



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council Zoning

Mayor Jere Wood

Council Member Rich Dippolito

Council Member Lori Henry

Council Member Kent Igleheart

Council Member Jerry Orlans

Council Member David Tolleson

Council Member Becky Wynn

Monday, April 13, 2009

7:30 PM

City Hall

WELCOME

Present: 7 - Mayor Jere Wood, Council Member Rich Dippolito, Council Member Lori Henry, Council Member Jerry Orlans, Council Member Kent Igleheart, Council Member Becky Wynn, and David Tolleson

Pledge of Allegiance - Pamela Locke and Sons of the American Revolution

Staff Present: City Administrator Kay Love; Deputy City Administrator Aaron Bovos; City Attorney David Davidson; Community Development Director Kathleen Field; Deputy Director of Community Development Clyde Stricklin; Planning & Zoning Director Brad Townsend; City Planner Jackie Deibel; Community Development Program Coordinator Stefanie Dye; Transportation Deputy Director David Low; Police Chief Ed Williams; Strategic Planning and Budgeting Director Mike Erwin; Community Information Coordinator Kimberly Johnson; Mayor's Executive Assistant Robyn Kenner; Building Operations Technician Rick Perreault; and Deputy City Clerