers to call ahead of time or lists of things and services people provide before he worries about looking for a sign. Mr. Reed said he thinks in today's age and the way people shop and the way people find goods and services that meet their needs is not by running up and down the street looking for a sign. There are other ways to do this and asked Council to consider this.

Paula Winiski, 120 Buckthorn Court, Roswell, said the City's sign ordinance is a little archaic and hasn't been looked at for quite a while. She thinks this may be an attempt to fix a particular small problem of some of the wall signs. She said the unintended consequences are huge in terms of the amount of signage that will be permitted. She knows Council is moving toward a Unified Development Code where you will be looking at the Zoning Ordinance as a whole and suggested that this will be the time to look at the Zoning Ordinance in its entirety rather than in pieces. She finds this alarming when she looks at the examples provided tonight and what could happen in

terms of the look of Roswell and the look that people prefer.

Dennis Edson, 105 Pacifino Place, Roswell, said the Honest-1 Auto Care business that was shown in the pictures is his business. He said that a lot has changed since this was first brought up in Committee last June. When his business opened in April he had a lot of customers tell him they could not find the business. He was a new business and his sign restrictions were very different than the existing businesses that already exist on Alpharetta Street. Mr. Edson said the intent was for people heading south on Alpharetta Street – he had customer after customer say they couldn't see or find him and the sign was not visible. This was in June of last year when the text amendment was first proposed. He had a picture of what has happened since he opened his business last April. There is a new business called Five Brothers Auto Repair and before they put their sign up he had customers telling him they could not see him. He followed the rules with 78 square feet of signage and chose not to put a sign on the back side of the building because there are trees there and you would not be able to see the sign once the trees bloomed. He said now they are talking about changing the ordinance to allow from any vantage point. Councilmember Price's first text amendment said he was limited by "X" number of feet of signage from any vantage point. When standing on this side of the building looking south you can only see 24 square feet of the signage. The proposed amendment would allow him to put another sign on the back side of the building to improve that visibility. Five Brothers Auto Repair came along and again all of this was before – all of these conversations took place before Five Brothers moved in. Five Brothers has a lot more road frontage than him and they put up a sign that and when you are heading south on Alpharetta Street, you can't see his signs at all. They followed the rules – he followed the rules – unfortunately there is no rule in the ordinance that says how your signs need to be structured based on your neighbor. There is no rule that says "be a good neighbor and don't block". They have a couple hundred feet of road frontage and they chose to put their sign 15 feet away from his – completely blocking the view as you are heading south. So, as a sole business owner, and been in business for a year, things are going well but we still have a lot of customers that drive in and can't find us. They call us on the phone and find us on the internet and say they couldn't find them and are lost. He has no intention of changing the signs he has and doubling the signs as they look good the way they are. If this amendment is approved he would put a 24-foot sign on the back of the building just to give him more visibility.

Mayor Pro-Tem Wynn asked if there was further comment. There was none.

Further Council Comment:

Councilmember Price asked Mr. Edson if this amendment was modified to be a sum total of the three walls instead of each wall if this would allow him to put up the sign he envisions. Mr. Edson said yes because right now he has 78 feet of total signage, 24 feet is in the ground sign, so that means he has 54 feet of wall signs.

Mayor Pro-Tem Wynn asked Mr. Townsend to clarify this. Mr. Townsend said if the wall sign criterion is how much building frontage he has which is 44 square feet, it is then divided among three signs – he already has 51 square feet existing. Councilmember Price said so it's already over. Mr. Townsend said right. Mr. Edson said obviously there is a lot of confusion of what is being discussed tonight because as he read this earlier today he thought the wall signs would be separate from the ground sign and he would be able to put three signs on either side up to 50 feet and he's not close to this. Mr. Townsend said he is confusing what criterion determines the square footage. He said you can't take the road frontage square footage of 79 square feet and use it for the wall – that's only used for the ground. The 44 square feet of the building is what linear feet are utilized for the square footage for the wall. Mr. Edson said the maximum total under this proposed change would be 44. Mr.

Townsend said yes.

Councilmember Price said there was some large property owners concerned that this was going to reduce what they are allowed to have. She asked if, in any case, if this is possible. Mr. Townsend said not to his knowledge in any readings. Councilmember Price confirmed that nobody would be reduced by this proposal. Mr. Townsend said he could not think of a scenario in which by separating the ground and wall of any sign, whether it be an existing ground sign or existing wall sign, would be reduced.

Mayor Pro-Tem Wynn reopened public comment due to the late arrival of a citizen wishing to address Council.

Additional Public Comment:

Ralph Mills, owner of Shops of SOCA and Shops of 1140 in Roswell, said he has approximately, at any given time, 15 to 25 small business people making their living every day in the City of Roswell. He literally received a call today from one of his tenants who is down, around back in one of the shops, complaining over the weekend that nobody could find his location. He thanked Council for readdressing this question after many years. He appreciates a new look at the sign ordinance. He noted there is new technology changing things i.e. Google earth, Google place, things like that but they are not to the point that people can do without signage. Little A-frames make a huge amount of difference, wall signage makes a huge amount of difference, and street signage makes a huge amount of difference. Where the building is located, whether it's on a frontage road or on a side road makes a huge amount of difference to the tenants. The bottom line is he greatly appreciates it as an investor in this City, a stakeholder for over 15 years, and appreciates and looks forward to receiving additional clarification because he doesn't not understand all of it, but again, thanked Council and wanted them to work through this and get it done.

Mayor Pro-Tem Wynn clarified what is being changed or amended is for a free-standing building, not for a building with multi-tenants. She asked Mr. Townsend if this is for individual businesses or if there are four or five businesses in a building. Mr. Townsend noted that it is also for a planned center.

Further Council Comment:

Councilmember Orlans suggested that Council hold for this third reading and have some additional discussion at a committee meeting where they can see more examples and really understand how this is affecting both sides of ground and wall signs to ensure everyone understands before they do one or the other.

Councilmember Igleheart said they have talked about this for quite a while and he agrees with Councilmember Dippolito that if they basically took Alpharetta's sign code and moved it into ours it would work. He expressed concern that if they just take this little piece and make a change, they don't know what the full implication of it is. He totally agrees that H-1 is unlikely to make that particular change; however, they are trying to replace all of the buildings up and down Highway 9, a new business will take the full maximum. Council needs to understand the impact of this. They are beginning work on a Unified Development Code and want to help the folks they can; however, they need to consider the whole City in addition to this one example. They may also want to consider making it part of the overall, larger change.

Councilmember Dippolito said the Alpharetta ordinance is pretty good. He has personally developed there, and thought it was very fair. From a user standpoint, it's very reasonable. He has been saying for a number of years that he thought this would be a good model for Roswell to use so he would support heading in this direction. Councilmember Dippolito asked from a Unified Development Code

standpoint once they get started on this, how long this will take before there is a rewriting of the Sign Ordinance. Community Development Director Alice Wakefield said it will take 18 to 24 months. Councilmember Dippolito said so they don't have time to wait for this – they need to get something done sooner. Ms. Wakefield said this is how long it will take to do the Code.

Motion: Councilmember Diamond moved to defer, without setting a date as of yet. Mayor Pro-Tem asked if this is deferred and it is the second reading how this would affect this. She asked if Council would be required to begin with first reading again. City Attorney David Davidson responded no, as long as they are within the timeframe which is 65 days from the first reading, which was February 13. So, 65 days from this date. Mayor Pro-Tem Wynn said they can look at this and keep it open-ended and then set it up if you want to take it back to Committee. Mr. Townsend said it would need to be heard on April 9 to keep it in the timeframe. Mayor Pro-Tem Wynn clarified the second reading would be required on April 9. Mr. Townsend responded yes. Mayor Pro-Tem Wynn asked for the date of the next Committee meeting. Mr. Townsend responded that the next Community Development committee meeting is on March 28. Mayor Pro-Tem Wynn asked the date for the next one after this. Mr. Townsend said the next Administration Committee Meeting is April 10 and the deadline is April 9. Mayor Pro-Tem Wynn asked if they hear this after April 9 if it would have to be first reading again. Mr. Townsend said yes. Mayor Pro-Tem Wynn said they could do first and second reading back to back if they need to – one on one Council meeting and wait two weeks or do they have to wait 30 days. Mr. Davidson said you could do it either way.

Restated Motion: Councilmember Diamond moved to defer RZ11-14 Text Amendment to the Sign Ordinance related to the distribution of allowable ground and wall sign square footage on second reading and to take this item to the March 28th Committee meeting. Mayor Pro Tem clarified that if Committee decides to move forward it will be moved forward to Council on April 9. Councilmember Orlans seconded.

Further Council Comment:

Councilmember Price asked if they are not asking that it come back to Council. Mayor Pro-Tem Wynn said it will go to Committee on March 28 and if Committee decides to move it forward, it will move forward to April 9 which would still be on schedule and timeline for second reading so it would not have to go back to the first reading. They are just giving it one more Committee meeting to look at the discussion tonight. Councilmember Price said if they are adding a second reading it needs to be deferred to this body, not to Committee. Mayor Pro-Tem Wynn said the motion and the second is to take it to March 28 Committee and this is the vote she is taking. Councilmember Price said she does not think the ordinance should be taken from this body.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Orlans, to defer RZ11-14 Text Amendment to the Sign Ordinance related to the distribution of allowable ground and wall sign square footage on Second Reading and be placed on the Community Development and Transportation Committee agenda for 3/28/2012. Mayor Pro-Tem stated if it moves out of Committee, it will be heard by Council on second reading on April 9, 2012. Councilmembers Diamond, Dippolito, Igleheart and Orlans voted in favor, Councilmember Price opposed. The motion carried by the following vote:

In Favor: 4

Opposed: 1

11. **RZ12-01 Text Amendment related to Sidewalk Cafes. (First Reading)**

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend, said this is a proposed text amendment for sidewalk cafes to eliminate the current location restriction dealing with the east and west side of Canton Street from north of Magnolia, south to Norcross, and to allow them throughout the City in which a restaurant would be using the public sidewalk for its sidewalk café. This came to Planning Commission who recommended approval of this proposed text amendment.

City Attorney David Davidson conducted the first reading of AN ORDINANCE OF THE CITY OF ROSWELL TO AMEND THE ZONING ORDINANCE ARTICLE 10.39.3 USES PERMITTED APPLICATION FOR LICENSE DEALING WITH SIDEWALK CAFE LOCATIONS WITHIN THE CITY OF ROSWELL, GEORGIA stating, Pursuant to their authority, the Mayor and City Council adopt the following amendment to the zoning ordinance:

1.

Article 10, Specific Use Requirements, Chapter 10.39, Sidewalk Cafes Section 10.39.3 Uses permitted/application for license is amended as follows:

Section 10.39.3 Uses permitted/application for

(a) Sidewalk cafes are permitted for restaurants located on the east and west side of Canton Street north of Magnolia Street and south of Norcross Street throughout the city. Application for a sidewalk cafe license shall be made to the community development department. If approved by mayor and council, a license for a sidewalk cafe will be issued for one (1) year and shall be automatically renewed if the use remains in compliance with all conditions stated herein. Such license will not be transferable in any manner.

(b) The fee for a sidewalk cafe license shall be set by mayor and council by resolution.

Mr. Davidson noted if approved, this will be the first reading.

Council Comment:

Councilmember Dippolito said he supports the ability to have sidewalk cafes in additional places in the City; however, he wanted to ensure that each applicant needs to come in for a license so there will be an approval process for each café and that this would not be a matter of right and will still require a license. Mr. Townsend responded correct.

Mayor Pro-Tem Wynn asked for public comment. There was none.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Price, for Approval of RZ12-01 Text Amendment related to Sidewalk Cafes on First Reading. The Second Reading will go to Mayor and Council on 4/9/2012. The motion carried by the following vote:

In Favor: 5

Enactment No: ORD 2012-04-04

12.

RZ12-02 Text Amendment to allow Farmers' Markets in commercial zoning districts. (First Reading)*Presented by Bradford D Townsend, Planning & Zoning Director*

Planning and Zoning Director Brad Townsend, said this is a proposed text amendment to allow, as a permitted use in the HR, MPMUD, C-1, C-2, and C-3 a Farmers' Market permit. The permit would have the criteria that it would be a license for 12 months, the market must include 75% farm produce, there must be an on-site market manager, the hours of operation could not exceed six (6) hours per day between the hours of 7:00 a.m. and 9:00 p.m., and a maximum of two (2) days per week. This also includes an administrative process that allows the Zoning Director to approve the Farmers' Market as part of this proposed ordinance. The Planning Commission, in reviewing this proposed text amendment, did request that staff add language on page four (4) of the proposed ordinance – allowing the Farmers' Market to have a temporary banner, which is not included in the first 40 days or not included in the additional 40 days of the banner – this is totally separate, allowing them to put it up a maximum of 24 hours before the Farmers' Market starts and to be removed within two (2) hours after the Farmers' Market is closed. That's the only change that has not been seen by Mayor and Council before. Everything was language that was reviewed at the Committee level as well as initiated. The Planning Commission recommended approval and staff recommends approval of the proposed text amendment.

City Attorney David Davidson conducted the First Reading of AN ORDINANCE TO AMEND SECTIONS OF THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE USE OF FARMERS' MARKET, CREATING A DEFINITION OF FARMERS' MARKET, TO ALLOW THE USE OF FARMERS' MARKETS TO BE LOCATED AS A PERMITTED USE IN THE CITY OF ROSWELL ZONING DISTRICTS HR, MPMUD, C-1, C-2, AND C-3 CREATING A FARMERS' MARKET PERMIT REQUIREMENTS TO ALLOW FOR THE APPROVAL OF A FARMERS' MARKET PERMIT BY THE ZONING DIRECTOR stating, Pursuant to their authority, the Mayor and City Council adopt the following Ordinance: 1. The City of Roswell is hereby amending Article 3 of the City of Roswell Zoning Ordinance, Chapter 3.2 Definitions, 2. The City of Roswell is hereby amending Article 6 of the City of Roswell Zoning Ordinance, Table 6.1 Permitted uses in Office and Commercial Zoning Districts, 3. The City of Roswell is hereby amending Article 7 of the City of Roswell Zoning Ordinance, Table 7.1 Permitted uses in Mixed-use Zoning Districts, 4. The City of Roswell is hereby amending Article 10 of the City of Roswell Zoning Ordinance, amending the title Chapter 10.19.5 Farm Produce Market, to read Chapter 10.19.5 Farmers' Market and by adding language, 5. The City of Roswell is hereby amending Article 22 of the City of Roswell Zoning Ordinance, amending Chapter 22.12 Temporary Signs, by adding Section 22.12 (e) language which deals with banners for Farmers market, and, 6. The City of Roswell is hereby amending Article 31 of the City of Roswell Zoning Ordinance, Chapter 31.7 PERMITS AND CERTIFICATIONS by adding the new Section 31.7.10 Farmers' market Permits.

**** (PLEASE go back to MEETING DETAILS for M&CC Meeting 3-12-12, FILE #11-0785, ATTACHMENT: "Farmer Market-First Reading" to view the Ordinance) ****

Mr. Davidson noted if approved, this will be the First Reading.

Council Comment:

Councilmember Price said currently there is a Farmers' Market on the City Hall property in the summer time – does that preclude that or do they need to make any provisions for public property and Farmers' Markets? Mr. Townsend said this

ordinance would only deal with private commercial property. The public property is allowed by the City granting them the use of the property. Councilmember Price said, so they wouldn't have to abide by any of this? Mr. Townsend responded no, only on private property. Councilmember Price asked if there is any reason not to include public property. Mr. Townsend said this is a policy decision from Council.

Mayor Pro-Tem Wynn asked City Attorney David Davidson if there is anything that would disallow. Mr. Davidson said it is up to Council if they want to include City property. Mayor Pro-Tem Wynn said City and/or public – Councilmember Price's comment seems to be more toward public property. Councilmember Price said, correct, she doesn't want to have two standards of Farmers' Markets necessarily. Mr. Davidson said depending on whom the public entity is they might not be subject to the City's Zoning Ordinance so it depends on who you are talking about. Councilmember Price asked for some type of communication about what type of public property Farmers' Markets might be located on and are there differences or what appreciable differences are there if they don't include them. Mr. Davidson said if you are talking about school board or state property, they are exempt from the City's Zoning Ordinance completely. At this time, he does not know what they would look like. If you are talking about the Farmers' Market at City Hall... Councilmember Price said City property. Mr. Davidson said if it's City property you can determine what you want it to look like as Mayor and Council. Councilmember Price recommended City property be included so there is a standard. The other thing on page one (1) of six (6) she questioned the need for Item (b) – this is just something to consider in the ensuing month. Councilmember Price said also, she is not sure if the banner is to be included in the permit itself or if it would be separate. Mr. Townsend said it would be separate. Councilmember Price asked what the difference is between this and the current temporary sign. Mr. Townsend said it specifically identifies the use as the Farmers' Market and this way it is separated from any of the retail or office/business establishments within the center that gets their own banners. Councilmember Price said otherwise, it's essentially just a temporary banner but there would be fewer opportunities for them to use it in a year. Mr. Townsend said no – they use it whenever the Farmers' Market is operating. Councilmember Price said so it's a specific banner provision. Mr. Townsend responded, right.

Councilmember Dippolito asked if the City has a set of ordinances or policies for the use of City property. Mr. Townsend said he is not aware of any. City Attorney David Davidson said City Hall is considered part of the park so the Recreation Commission may have some policies. He was not sure what other properties he would be referencing. Councilmember Dippolito said he is trying to address Councilmember Price's question. He agrees with her that there not be two standards but typically they don't put City property in the Zoning Ordinance, so for consistency sake, he thought some language could be included in a written policy elsewhere that could reflect back on this and show this as the standard. So when somebody comes in and they want to use City property for a Farmers' Market they can refer to these guidelines and have that policy wherever they have our City property language. Mr. Townsend said you will need to at a minimum clarify it for his sake because the way this text is drafted it gives him the authorization to issue a license for the Farmers' Market on commercial property.

Mayor Pro-Tem Wynn said she would have City Administrator Kay Love clarify this. Ms. Love said the City adopted a Resolution related to the use of City Hall a number of years ago and then when they made the changes in 2009 to the Special Event Permitting process they folded and incorporated that in and there are specifics for use of City Hall related to the types of things that are allowed and it speaks specifically to rooms and inside uses and they have extended that to things outside such as particular festivals or events. So there are criteria and it does have an

approval process. One of the things that you will see at Committee in March is some changes to this, so this is certainly an item that they could incorporate related to use of City Hall and facilities. They don't treat use of City Hall like the parks; however, that was a separate action by this Council that you can undo at any time.

Mayor Pro-Tem asked for public comment. There was none.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Price, to Approve RZ12-02 Text Amendment to allow Farmers' Markets in commercial zoning district on First Reading. The Second Reading will go to Mayor and Council on 4/9/2012. The motion carried by the following vote:

In Favor: 5

Enactment No: ORD 2012-04-05

13.

RZ12-03 Text Amendment to approve the Groveway Community Hybrid Form-Based Code. (First Reading)
Presented by Bradford D. Townsend, Planning and Zoning Director

Director of Community Development Alice Wakefield provided some history about Groveway stating it is one of the oldest communities in the City of Roswell; predominately African American. It has several institutional uses including two churches that are over 100 years old, the Roswell Housing Authority, the Child Development Association and City Hall with all of its uses. The Groveway project has covered three Council liaisons to Community Development starting with Councilmember Dippolito, then Councilmember Price (who was over Community Development for the bulk of the development of the ordinance) and now Councilmember Diamond. It started in 2008 with the completion of the Roswell Town Center Atlanta Street Livable Centers Initiative (LCI) of which Groveway was within the boundary and the LCI study of that area which is commonly referred to as Arts Village. In February of 2009, the City received an ARC Community Choice Grant, which provides technical assistance to cities and the purpose of the assistance was to build on a conceptual plan by exploring the design elements of the Groveway community through a design charrette process. To facilitate the effort, Council appointed a stakeholder's committee made up of about 22 individuals to work with ARC and staff to design the charrette. The charrette was held September 24 and 25, 2009 and over that two-day period seven architects and designers volunteered their time to sit with the community and stakeholders to design their vision of the Groveway community with approximately 30-35 individuals attending that charrette. In November of 2009, ARC completed its report on the charrette. In December 2009, a community meeting was held with the Groveway community group to present the findings of the charrette. In January 2010, staff and ARC presented the Groveway charrette report to Mayor and Council at Committee. The report included three possible options; 1) an overlay; 2) design, and 3) a form-based code. Staff was asked to go back to the community to be sure they were comfortable with this effort. Before the community meeting, staff received a second ARC Community Choice grant to assist in developing the implementation tool, thus the assistance of ARC to develop this hybrid form-based code. In April 2010, two community meetings were held at Pleasant Hill Church and the Zion Missionary Baptist Church. Also in April, staff came back to Mayor and Council to discuss the charrette, the results of the community meetings and the next step. The three options were presented and the consensus was to pursue a hybrid form-based type of implementation. Because form-base is something new to the City, staff along with ARC felt further discussion was needed with Mayor and Council to be sure there was clear understanding of

what form-base is and what to expect. In June 2010 and July 2010, Mayor and Council work sessions were held to discuss the particulars of form-base. The consensus was to approve some type of form-base tool, preferably a hybrid. In August 2010, the stakeholder's committee was created by Mayor and Council to again work with ARC and staff to facilitate development of the Groveway hybrid form-base code. This committee worked over a year to create this document. From September 2010 until October 2011, the stakeholder committee held twelve meetings that were open to the public. October 2011 was the final meeting of the stakeholder committee where staff was presented the draft document. Staff and ARC went back into the community with a final community meeting on November 11, 2011. Ms. Wakefield thanked Mr. Booker Knuckles and committee members for distributing the flyers throughout the neighborhood. The hybrid code was initiated in January 2012. In January there was also a Work Session. The matter has been reviewed by the PC, the DRB, and the HPC.

Planning and Zoning Director Bradford D. Townsend said during the Mayor and Council Work Session, several directives were given to staff as to what they want to change in the community and staff has worked through this. He presented a document and referred to it as the Arts Village Concept, which was actually the base for which the Groveway charrette was based upon and then they took it to renderings and Brad showed two of the renderings that came from the Groveway charrette in dealing with what they felt the design or character should look like for the community. He displayed the map that is being utilized and it adds north of Norcross and includes the Frazier Street apartments and the old Southern Skillet shopping center. He said the document staff will be working from tonight is the December 2011 Groveway Community Hybrid Form-Based Code Regulations Draft that was adopted by the Groveway Committee.

Mr. Townsend explained staff changes included in the draft document. Mayor and Council's main request dealt with the conditional uses in the Neighborhood Mixed Use District shown on pages 9 and 10 of the document which are in Section 12.4.010-Building Use. The changes are to add Pharmacy with Drive-thru as a permitted use and Grocery Store, which will be under the Retail Use as a Permitted Use of more than 5,000 square feet. Two Conditional Uses remaining in this proposed text amendment are the two automotive uses: Automotive sales establishments and Automotive service establishments. On page 10, the one Use that is left conditional deals with the Residential Neighborhood Mixed Use and is left for when a parking lot or deck is the principle structure on the property. Also remaining conditional are Institutional Residential facilities and Radio and television stations, studios and offices.

Council Discussion on Uses:

Councilmember Diamond referred to the Residential Use - Dwellings for caretaker or night watchman and said they have done similar redevelopment in Norcross where there are some homes with in-law suites over the garage or some separate thing and asked does that...

Mr. Townsend asked if she thought this would be more appropriate as a Permitted or Conditional use. Councilmember Diamond replied yes. Mayor Pro-Tem Wynn asked Mr. Townsend if that would change Dwellings for caretaker or night watchman to a Conditional Use. Mr. Townsend replied, "Conditional or Permitted". Councilmember Diamond suggested changing to it Permitted. Mayor Pro-Tem Wynn asked if Permitted should be done on both. Mr. Townsend replied, "Yes". Mayor Pro-Tem Wynn said it would be Permitted on Residential/Dwellings for caretaker or night watchman.

Councilmember Igleheart said Big Box Retail, New Buildings under Commercial Use seems to go against the entire effort of what they are trying to do in this area. Mr. Townsend said with the form discussion that they have been looking at, what is the form of the building by allowing up to a four or five story building, then they are going to get larger structures. Councilmember Igleheart asked for the definition of Big Box. Mr. Townsend said it is under the definition section of the Zoning Ordinance. He read as follows, "Big Box Commercial Retail Establishments involving sales and services individual lots of record where individual owners and tenants occupy more than 10,000 square feet." Councilmember Igleheart said 10,000 square feet is different from 100,000 square feet and that was okay.

Councilmember Dippolito said he wasn't comfortable making all of the Office/Institutional uses Permitted under the Neighborhood Residential. He referred to the Groveway Community Map and said a very small area was allocated to Neighborhood Residential but it was much larger when this first started and it has slowly knocked down to about a quarter of the property is actually slated as neighborhood residential. He said in that area in particular, they would really try to strive to retain the residential character and would rather have this go back to the way the Committee originally stated for these to be Conditional. He said there are opportunities where it would be appropriate but did not want to see a large portion of that blue area which they are really trying to push toward residential have a lot of office and institutional uses. He would rather go with the Committee recommendation to have it all Conditional rather than Permitted. Councilmember Dippolito said under Special Uses, Cemeteries should be Conditional rather than Permitted. He asked if communication towers were cell towers. He asked what kind of communication tower would they want. He said he would put that at Conditional. He did not think helicopter landing areas should be a Permitted use. It takes a pretty large area to land a helicopter.

Councilmember Igleheart said, "I'm not sure this is the best place for it, but on the Residential on both sides we have got Dwellings, multi-family and this is a much bigger discussion and I'm just going to make the mention to be thinking of it. Essentially, we are allowing apartments everywhere throughout here with no input other than once it is approved, it can be all throughout here, any density any whatever. That will be an ultimate concern at some other point but I am raising that to consider whether Permitted should be for whichever one that would fall under, Dwellings, multi-family I guess."

Mayor Pro-Tem Wynn said she assumed a helicopter landing area would have to be marked and would not be like a parking lot unless in an emergency; it would have to be a helipad/heliport. Mr. Townsend said that is correct.

Mr. Townsend displayed a map and said it is the original Groveway identified area and pointed out the Neighborhood Mixed Use District (red), Neighborhood Residential District (blue), and the identified Higher Corner Visibility Streets and Primary Streets. He displayed an amended map that includes the area north of Norcross with Atlanta Street and the Frazier Street apartments on both sides. He referred to the chart on page 13, 12.4.101 Neighborhood Mixed Use District Requirements and said staff recommends a change dealing with the measurement of 12.4.115 Front Yard Setback from back of sidewalk to property line and on 12.4.116.4 Building Materials, staff recommends removing wood siding. He said there was a comment dealing with the minimum alley width - 12.4.134-Alleys. They would like to put in a clarification that 20 foot would be minimum two-way alley and 15 foot would be a minimum width of a one-way alley.

Council Comment:

Councilmember Dippolito said there was a lot of discussion about these setbacks and whether they should have them from the property line from back of curb and they wound up with from back of sidewalk which he thinks is appropriate. He asked why staff wanted to change it to property line.

Mr. Townsend replied, "The Zoning Ordinance is establishing the determination of where you measure things. By using a back of sidewalk not knowing where that sidewalk is placed in the right-of-way, has a complete impact as to how that building touches the street, how the pedestrians use the street and how that impact would be either pushed farther into a lot or up closer to the street. The way our current Zoning Ordinance is drafted and the way I get to implement it, a property front setback is always measured from the property line in. Those property lines are set by how much right-of-way the City is determining we want for the streets. This particular area, the right-of-ways of these streets are very diverse from 60' on Hill Street to 35' on Myrtle Street. Unless the City is going to establish a minimum right-of-way and then require dedication or condemnation of that to get a proper street width, it is always going to be zigzagging as to when that development comes in. The front property lines is the current established road right-of-way lines the same location. Whether a sidewalk moves in or out, what if they decide to put the sidewalk on the other side of the street, where do I measure from? And, that is why consistent property line is the determination in which I get to enforce what they bring in as code wise."

Councilmember Dippolito said he understood the dilemma but all of the setbacks were based on the assumption they were using back of sidewalk and this changes the whole thing. He said he knows that was part of the issue and discussion was how that was to be determined because the property line will move and they finally decided they would want a certain dimension for the sidewalk and a certain basic curb and they want the building to be a certain distance from there. He thought this was a significant change that will have a major impact on the way this looks. He said that they really need to look through that, especially if they are going to have storefront at zero feet to the property line with the property line's the right-of-way, couldn't that theoretically be right where the street is. Mr. Townsend replied yes. Councilmember Dippolito said that you could have no sidewalk, yet have a curb and then having it face the building. Mr. Townsend said the sidewalk is in the right-of-way. Councilmember Dippolito said that if the right-of-way is really narrow and the street is built to the edge of the right-of-way, in theory, the building could be right next to the road. Mr. Townsend replied correct because they've allowed at least a zero setback from the front. Councilmember Dippolito said that is the problem. He understands their concern in wanting to measure it off the property line, but they really need to think about how that impacts the streetscape. That was one of the comments one of the architects that reviewed this made that they really need to think about the streetscapes for each of these streets. He said Mr. Townsend is right in that each of them is different. Some have 60 foot right-of-ways and some have 35 foot right-of-ways, so they are all different. They need to figure this out because the most important element of this is the streetscape and how that is going to look. Mr. Townsend agreed. Councilmember Dippolito said they are on the same page and he understands the issue but he doesn't think that is a simple fix.

Councilmember Dippolito said, "On the wood siding, I understand the desire not to have wood siding but there probably are cases where that would be appropriate especially if we have a lot of residential and as an accent, wood siding could be used very effectively. I've actually seen it used in commercial applications where it looks great as an accent material. Maybe that's how we distinguish that is that it's not a primary material but used as an accent for design elements. Getting back to my sidewalk discussion which I am very passionate about, on page 14 we talked about a

minimum that refers to the Roswell Zoning Ordinance and I'm concerned about our minimum sidewalk being only 5 feet. That would be a tremendous mistake for this community and we need to have at least 10 feet. That doesn't have to all be passable. If we have a 10 foot sidewalk and you have at least 10 feet at least from the curb to the face of the building, as long as you have 5 feet to get by then at least you could have 5 feet for a café or landscaping or something. To have a building 5 feet or less that is potentially 4-5 stories from the street would be detrimental to what we are trying to accomplish; maybe on some of the narrow alleys but other than that..." Mr. Townsend referenced the table that talks about when you have particular right-of-way widths and how that right-of-way was to be designed, he said this table was drafted and included in the midtown section. He directed ARC to utilize that because this was at least a standard of understanding how that right-of-way would be utilized if that is in front of the development. It did allow a minimum 5 foot sidewalks on both sides of the street. At least on one the 40 foot would have at least one and the other would have at least two 5 foot sidewalks as well as it talks about planting strips which is trying to set the streetscape criteria with the cross-section that is permitted. Councilmember Dippolito said, "I think one of the things that is missing from this is how this table we are talking about ties into the table that you are showing here and how that streetscape looks. Unless I'm missing something, I can't understand that from this table that we have planting strips so I think that is a point of clarity." Mr. Townsend referred to a slide of a part of the Roswell Zoning Ordinance and said, "This is the reference to the table 12.3.5 for minimum standards for sidewalks." Councilmember Dippolito asked, "Within that portion of the Zoning Ordinance, we also have 5 or 6 foot landscape strip?" Mr. Townsend replied, "When you have local streets with rights-of-ways from 40, 45, 50, 55 and 60, it talks about the pavement widths, travel lanes and if the applicant chooses parking lane widths on a 50 or 55 foot, you can have an 8 foot parking lane." Councilmember Dippolito said, "In Groveway where we have a 22 foot street which is probably more typical I would say in that area, we have two travel lanes of 11 feet each and we don't have any parking. We have a 5 foot sidewalk. Where does that go? Does that go on the other side of the right-of-way?" Mr. Townsend replied, "Each side of the right-of-way as a planting strip of one." Councilmember Dippolito asked, "Is that in the right-of-way or outside the right-of-way?" Mr. Townsend replied it is inside the right-of-way. Councilmember Dippolito asked if they have a required 6-foot planting strip. Mr. Townsend said yes which is between the edge of pavement and the sidewalk. Councilmember Dippolito said that if someone had a building with a restaurant and they wanted to have a café out front 5 feet deep, would they have to have a 6-foot planting strip and a 5 foot sidewalk and then their café and then the building. That was one of the issues that came up during the Committee discussion which was if they use the City of Roswell standards in commercial applications they don't necessarily work. They work fine for residential because it's nice to have that 6 foot landscape strip and it's good to have the sidewalk, but in a commercial application you may have a tree but not necessarily a landscape strip and you don't necessarily want that. You may want to have like on Canton Street; a cafe and an occasional tree in the sidewalk. He said he thinks they are trying to use current zoning in an application that is completely different. This form-based code is a whole different animal and trying to tie it to our existing zoning is not going to work. We need to look individually at each streetscape and figure out how that is going to look.

Councilmember Igleheart said, "That was part of the discussion, I thought, in the committees and others as well...as that building gets taller...that sidewalk needs to be wider. It certainly seems like in a discussion and in the drawings and in places I've been that are like this with 5-6 story buildings; you've got much more than a 5-foot sidewalk. If we are trying to encourage that movement and that feel and all these things along with that, that seems it might be the first part. Regardless of whatever that requirement is, on this piece of paper, it needs to have that look and

that feel of safety and being able to walk with a lot of people going either way and all the things going on and you can't do that in a 5-foot sidewalk. Go on Canton Street and you will find that out. Is that not what we are trying to accomplish in these?" Mr. Townsend replied, "Yes, what we are trying to accomplish related to the form-based code is to determine the look, feel and intensity of what they are going to put on the private property. What we are melding into this is how do we develop our standard cross-section for the right-of-way and how does that right-of-way cross-section interact to what we are requiring of the form within the private property." Councilmember Igleheart replied, "Right and that's the hard part. But, no matter what, you've got to have that stuff set...road, large sidewalk, buildings...wherever that line is and I realize that is what you are trying to figure out. But don't set us up with something that doesn't give us that. That's the key."

Councilmember Orlans said he kind of agrees that they really need to look at this because the intent is to open this up for pedestrians and not to keep it narrow. Mr. Townsend replied, "What I'm hearing from Council is that the location of where we measure from the property line is an issue. The identification of the public right-of-way and how it is utilized by cars as well as pedestrians and how that interacts with where we measure where they are going to put their building as well as whether that interaction is either pedestrian also, plazas, sidewalk cafes, other public uses interacting with the public right-of-way in the private property. Did I get that?" Mayor Pro-Tem Wynn asked Councilmember Dippolito if that was it. Councilmember Dippolito said, "Yes, let me also add that the Committee did a great job with this and I feel like I'm hammering on this and I know there are a lot of people in the audience who have worked extremely hard on this and I want to recognize the fact that there were a lot of people who did work hard and we absolutely appreciate all that effort. A lot of these things we are talking about that I'm bringing up, we actually had a lot of very good dialogue on. I think there was a sense that we had to accomplish that but I think we just hadn't quite gotten there yet. We still have more work to do. We did have that dialogue and the Committee as a whole recognized those issues but we didn't quite get it resolved yet on paper." Mr. Townsend replied, "I think there is some of the dynamic related to if it is a residentially dominated street, how do we want that to feel as compared to it is now going to be urbanized in some manner and how does that interact with the street. If there is a desire to take the scale of a Canton...Canton is going to be hard to replicate anywhere, but where is some of that feel of Canton to this location and how is the right-of-way and the buildings going to interact together."

Councilmember Diamond referred to page 13, 12.4.114 Frontage Types, Common Yard. She said they allowed it in residential. She wanted to know why it is not permitted in Mixed Use. She said it seemed like an opportunity to do a pocket park of some kind and asked if that could be made permitted. Mr. Townsend said he didn't recall a discussion about that. Councilmember Diamond said she would like to add that. Mayor Pro-Tem Wynn asked if she would like to change Common Yard to Permitted. Councilmember Diamond said that was correct.

Mayor Pro-Tem Wynn asked Mr. Townsend to move forward.

Mr. Townsend referred to page 15, 12.4.111 Building Height and Density and said the word 'Density' would be a strike-through because it isn't referenced. This is dealing with the height. He said the fourth paragraph talks about measuring and he is sure this was a lot of other discussion in the Committee in dealing with this, but his is a current change from the city's zoning code as to how they measure height. It is measured to the finish grade to the mid-point of the eaves in the peak of the roof. That is how the current definition is so staff would recommend deleting the language because it is conflicting but it is Council's pleasure as to how they implement it. They want to delete "Height shall be measured from finished grade along the base of the

building to the top of cornice, parapet, or eave line of a peaked roof."

Councilmember Dippolito said he never understood why it was measured to the mid-point of the roof. He thought it should be to the eave line or the top of the roof. He said, "Once again, I think the discussion on this was the height which I don't necessarily agree is the correct height but the height was established based on the eave so the Committee said here is the height we think is appropriate based on that. So, if you're changing that then that changes the overall height of the buildings and once again that has repercussions that we will need to look at and see what the appropriate height is. I don't think we necessarily need to follow the definition in the ordinance as long as we have it clearly defined in how we are measuring it here within this code."

Councilmember Orlans said there had been a lot of discussion about that measurement and it was suggested to go to the top of the building. He asked how it would be done with what staff wants to adjust to. Mr. Townsend replied, "The simple drawing is the definition we currently have in our Zoning Ordinance that talks about from the mid-point between the peak and the eaves that is the height that is allowed to the finish grade." Councilmember Orlans asked for everyone's benefit if Mr. Townsend could explain on the example how this says it. Mr. Townsend said that the language that he has struck through indicates "The Height shall be measured from finished grade along the base of the building to the top of cornice, parapet, or eave line of a peaked roof." He showed the eave line and this is the finish grade.

Councilmember Price said for clarification, "The numbers we have recommended going forth with this have included the definition that you just struck. Is that correct?" Mr. Townsend replied, "The draft ordinance has language that would change the current definition, yes." Councilmember Price said, "No...I'm saying when we went through this and established maximum heights, we were using this definition; by striking it, we would make buildings taller." Mr. Townsend replied, "Shorter". Councilmember Price said, "No, because our maximum is now moved up if we were using the lower. If we didn't change the numbers in here, we would end up with taller buildings. Am I backwards? I don't think so. I'll think about it, just a minute." Mr. Townsend replied, "It would be the same for a flat roof or a cornice and it would be shorter for an eave with a pitched roof. No, I think I'm backwards. Yes."

Mayor Pro-Tem Wynn asked Councilmember Price to clarify her question. Councilmember Price said, "I'm just saying that the maximum numbers we have picked have been based on a lower standard of defining height; therefore, if we strike that and use our current definition, we will end up with taller buildings. Councilmember Orlans said, "In the dimensions of sixty-six (66) feet you are either going to have your dimensions drawn on that left side, sixty-six (66) feet to there, so the taller roof will give you more height than if you do the 66 feet on the right side." Mr. Townsend said that was correct.

Mayor Pro-Tem Wynn asked Councilmember Price if that helped. Councilmember Price said yes and asked if it was their intent to make taller buildings at the last minute. Mayor Pro-Tem Wynn said she was hearing that they would be shorter buildings. She asked Councilmember Dippolito because he is an architect and builder if he could explain this more clearly. Councilmember Dippolito said, "My point was that the sixty-six (66) feet was derived based on the eaves. If we change that, we need to rethink our numbers because we are then changing the original intent assuming we are okay with the sixty-six (66) feet. I think the first thing to come up with is to determine how tall we want the buildings and then we can figure out how to measure it." Mayor Pro-Tem Wynn asked if he was referring to the second paragraph of the section that reads, "One (1) story or eighteen (18) feet in height and

not to exceed sixty-six (66) feet.” Councilmember Dippolito replied that was correct.

Mayor Pro-Tem Wynn said we might need to absorb that and move forward and perhaps get some input from the audience. She asked Mr. Townsend to proceed.

Mr. Townsend said the next item is on page 29, Section 12.4.118 Workforce Housing which has not yet been discussed. He said language received from the Housing Authority to try to establish some standard for workforce housing is, “50 or more units, set aside 25% as workforce.” He said Mayor Wood requested changing ‘shall’ to ‘may’ in the last paragraph of the section dealing with making Workforce housing units voluntary for developers.

Mayor Pro-Tem Wynn asked for Council comments on Workforce Housing.

Council Comment on Workforce Housing:

Councilmember Orlans asked for clarification on the change because either way it would be determined. Alice Wakefield said it would make this a voluntary provision, not a requirement, which has been the intent all along and Mayor Wood felt it would be best to use the word may instead of shall. Councilmember Orlans said the intent was to try to move somewhat in this direction and asked how voluntary would they want this to be.

Councilmember Diamond said they have not begun to discuss the potential of incentives for developers, which this says, will happen and they left it open so they weren’t immediately committed.

Mr. Townsend said, “I think all of the comments that have been made are the same comments related to measuring from the property line, the height issues are the same issues that we have in the neighborhood mixed use are the same comments and issues we have in the neighborhood and residential district. We just need to choose one and we will go forward with that.” Mr. Townsend said that completed his presentation.

Mayor Pro-Tem Wynn asked Mr. Davidson to read the ordinance.

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF ROSWELL ZONING ORDINANCE stating, Pursuant to their authority, the Mayor and City Council adopt the following ordinance that Chapter 12 is hereby amended by adding Section 12.4, to read as follows:

**** (DUE TO THE LENGTH OF THE ORDINANCE, PLEASE go back to MEETING DETAILS for 03-12-12 M&CC Meeting, FILE #12-0005, ATTACHMENT: "GROVEWAY HYBRID FORM-BASED - FIRST READING (DRAFT)" to view the Ordinance.) ****

Mr. Davidson stated if approved, this will be the first reading.

Mayor Pro-Tem Wynn opened the meeting to public comment.

Public Comment:

Dan Pile, 970 Pine Grove Pointe Drive. He is Chairman of the Housing Authority of Roswell and said the following on behalf of that group:

- The Housing Authority was thankful for Councilmember Dippolito’s comments about appreciating their work, but they didn’t do it for appreciation; this was an enormous opportunity and a game changer that will transform the entire community.*
- They worked over two years, some up to four years to bring an exciting product*

that has a social conscience the community could be proud of.

- It is important to recognize when considering the future of the community that they will be defined by how they serve and plan for residents of the Housing Authority, Workforce Housing, Mixed Use and Market Rate housing. The complete mix makes the community vibrant.*
- The project was inclusive and intentionally diverse representing all segments of the community and transparent with numerous opportunities for people to view, make comments and provide feedback.*
- The process was mindful of historic concerns while facing future developments.*
- It is a transformational project that will go through iterations and debate, all of which is important.*
- He asked that Council be mindful of the work that went into this and that any changes or improvements would not dilute their work.*

Lew Oliver, 880 Marietta Highway, Roswell spoke on the following:

- He has been involved in numerous charrettes here.*
- He used to be a member of the HPC and was in the Historical Roswell Alliance and is presently in numerous groups.*
- He is an urban planner with experience in over fifty worldwide charrettes involving form-based codes.*
- This form-based code will allow for creation of a true community allowing maximum flexibility in relating to market forces. This will integrate a wonderful historic neighborhood.*
- The majority of projects he has been involved in can claim conservatively 20% premiums on real estate compared to conventional suburban development.*
- He believes the code needs some tweaking and offered to discuss with anyone.*
- He suggested simple street sections that would outline sidewalk widths, parking and arcade conditions and not a planting strip in Commercial but trees in tree wells and rectangles.*
- Trees can be planted in lieu of parallel parking where there is not a wide right-of-way as in one tree, three spaces, one tree so it is not a strip concept but much more responsive.*
- He said congratulations and he was glad they are at this point.*

Ralph Mills, 3409 Rennas Drive, Atlanta Georgia 30305 and a representative for the stakeholders:

- They had just completed the project at the square when Groveway was announced by Ms. Wakefield.*
- He was originally cynical about the project and didn't believe it would happen, but has turned out to be 100% the opposite.*
- This was done through the help of inside and outside experts, people who have either lived or worked in Roswell their entire lives, and as a community and a group through the leadership of staff and Council.*
- There is no other area in Roswell that will have this kind of impact.*
- There was incredible apartment complex blight in Roswell, but that was then. They now have a whole new way of thinking and people want a new product. This is something that none of the other 27 counties in the area can replicate.*
- This opportunity is from the heart and was done through a lot of dedicated time and effort and belief.*

Lisa DeCarbo, 130 South Shore Court, Roswell and is a member of the Planning Commission:

- This is a wonderful plan going forward and using the form-based zoning as a*

hybrid to address the use issues is very important.

- Determining the streetscape issue is the most important design issue to resolve.
- She would like to see better illustrations, better use of materials, more integration as talked about by the consultants in tying this in with the historic district for which a couple of things have not been addressed.
- She said the last time she looked at the HPC minutes, there was still an outstanding question as to the areas within this district that are under the HPC; whether the height requirements (which she thought were three-story and 30 or 32 feet) would govern in those proportions of the district or go up to the five-story and 66 feet. She asked if that had been resolved. Mayor Pro-Tem Wynn asked Mr. Davidson to respond to the question. City Attorney David Davidson said, "If Council adopts this the way it is, this will trump the HPC and they will be able to develop under this." Ms. DeCarbo said, "They will be able to do this as an overlay, so they will be able to put more stories on, so it can go to 66 feet and an additional 10 feet for the dormers." Mr. Davidson replied, "However they decide to do it." Mayor Pro-Tem Wynn said that is exactly right as it is written now. Ms. DeCarbo said, "To consider some of the details that do have to be massaged here. think about some of the more narrow streets, like Myrtle, where you do have only a 35-foot right-of-way. What you will have is potentially two 76 feet story buildings, 35 feet apart. If someone comes up to the sidewalk with storefront on both sides, it makes for a very narrow slightly uncomfortable feeling. I want to make sure we really are going from the vision everyone has to something that incorporates that vision. Another example would be the streetscape section along Oak Street. One of the things that I saw on the Arts Village map is the addition of a bikeway. I think that is wonderfully appropriate in leading back to Waller Park, but it would have to be worked into the right-of-way in just the right way to get that to really happen." She said that was one of the other comments that she had seen from the DRB a couple of numbers there. She continued, "They had concerns that some of the articulation that was happening at that ground story, was in good scale when you look at the illustrations but the illustrations are only for 2-story or maybe 3-story buildings. Once you make something 5-stories, much higher, the depth of what you are doing there and the amount of articulation is not going to give you the look that you are expecting. It's going to be a big wall. I think Roberto expressed some of those concerns and I think those are still valid. As Community Concept said, we do need a lot more work on the examples and the definitions of the buildings, building materials and the detailing."
- She said apartments are a very heavy market driven use now. But, they learned from their PC training last week that some of the data from ARC is that although right now, the apartment market is the most active, they expect with GenY that the people that they are probably looking at as key owners in this area and residents of this area are going to start buying. They will be looking for owner occupied units as early as 2015 and the demand will peak around 2020. She said going forward with more than 25% apartments, may not be the best long-term solution. I could be great for the next five years but not much farther down the road.

Paula Winiski, 120 Buckthorn Court, Roswell

- She said the charrette and results of the charrette are phenomenal.
- The document is amazing and through the history of producing it, a lot of thought and man hours and love of the community went into that.
- Expressed her concern about that being translated properly by the document that is being considered tonight.
- The Groveway charrette documents mention many times a 2-3 story height with a cottage or pedestrian feel; however, the document tonight is about 5-story buildings with the possibility of additional height that would give a look of 5-story plus.
- The word 5-story sounds innocuous and referred to the large office buildings in Alpharetta as an example and they are surrounded by open space and are not

located right on the street. She said from that, one can visualize what they have moved away from in the original document produced by the charrette. The charrette wanted a pedestrian friendly development and that may be literally overshadowed by buildings this tall and close together.

- Expressed concern about requirements for open space, which by definition is anything that is not the building. Someone might think green areas involved, but there are no green space requirements. Of the 10% currently required, 5% can be parking lots and sidewalks and the remaining 5% can be hardscape. They should ask more of the development to produce the wonderful pictures depicted in the charrette document.
- She questioned the fact that they can no longer use square footages and not knowing the size of the apartments. There is no way to gauge the densities that could be 500 sf or 1200 sf. That should be considered because there are many infrastructure issues coming into play depending on what the densities might produce. Dense apartment development has contributed to many serious problems in Roswell and they should be very vigilant about these types of developments and their unintended consequences. There must be apartment development and perhaps there should be percentages but that may not be able to be done in form-based.
- Requirements and guidelines will require a lot of expertise from the staff who will need to review this for its adherence to the guidelines.
- She asked if there are plans for additional staff with expertise to do that or will that review process be outsourced.
- The problem of not putting conditional uses or restrictions on apartments is that they could go be anywhere in the entire area.
- Noted a problem with private, elementary, middle and high schools that are listed as conditional use in residential on one list and not permitted under the special uses list. She asked if that had been straightened out along with the changes just discussed having to do with uses.
- Noted a problem with conservation areas listed as permitted use in the Mixed Use district but only conditional use in the neighborhood residential district.
- Suggested that some of the photographs need to be upgraded that will set a higher standard and be the best it can be. She said the Groveway charrette illustrations are just drawings but they are powerful and well done.
- Talked about a graphic in the supporting documentation and was included in Council packets that showed the worst-case scenario if the 5-story buildings are allowed at the highest they can be. She said they should be careful in how they proceed.
- Sshe is here because she loved the charrette results and hopes this happens and there is a lot of potential as long as close attention is paid to the details. Mayor Pro-Tem Wynn asked Mr. Townsend to address Ms. Winiski's questions about the schools and conservation. Mr. Townsend said they struck them from the special uses and just had them in the office institutional and made them permitted in all those locations. The conservation area was made permitted in the residential.

David Tolleson, 2800 Laurel Green Court, Roswell spoke on the following:

- Said he was here to offer a word of support and a note of caution.
- He said he brought this forward as City Hall East back in the day and this is a great area that offers many opportunities to the City and the community but great care has to be taken for the residents. There is much that can be done that can't be done anywhere else with an impact that will not be found anywhere else.
- He cautioned about the variation of details on the theme and more attention needed to be paid to those details. He said original discussion was about senior cottages near the library and cultural arts center that would be 2-3 story buildings. He gave an example of coming out of Oak Street Café and there is a 5-story building of the height that is seen by North Point. That gives pause to think.

- He expressed his concern about apartments that could go everywhere. He cautioned that there should be discussion about how apartments would be taken out elsewhere such as the northwest quadrant and beyond because when you put things in another place they must be taken out elsewhere to avoid further overload. Some of the things they have are in the wrong place and Roswell does not need more apartments unless the stock is changed as a whole because there are serious impacts on the City. North Fulton as a whole has a need for apartments but Roswell and Sandy Springs do not. We are near a tipping point with our schools and in the past there has been discussion about having too much retail and too many apartments due to changes in traffic, shopping and living patterns.

- He said this is a great project heading in the right direction. Expressed appreciation for all the work done by members of the community, Council and staff.

- He cautioned about moving too fast to adopt things and that there are many things that need to be captured before the second reading.

- He said the Housing Authority has a grant application deadline they need to meet. He asked that the entire plan not be rushed to meet that deadline because there may be other ways, possibly existing zoning codes that would help the Housing Authority get what they need to move forward in an expeditious manner while buying additional time on the details if that is needed. He said no one wants to hold this up but it should be done right.

Dave Schmidt, 12660 Silver Fox Court, Roswell said he would be speaking as Chairman of the Comprehensive Plan as follows:

- He referred to the Comprehensive Plan for 2030 that looked at a number of different areas in the City and the idea that a tremendous amount of activity is happening around this central core of Canton Street, Highway 9, the Gateway and Groveway.

- He said he is a 20-year resident of Roswell and redevelopment has been talked about through many Councils and many people in the community and it has been difficult.

- He said he was encouraged about the form-based code being one of many tools that can make a difference in trying to deal with redevelopment.

- There have been many comments about how to develop in a suburban environment versus an urban environment where buildings are closer to the street and pedestrian feel is an important aspect of that. There are things that need to be understood there.

- Appreciated all the comments about quality of the buildings, streetscape and public places and that must be done right, partly because it is near the grounds of City Hall, close walking distance to Canton Street, the jewel of the City and other aspects that will play off this.

- From the standpoint of the Comprehensive Plan, there are a number of things being put forward and this is one very good tool from the form-based code that will find its place in other places where they will need to deal with redevelopment.

- Supports the plan and encourages that this move forward but making sure the details are right.

Mayor Pro-Tem Wynn asked anyone from the Groveway Community to speak at this time.

Frank Lewis, 540 Sailwind Drive, Roswell, Georgia, stated the following:

- The apartments are necessary because they cannot negate the fact that additional housing is needed for poor people to live in this community.

Gail Bohannon, 736 Bush Street, Roswell, Georgia. She spoke on behalf of the Groveway Community group:

- She said she had served on the Groveway Committee for the charrette through its entirety and they have had a lot of good discussion as well as some controversy.
- She said when the project first started, as Mr. Tolleson spoke about earlier, they discussed the need for more senior living places and meeting their care needs and that is her biggest issue. She said senior care is a passion for her because they are only a few years before needing that care themselves and they should start doing more about providing for affordable senior living and care.
- She said the Committee had worked very hard and regrets that some of the issues were not brought up prior to this meeting, because there had been many open meetings but a lot of the Council had not attended. If they cared about the entire City they would have attended some of those meetings and helping make some of the plans.

Antoinette Singh, 203 Grove Place, Apt. #55, Roswell Georgia, a resident of the Roswell Housing Authority, spoke on the following:

- She has participated in various stages of the charrette, as a resident of the Roswell community and as disabled individual
- She talked about being a baby boomer moving towards senior citizenship and how crucial it is to understand the demographic of the community which goes from one extreme to the other and the importance of being able to work together to accomplish the goals for future development of the City especially the Groveway area which is the treasure of the community.
- When you have the City Hall, the Mayor's Office, the Police Department, the Cultural Arts Center, and SOCA and Canton Street merchants all within the same radius, then the redevelopment is only a matter of time.
- Most important to her and most of the other residents of public housing is the transition of where they go as this process unfolds. She said she didn't know if it would happen all at one time or would be done in various stages so that everyone is not displaced at the same time.
- There are people in the community with young children in school who wait for their children to arrive safely from the school bus. They have different needs with regard to relocation than someone who is 55 plus years in age.
- As the development process is begun with regard to city planning and the 2030/2050 City plan, she hoped the community comes together in the various economic facets so when discussion of the needs of the residents are being displaced, it is honest and genuine dialogue.

Councilmember Dippolito asked if someone from the Housing Authority could address Ms. Singh's question about displacement before moving forward.

Mayor Pro-Tem Wynn asked Scott Marcelois to address the question about relocation when any of these projects will begin.

Scott Marcelois, 908 Myrtle Street, Roswell, Georgia, Director of the Roswell Housing Authority spoke as follows:

- The Housing Authority is governed by HUD regulations to handle relocation efforts for anyone who is either temporarily or permanently displaced by some type of revitalization.
- He said he met with their field representative last week who said they were excited about this project.
- The Housing Authority efforts will be done in several phases to minimize displacement.

- For anything that is developed, the people who were displaced must have the first opportunity to return.
- The Housing Authority is working in cooperation with North Fulton County to provide such things as vouchers to relocate temporarily without a rent burden during the process. They would have first opportunity for deep subsidy units that will be put back on the market in conjunction with market rate, as well as other tax credit units.

Donna O'Berry, 2100 Constitution Court, Roswell spoke on the following:

- She and her husband live in Liberty Townhomes and Lofts but also own a piece of property on Myrtle Street for which they wish to use for retirement.
- Expressed her excitement over the Groveway project and said it is wonderful.
- She said there has been a lot of talk about what is happening on Oak Street and the commercial environments but very little about the residential districts.
- She said there are no two pieces of residential property in the entire area that remotely look alike and none of them look like the charrette renderings.
- She asked if at any of the meetings there had been discussion about how the existing residential properties will over time acquire the look that is wanted as depicted in the charrette rendering. Mayor Pro-Tem Wynn asked Alice Wakefield to address Ms. O'Berry's question. Ms. Wakefield said the desired goal is for the existing structures to be upgraded to have more of a cottage feel but it is somewhat difficult to improve an existing home. She said they hope to develop new homes in the cottage look that will encourage existing property owners to upgrade and often times when redevelopment begins it will progress lot by lot, block by block. Over time, more detailed residential design guidelines will be put in place to help encourage and assist developers and property owners to create the desired cottage type home that the community has indicated they want as shown on the charrette.
- Ms. O'Berry agreed that over time as people move and sell houses, new owners will come in and make improvements.
- She said many of the people in these neighborhoods have lived there a long time. They have no intention of moving or making upgrades or improvements and in some cases and it could take forty years or more for some of these homes to be sold.
- She said because the property owners will be spending their own money, the City should find some type of incentive to encourage them to make the desired improvements that will accomplish the look the community wants.

There were no further comments. Public comment was closed.

Mayor Pro-Tem Wynn commended everyone including staff, stakeholders, Gail Bohannon, Frank Lewis and everyone else who has put their heart and soul into this form-based hybrid. This is a huge leap of faith for the community. She said she admired Councilmember Diamond who has been the Community Development liaison for only six weeks and has been handling this very well. She thanked everyone who has been involved in this project and for everyone who attending this meeting tonight.

Further Council Discussion:

Councilmember Diamond said, "I had all kinds of things to say about this and I cannot begin to say them anymore eloquently than has been said already. I know you are tired of listening so I'm not going to go through all of that. I want to stress that the Groveway community has stepped up and brought us an incredible opportunity. I know it is not perfect and there are going to be changes made along the way and I think in a few minutes if you hang around after this, we will be talking about unified development code which is an opportunity to make some more of those tweaks when it becomes not just an overlay in actual zoning. There will be a lot of things that can

be adjusted along the way and there is a lot of input that we are still gathering and still making changes. I want to invite you to continue to do that as we go into the second reading and we will do our best to make it perfectly wonderful but knowing that it may not be right off the bat, don't think this is all there is to it. We are still going to be revisiting this in just a short time."

Mayor Pro-Tem Wynn said she also wanted to thank Councilmember Price and Councilmember Dippolito because they were also Community Development liaisons and helped keep this ball rolling.

Councilmember Dippolito thanked everyone who had participated in the project and for their efforts and many hours spent creating this great product and laying down a strong framework. He said he has worked on this for several years and has always like this area of town with the rolling hills and incredible trees. He said there a lot of pretty cottages there now and although some have fallen into disrepair, there are a lot of good things going on and a lot of great people who live there and the area has a lot of potential. He said the focus on the original charrette should not be lost while going through the process of putting together the code. He said a lot of time was spent thinking about how they wanted this to look like in the future and didn't care about what the code said or what was happening now. He said most of the buildings that were designed in the sketches were three and four story buildings which is intriguing because there were no limits set and when the sketches came forward, the tallest buildings were no higher than five stories but most were three or four stories and it's important to keep that in mind. An important component of what was discussed with the charrette was to have an area that scales down and makes use of the cottage housing. He said that was part of the reason for some of his comments about the residential section and expressed concern about getting too far away from some of the original intent to bring this down to a lower scale getting closer to the existing residential area that is outside of this to create the beautiful cottage environment that came through the charrette. He said as they continue to move forward with the code, they should constantly look back at the sketches and he knew the Committee had done that but now is the time to really focus on the design. He said the framework is together and now is the time to focus on the details that will make a huge difference that will create this environment. He said they should really think about how the streets should look and how tall the buildings need to be and perhaps there are areas that should be lower or areas that need to be more residential. He said he believes this could be the absolute jewel of the City because of its beauty and this is an incredible opportunity for the City to do something magnificent that should not be rushed. He said they need to make sure they are not negatively impacting the Housing Authority and ensure they can keep moving forward with what they need to do. He said they have the framework but they need to keep pushing to get the design right in a way that says this is the best thing they ever did for this City.

Councilmember Igleheart thanked everyone for all their hard work that has happened for so long. He said a couple of Council have been involved since the early days and quite a few have been very active for the last few years. He said he stayed out of it in some ways because he felt the people who live there have been very active in the area and should be the ones to come up with what needs to happen. He said that has happened and it has been an amazing journey and many things have come out of that. So many good things have come out of this idea but he said his fear is that when things are pretty much left open to here is what it could be, the end result may not be what they have been talking about, hoping for and working towards. He said he didn't want to slow anything down out of that fear but there is a reality about how they make things happen and get it to where they want it to be. Apartments are the hot market now and if builders can get financing and build them, they will build as many as they can because that's what they can do right now. He said they should be

realistic in understanding that and be should be careful about what they allow to go through and what they have talked about for so long. He said he didn't know if this can be accomplished in a month which is his main fear and doesn't want to move forward on something that the next month after that, somebody comes through with something, that is too late to change after that point. He said he totally agrees they need to come up with whatever is needed for the Housing Authority to make their move forward and get that done and make that happen. He said he doesn't believe it has to change long term what they are doing. He said they should keep moving as quickly as we can. They've got the pieces but it's going to take a little bit longer to get it to exactly what they need. It does concern him that they would seriously try to accomplish this in the next month. He said he is in total support of what they are doing and they are moving in the right direction but they should make sure they get what they are hoping for.

Motion: Council Member Diamond made a motion for Approval of the First Reading of RZ12-03 Text Amendment to approve the Groveway Community Hybrid Form-Based Code. Councilmember Orlans seconded.

Further Council Comment:

Councilmember Dippolito said he agrees with the motion and would like to keep moving this forward and said he thinks it is a solid document and they are ready to take it to the next level. He said he didn't know if that could be accomplished in a month because there were a lot of questions that came up tonight that will take serious dialogue. He is in favor but they have a lot of work to do and would like to get staff to start thinking about what they have heard tonight and thinking about how they can get some of these issues resolved and get realistic on the timeframe so they can bring this back and include a lot of the people here tonight in a lot of that discussion.

Councilmember Igleheart asked if the next plan moving forward is to bring this back for the second reading next month.

Councilmember Diamond said she would like to have this brought back as scheduled for the second reading. She said it is important to move forward on this and she felt like there was agreement on a lot of the changes and there are still a lot of things that need to be worked through with staff. Unless someone feels strongly that they are way off base, they need to move along and asked if anyone felt a work session was needed before the second reading.

Mayor Pro-Tem Wynn said this is staff driven and all the comments must be looked at but it also has to come back to Council and Council will make the ultimate decision. She said a lot of great suggestions have been made but they do not want anything to happen with the Housing Authority because that is a catalyst to the entire charrette and everything they are trying to do. She suggested having a special work session and give staff perhaps a week to work on this and have the session next Monday night. That would give another week to work on anything that comes out of the special work session.

Councilmember Igleheart said there are two water plant open house meetings on Monday March 19.

Mayor Pro-Tem Wynn asked if that was at noon and the evening. Councilmember Igleheart said that was correct. Mayor Pro-Tem Wynn asked if anyone was interested in doing a special work session. All of the Councilmembers agreed there should be a special work session. Mayor Pro-Tem Wynn suggested either Tuesday, March 20 or Wednesday, March 21. She asked Ms. Wakefield if that would give staff enough time. Ms. Wakefield replied yes.

Mayor Pro-Tem Wynn said there is a motion and a second to approve the first reading of the hybrid form-based in Groveway. There was no further discussion.

Mayor Pro-Tem Wynn asked if the special work session could be scheduled next Tuesday or Wednesday. City Administrator Kay Love said she would work out the date for the meeting.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Orlans, for Approval of the First Reading of RZ12-03 Text Amendment to approve the Groveway Community Hybrid Form-Based Code and be placed on a Mayor and Council Special Called Work Session with the date to be determined. The Second Reading will be placed on the 4/9/2012 Mayor and City Council agenda. The motion carried by the following vote:

In Favor: 5

Enactment No: ORD 2012-04-06

14.

Approval of a text amendment to Chapter 10 of the City of Roswell Code of Ordinances to License and Regulate Mobile Food Vendors in the City of Roswell. (Second Reading)
Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Brad Townsend, stated this is the Second Reading for the Mobile Food Vendors. Included in the backup material were comments that exempted ice cream trucks. This was worked on by Legal who did a fabulous job of re-crafting what Council had directed at Committee. Staff recommends approval of the text amendment regarding licensing of mobile food vendors.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND CHAPTER 10 OF THE CITY OF ROSWELL CODE OF ORDINANCES REGARDING LICENSING AND REGULATION OF MOBILE FOOD VENDORS, CHAPTER 10 LICENSES, TAXES, AND BUSINESS REGULATIONS OF THE ROSWELL CODE OF ORDINANCES IS HEREBY AMENDED BY ADDING SECTION 10.15 MOBILE FOOD VENDORS stating: Pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

Chapter 10 Licenses, Taxes & Business Regulations, of the Roswell Code of Ordinances is hereby amended by adding Section 10.15 Mobile Food Vendors, to read as follows:

10.15.1 - Definitions.

A. Commissary shall mean an approved catering establishment, restaurant, or other approved place in which food, containers or supplies are kept, handled, prepared, packaged or stored.

B. Mobile Food Vendor shall mean a retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

C. Pushcart shall mean a non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service. Pushcarts shall not be required to comply with mobile vehicular safety

requirements.

D. Temporary food establishment shall mean a retail food establishment, other than a licensed mobile food vendor or pushcart, that is not intended to be permanent and that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

E. Ice cream truck shall mean a motor vehicle in which ice cream, popsicles, ice sherbets or other frozen desserts of any kind are carried for the purpose of retail sale on the streets of the city.

10.15.2 - License required.

A. It shall be unlawful for any person to sell, or offer for sale, food of any type from a commissary, mobile retail food establishment, pushcart or temporary food establishment without a license first having been granted under this section, except for city-sponsored events.

B. An application for a license or a permit hereunder shall be submitted to the Community Development Director or his or her designee setting forth all information required hereunder and in compliance with this ordinance. The Community Development Director or his or her designee shall develop a form of application for the purpose of compliance with this article.

C. The following information shall be provided with each application for a mobile food vendor permit:

- 1. Name of the Mobile Food Vendor*
- 2. Make, model, and license plate number of vending unit*
- 3. Owner's contact information*
- 4. Operator's contact information*
- 5. Type of vendor (street vending unit or sidewalk vending unit)*
- 6. Copy of approved permit from the Fulton County Health Department*
- 7. List of operating locations and times*
- 8. Signatures from property owners indicating consent for the use of their property*
- 9. Signature of applicant indicating agreement to the listed requirements*

10.15.3 - Prohibited conduct and requirements.

A. Except for ice cream trucks, no mobile food vendor shall conduct business or operate in the public right-of-way.

B. A mobile food vendor shall not operate on any private property without the prior consent of the owner.

C. A mobile food vendor shall maintain a \$1,000,000.00 liability insurance policy. Proof of current liability insurance, issued by an insurance company licensed to do business in Georgia, protecting the mobile food vendor, the public and the city from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the permit. Such insurance shall name the city as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without 30 days advanced written notice to the city.

D. Except for ice cream trucks, a mobile food vendor shall not make sounds or announcements to call attention to the mobile food vehicle either while traveling on the public rights-of-way or when stationary. At all times said mobile food vendor shall be in compliance with the City of Roswell noise ordinance.

- E. The license under which a mobile food vendor is operating must be firmly attached and visible on the mobile food vendor or pushcart at all times.*
- F. Any driver of a mobile food vendor motorized vehicle must possess a valid Georgia driver's license.*
- G. Except for ice cream trucks, mobile food vendors are allowed only in commercial zoning districts.*
- H. Mobile food vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.*
- I. No sale or offer for sale shall be made by any mobile food vendor between 9:00 pm and 6:30 am unless such sale is in conjunction with a City approved special event or film production permit.*
- J. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.*
- K. No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.*
- L. The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.*
- M. The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments:*
- 1. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.*
 - 2. Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.*
- N. The mobile food vendor may sell food and non-alcoholic beverage items only.*

10.15.4 - Indemnity.

As part of the permitting process set forth herein, any person or entity receiving a permit set forth herein shall execute an indemnity agreement indemnifying and releasing the City of Roswell, its agents, employees and elected officials from any and all liability against any and all claims, actions and suits of any type whatsoever.

10.15.5 - Revocation and suspension.

The city shall have the right to revoke or suspend any license granted hereunder.

10.15.6 - Fee.

The fee for every application for license under this section shall be set by resolution.

Mr. Davidson stated, if approved, this will be the second reading.

Council Comment:

Councilmember Price asked if an ice cream truck is a mobile food vendor. Mr.

Townsend answered yes. Councilmember Price said it is not distinct and asked for further clarification. Mr. Townsend said it has its own definition now. He stated that it is a food vendor which we are exempting from the ordinance so they can drive on the public right-of-way. Councilmember Price asked if they required to do all the things that we had required otherwise of mobile food vendors. City Attorney Davidson explained that they are going to be exempt from several of the conduct and requirements but will be required to obtain a license. Councilmember Price replied they are a mobile food vendor but just for purposes of right-of-way, they will be allowed to operate in the right-of-way. Mr. Davidson said that is correct. Councilmember Price noted that otherwise, they are a mobile food vendor and everything else applies to them. Mr. Davidson replied, "Not the sounds and announcements." Councilmember Price noted, with the exceptions. Mr. Davidson said that was right. Councilmember Price expressed concern about letter "K" of the ordinance and asked why the ice cream truck is being singled out for this specific type of wording and others are not. Mayor Pro-Tem Wynn asked if she was referencing the new letter "K," regarding "no sale or offer for sale of ice cream." Councilmember Price said yes. Mr. Townsend said this is to make sure they have the vehicle properly marked with letters and numbers. Councilmember Price asked why this does not apply to other mobile food vendors. Mr. Townsend said the difference is what we are trying to allow on the right-of-way as compared as to what we are having stationary parked in some particular location. Councilmember Price said what she is saying is, why are we singling them out. Mr. Townsend said this was the directive of Council to have them exempted. Councilmember Price said they are exempted from other things but this is actually requiring something over and above what we are requiring the other mobile food vendors to do. She asked if she was reading this incorrectly. Mr. Townsend confirmed that was reading it correctly. Councilmember Price said if it were up to her, she would strike this. Councilmember Price said, "And then again, "N" does not cover us because unless we decide that ice cream is food. If we say that ice cream is food then she would be okay but again "N" almost makes it look like we're excluding ice cream again. Otherwise it's great." Mr. Davidson said ice cream is food.

Mayor Pro-Tem Wynn referring to letter "K," stated she assumes the reason that we are doing this is because all the other mobile food vendors except for ice cream trucks can sell on the public right-of-way. If they are in a subdivision, they can stop on the street and they can sell ice cream; she asked if this is correct. The other mobile food vendors cannot do this; they must be parked off the street. Mr. Townsend noted they would have to be parked off the street on a commercial location. Mayor Pro-Tem Wynn said this is more for identification purposes only to let them know that this is an ice cream truck and not a mobile food vendor truck. Mr. Davidson said that is correct.

Councilmember Dippolito said he was wondering about this because before Council had the discussion about ice cream trucks, this was in the ordinance. He asked if there is a state or county requirement that this was pulled from. Mr. Townsend said it was pulled from another ordinance that included the identification; they wanted special lettering and numbers with the prices for the ice cream trucks. Councilmember Dippolito said it is probably worth looking into to see if there is some sort of special requirement for this; it seemed odd that it was singled out even before we singled it out. He said he is okay with the ordinance, but would like to know the reason why this is there.

Councilmember Igleheart asked how many months had been spent creating this. He said "It's interesting to me that something that very few people will take advantage of, we are going to spend more time doing this than we're going to before approving the Hybrid Code." He asked if others received the e-mail from Bill Greenwood. Councilmember Igleheart said Mr. Greenwood brought up a lot of good points; as a

restaurant owner there are things that he sees as being problems, particularly the sanitation, and all the things that Fulton County is supposed to be over. Councilmember Igleheart asked who is going to be over that; will the City call Fulton County if we see an issue and have them come up and deal with meeting their rules. Mr. Townsend explained that since the City would be the issuing authority of the license, we will have some control over this annually, in dealing with the scenario. If there is a sanitary issue with where they are parked, the property owner will be involved to solve it because they have authorized them to park there. The property owner would not want to create a hazard or an unsanitary situation on their property to begin with. Code Enforcement would be to the owner and the licensee. Since there is an annual scenario, the City will know who is doing right and who is doing it wrong. Councilmember Igleheart asked if the City will be in charge. Mr. Townsend said the City will be the local issuing entity. Councilmember Igleheart reiterated that Mr. Greenwood's points are all valid, primarily bricks and mortar versus the truck coming in and out. Councilmember Igleheart said he doesn't know how many people are going to be using this anyway so he's not sure it's worth all the time and effort or concern; he noted that he had not heard from anybody who actually owns a restaurant. Councilmember Igleheart said he knows some others who have been fine but his points are valid and he has concerns now that we have particularly moved away from any kind of restrictions of where they can be. One of the thoughts about this all along was to help movie groups, but they are not selling retail food; customers come to a specific place for specific people at a specific time. Councilmember Igleheart said he is not sure this really resolves that situation if that is the main point on some of this information. Councilmember Igleheart said he is against this entirely, at this point.

Mayor Pro-Tem Wynn invited public comment. There was none.

Further Council Comment:

Councilmember Price asked if this is being approved for specific zoning areas. She thought OP was excluded and wanted to be certain. Mayor Pro-Tem Wynn stated that the only district excluded was residential, except for ice cream trucks. Councilmember Price asked if an office park wanted to have it out in their parking lot, are they prohibited. She noted this information is located in letter "G," allowed only in commercial zoning districts. She asked if an office park could not have a food vendor. Mr. Townsend said no, this is considered a commercial zoning district. Councilmember Price asked if a determination had been made about letter "K," being so specific for the ice cream truck and if there was no need to have any identification on these mobile food vendors even though they are on private property. Mayor Pro-Tem Wynn said this is our understanding, correct. Councilmember Price said they do not necessarily need to have anything on them at all. Mr. Townsend replied that the way this is currently drafted, there is no requirement. Mayor Pro-Tem Wynn said except for their license, which must be showing. Mr. Townsend said that is correct.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Dippolito, for Approval of a text amendment to Chapter 10 of the City of Roswell Code of Ordinances to License and Regulate Mobile Food Vendors in the City of Roswell on Second Reading. Councilmembers Diamond, Dippolito, and Price voted in favor. Councilmembers Igleheart and Orlans opposed. The motion carried by the following vote:

In Favor: 3

Opposed: 2

Enactment No: ORD 2012-03-02

15. Approval of a Resolution to Adopt Annual License Fee for Mobile Food Vendors.

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Brad Townsend, said this establishes the license fee of \$150 annually for the Mobile Food Vendor ordinance which Council just passed.

Council Comment:

Councilmember Price asked if this includes ice cream trucks. Mr. Townsend responded yes.

Councilmember Orlans said the \$150 should be equal to their property taxes, their payroll taxes, and their sales taxes that we will get for the City.

Mayor Pro-Tem Wynn invited public comment. There was none.

Further Council Comment:

Councilmember Price proposed an amendment to exclude ice cream trucks from the fee. Mayor Pro-Tem Wynn asked for a second. The amendment failed due to lack of a second.

Councilmember Diamond asked if this is required now.

City Administrator Kay Love requested a point of clarification. Ms. Love said ice cream trucks are required to have a business license somewhere to operate. It may not be in the City of Roswell but it has to be in Fulton County. This is a permit, which is different, but there is a payment of some licensing by those individuals, if they are operating legally.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Dippolito, to Approve the Resolution to Adopt Annual License Fee for Mobile Food Vendors. Councilmembers Diamond and Dippolito voted in favor. Councilmembers Price and Igleheart opposed. Council Member Orlans abstained. Mayor Pro-Tem Wynn cast her vote in favor, breaking the tie. The motion carried by the following vote:

In Favor: 3

Opposed: 2

Abstain: 1

Enactment No: R2012-03-11

16. Approval for the Mayor and/or City Administrator to sign a consultant contract with Code Studio for the Unified Development Code (UDC) in the amount of \$289,891.

Presented by Alice Wakefield, Director of Community Development

Community Development Director Alice Wakefield, said staff requests approval of this awarding of a contract to Code Studio. Code Studio is the preferred contractor out of the six consultant firms that submitted proposals. Their proposal is within budget; they have extensive experience with this type of code; and they have a good team consisting of Atlanta-based firms: TSW, Keck and Wood, McKenna, Long, and

Aldridge, and New South Associates. Staff is recommending approval.

Council Comment:

Councilmember Orlans asked if there was a representative in attendance. Ms. Wakefield responded there was not.

Mayor Pro-Tem Wynn invited public comment. There was none.

Further Council Comment:

Councilmember Price said she is not in favor of this but she would be in favor if she was to offer her services because she would certainly do this for \$200,000 which is an \$89,000 savings to the City, or actually she might do it for \$150,000 or \$100,000. Councilmember Price noted that she would probably do it for \$50,000 but actually is required to do it as a member of this Council, especially if you consider the corporate powers of the City, which are defined in the Code, Section, Chapter 2.20 Corporate Powers of the City, to be exercised by the City Council shall include the following: ordinances, rules, and regulations; to make, establish, and adopt such by-laws, ordinances, policies, rules, and regulations as it shall appear necessary, etc. She said she feels like she took an Oath of Office that this should fall to her and her fellow Councilmembers, but if they feel like they want to vote on this they certainly can, but she doesn't feel that duty with the oath that she took, she could pass this responsibility off to someone else; especially not for \$289,000 which is over one-quarter of a million dollars.

Mayor Pro-Tem Wynn asked for clarification of the Code Section Chapter 2.20 that Councilmember Price read. City Attorney David Davidson stated, "I believe you would be doing your Oath of Office when you actually approved the Unified Development Code. You don't have to come up with the actual document. Either staff or our consultant can come up with the actual document and then as you will be involved you will have to approve parts of it and the whole thing at the end. I believe you will be fine."

Mayor Pro-Tem invited further comments. None were heard.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Orlans (under protest because there were no representatives of Code Studio in attendance), to Approve the Mayor and/or City Administrator to sign a consultant contract with Code Studio for the Unified Development Code (UDC) in the amount of \$289,891. Councilmembers Diamond, Dippolito, Igleheart, and Orlans voted in favor. Councilmember Price opposed. The motion carried by the following vote:

In Favor: 4

Opposed: 1

17.

Approval of a Resolution to Amend the Boundaries of the Roswell Opportunity Zone.

Presented by Alice Wakefield, Director of Community Development

Community Development Director Alice Wakefield said this is a request to approve a Resolution to amend the existing Roswell Opportunity Zone based on the 2010 Census. There is additional property that is eligible for the OZ designation. Ms. Wakefield noted that as shown on the map, the property that is pink in color is the property we are asking to be included in the Opportunity Zone boundaries.

Mayor Pro-Tem invited Council and public comment. There was none.

Council Comment:

Councilmember Dippolito said he thought the City had hired an attorney to present this; he asked where this is in the process. Ms. Wakefield confirmed that staff has been in contact with the consultant. She noted the consultant's recommendation were shown on the map she had displayed and he supported this; she pointed out those properties recommended were shown in pink. Councilmember Dippolito asked if it would be another five months before the information is received. Ms. Wakefield said this would be for Phase II, because of the changes to the 15% adjacent property and the industrial and commercial property that is in the City that is located in the north now falls within the qualifying Census tract. The reason this will take longer for Phase II is because the City must do a new Urban Redevelopment Plan; the existing Plan did not include these properties and why this one is taking a little more time. No further discussion.

Motion: A motion was made by Councilmember Diamond, seconded by Council Member Orlans, to Approve the Resolution to Amend the Boundaries of the Roswell Opportunity Zone. The motion carried by the following vote:

In Favor: 5

Enactment No: R2012-03-12

Environmental / Public Works Department - Councilmember Kent Igleheart

18. Approval of a Stormwater Construction Specialist position and approval of Budget Amendment 50743200-03-12-12 in the amount of \$16,575.

Presented by Stuart Moring, Director of Public Works/Environmental

Environmental/Public Works Department Director Stu Moring, said this is an item requesting approval of a Stormwater Construction Specialist position. This was part of the original plan for the Stormwater Utility. The position is intended to organize, coordinate, and inspect construction maintenance projects required by the Stormwater Utility and the intent would be to get us back on track with our capital program for the Stormwater Utility. Mr. Moring said as we discussed at the Committee meeting, we have not been able to get projects out the door as we had intended and by implementing this recommendation we would save approximately \$100,000 a year compared to the cost of an annual contract fee. Mr. Moring stated the Council packets included a position description for this position, a cost comparison to contract outsourcing for the first six months of the term of the Stormwater Utility. Council packets also included a memo from Human Resources Director Dan Roach regarding compensation of an independent contractor and using that designation for this position; he noted that Mr. Roach did not recommend that.

Mr. Moring said his recommendation is to approve this item, as well as Budget Amendment 50743200-03-12-12 in the amount of \$16,575.

Mayor Pro-Tem Wynn confirmed that the \$16,575 is just for the remainder of this fiscal year. Mr. Moring replied yes, if this is approved. Mr. Moring said this money has already been collected in the Stormwater Utility fees and does not require any additional sources of money; this is just approving it to be expended from that pot of money. Mayor Pro-Tem Wynn clarified that it does not come from the General Fund

but would come out of the Stormwater Utility Enterprise Fund. Mr. Moring responded that is correct.

Council Comments:

Councilmember Dippolito asked for an explanation on the need for this position. This is being shown as a \$100,000 savings, which is good hiring this person when we started up the fee. Mr. Moring explained that this position was part of the original plan for the Stormwater Utility. The expectation was that ultimately we would add six (6) new positions. This was one of them to undertake the capital construction projects. It was always intended, but when the utility was implemented last year the determination was made not to hire any additional staff people and to contract it, so we have made use of existing contracts for employees both for this position and for construction activities. Those have proven to be considerably more expensive than hiring staff people to do it. Mr. Moring noted that at the Committee meeting, staff received the request to consider an independent contractor, a 1099 employee; that is the point of Mr. Roach's memo. No further discussion.

Motion: A motion was made by Councilmember Igleheart, seconded by Councilmember Orleans, to Approve the Stormwater Construction Specialist position and Budget Amendment 50743200-03-12-12 in the amount of \$16,575. The motion carried by the following vote:

In Favor: 5

Transportation Department - Councilmember Betty Price

**19. Approval of an Ordinance to amend the Code of Ordinances of the City of Roswell Section 22.3.5 to Authorize the Director of Transportation, with the concurrence of the Chief of Police, to erect regulatory traffic devices. (Second Reading)
*Presented by Steve Acenbrak, Director of Transportation***

Director of Transportation Steve Acenbrak stated the City policy currently grants the Mayor and City Council authority to approve all regulatory signs except for signs related to parking which have been delegated to the Chief of Police. The City follows the Uniform Manual of Traffic Control Devices which states that a regulatory sign is "a sign that gives notice to road users of traffic laws and regulations." Regulatory traffic control devices are supported by laws, ordinances, or regulations. Since these regulations are fairly routine by nature, this text amendment would relieve the administrative burden from elected officials and streamline the process of selecting and installing these signs. Mr. Acenbrak stated for clarification purpose, with this delegation of authority the Chief and he would basically divide these regulatory traffic control devices into two groups. One is to re-enforce a known state law such as "Do Not Block an Intersection," or two, to prohibit an illegal movement such as "No Right Turn" which we plan on doing administratively.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ROSWELL SECTION 22.3.5 TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION, WITH THE CONCURRENCE OF THE CHIEF OF POLICE, TO ERECT REGULATORY TRAFFIC DEVICES stating: Pursuant to their authority, Mayor and Council do hereby adopt the following ordinance:

1.

Section 22.3.5 of the Code of Ordinances of the City of Roswell, Georgia, which

currently reads "reserved," is hereby amended by deleting said Section in its entirety and replacing it with a new Section 22.3.5 to read as follows:

Section 22.3.5 Authority of Director of Transportation and Chief of Police to Erect Traffic Regulatory Devices

The Director of Transportation, with the written concurrence of the Chief of Police, and pursuant to existing traffic ordinances, may approve the placement of regulatory traffic control devices, as defined by the Manual of Uniform Traffic Control Devices (MUTCD), which is hereby adopted and incorporated as though fully set out herein, whenever and wherever traffic conditions or safety warrant such devices on city-owned streets. The Transportation Department will study, keep records, install, and maintain all such devices.

Mr. Davidson said if approved, this would be the second reading.

Chief Orrick stated the Transportation Department did an excellent job of preparing this.

Council Comment:

Councilmember Price said she dislikes the over use of signs, having signs put up and left until they rot or when they are no longer needed. She noted that at the first reading she had suggested the insertion of the language "and removal" into the line where it reads "may approve the placement." Mr. Acenbrak confirmed that this is an implied task which staff can do, as long as it does not perform a function that others may not recognize it is actually performing. Mr. Acenbrak assured Councilmember Price that the Chief and he, with legal counsel, have plenty of expertise and if there is no longer a need for the sign, they absolutely understand the Council's desire for its removal.

Motion: A motion was made by Councilmember Price, seconded by Councilmember Orlans to Approve on Second Reading an Ordinance to amend the Code of ordinances of the City of Roswell Section 22.3.5 to Authorize the Director of Transportation, with the concurrence of the Chief of Police, to erect regulatory traffic devices. The motion carried by the following vote:

In Favor: 5

Enactment No: ORD 2012-03-03

20.

Approval for the Mayor and/or City Administrator to sign a design contract with Gresham, Smith and Partners for Big Creek Parkway in the amount of \$2,395,804.72 and approval of Budget Amendment 35042200-03-12-2012 to establish the funds in the account.

Presented by Steve Acenbrak, Director of Transportation

Director of Transportation Steve Acenbrak said this project will do great things for Roswell. This item includes the environmental document which goes from Holcomb Bridge on the east side of GA400 and Holcomb Woods Parkway all the way over to Warsaw Road; the environmental document is for the entire project. The preliminary plans will then be done, from Old Alabama over to Warsaw Road. Mr. Acenbrak noted that the procurement process was completed twice; the scope was extended, which in the long run will shorten the timeline and save money.

Council Comment:

Councilmember Price said when the bidding process was discussed and they were selected based on qualifications and then negotiations ensued. She asked what the first offer was and how negotiations were handled. Mr. Acenbrak said it would take approximately 20 minutes for him to explain it in detail. Councilmember Price said, "Did they write their own ticket, that's all I'm asking."

Mayor Pro-Tem Wynn asked City Administrator Kay Love to respond to this question. City Administrator Kay Love, requesting a point of clarification, asked Councilmember Price if she was speaking to the second iteration of when the scope of work changed for this project and staff went back to the short list of proposers, or if she was speaking to the entire process. Councilmember Price replied she was speaking to the entire process. Ms. Love said she would like to address this as it relates to the procurement ordinance. Ms. Love stated, "On a project of this magnitude we are required, per the procurement ordinance, to seek competitive proposals so we used a qualification based selection, which is basically a two-tiered process where we first short list firms based on their qualifications without consideration to any price, so there is no ability to using your words: 'write their own ticket' and that they have to demonstrate they understand the scope of work, they have the experience, they have key staff, and they meet the criterion that was set forth in the qualifications based selection process. It is only at that point once we select the most qualified, do we begin discussing price. It is a negotiated price, it's unlike a bid, in a proposal. We do have the ability to negotiate price. In this one, it is a little unusual in that our scope of work changed and we had to make a determination, with Legal's assistance, and procurement. If we had a substantive change, that would require us to go back and re-bid the entire project. That was not the case. We went back to those firms that were short listed to get another proposal. So it has been vetted out, they have not in any way written their own ticket. This is competitive pricing."

Councilmember Price said she thought they were the only entity selected. Ms. Love replied, "They are the final entity selected. However, when the scope of work changed we went back to them because of the scope of work. The magnitude of the scope of work changed and we went back to those so it would be a level playing field so they couldn't 'write their own ticket' because the scope of work had changed which would allow them to have a larger project or scope of work than initially anticipated based on the guidance that we got from the Mayor and Council." Councilmember Price replied, "I guess I misunderstood you then, Mr. Acenbrak when you said they were selected prior to any negotiations." Mr. Acenbrak apologized that she misunderstood him. Ms. Love replied, "They were selected as the most qualified firm for which to negotiate a price under the qualifications based selection process." Mr. Acenbrak said, "Qualification Based Selection (QBS). Which is codified in the Brooks Act which is the Federal law that governs." Councilmember Price said, "What is the leverage when you negotiate when you have already selected them." Mr. Acenbrak replied, "We selected them based on the qualifications such as qualifications of the firm, similar project experience, project understanding and methodology. Those were the four broad categories that we evaluated all four of the short-listed firms. There were numerous components in each of their proposals. Their proposals were about one-half inch thick and we went through all four proposals with a fine toothed comb and ranked all of those different criteria. At the end, independently and collectively came up that Gresham Smith was the most qualified firm. At the point where we selected and determined that they were the most qualified firm, then and only then, did we begin to discuss price. The way this works and if you will look, this is basically showing you the schedule and all of these activities; this is a much summarized version of all the activities. You can see we have concept development, database preparation, environmental document, and preliminary plans. Underneath each of those settings is a series of subsets. We know as a professional engineering staff the amount of work and the man hours that go into that. They apply

standard hourly rates that are in the industry and we have a staff estimate of what these tasks will cost and we compare those staff estimates against their estimate." Mr. Acenbrak stated and that is where we "horse trade" and we say "no, you really don't need that many hours to do this, you need this, etc." Mr. Acenbrak explained the firm will negotiate then, determining what risks there might be on some of these environmental documents, the amount they are budgeting, and the amount it may take so that at the end we reach, what is, a fair price for this work. He said that is how the QBS process works. Mr. Acenbrak said, "Now, if we did not reach a fair price with the contractor, we would end negotiations with them and we would go to the next most qualified bidder but in our opinion, this was a fair market rate for the vast amount of work that they are going to be doing over the next four to five years for us in designing and providing this set of documents to us." Councilmember Price replied, "Have we ever, at that point in negotiations, abandoned our initial selection?" Mayor Pro-Tem Wynn asked City Administrator Kay Love to respond. Ms. Love replied, "Not under QBS. We have in an RFP situation before, not in Transportation, but in another department, but not under QBS have we abandoned it." Councilmember Price inquired about the anticipated percentage of construction cost. Mr. Acenbrak replied, "Generally, rule of thumb industry wide, 10% to 15% is what design usually costs. Historically, the more you put into the design process the better you get on the construction end. So, the design services will generally be a relatively small percentage of construction but it brings out the most cost effective requirements than they do alternate methods. They do life cycle costs; they do value engineering. The value of the design is in the 'up front' to save you huge dollars down the road. There is a multiplier involved in good quality design." No further discussion.

Mayor Pro-Tem Wynn invited public comments. No comments were made.

Motion: A motion was made by Councilmember Price, seconded by Councilmember Orlans, for Approval for the Mayor and/or City Administrator to sign a design contract with Gresham, Smith and Partners for Big Creek Parkway in the amount of \$2,395,804.72 and Budget Amendment 35042200-03-12-2012 to establish the funds in the account. The motion carried by the following vote:

In Favor: 5

Mayor Pro-Tem Wynn announced the cancellation of the Work Session due to the late hour of this meeting.

City Attorney's Report

21. **Recommendation for closure to discuss personnel and acquisition of real estate.**

Motion: A motion was made by Councilmember Dippolito, seconded by Councilmember Diamond, for closure to discuss personnel, acquisition of real estate, and litigation. The motion carried by the following vote:

In Favor: 5

Adjournment

After no further business, the Mayor and Council meeting adjourned at 11:46 p.m.

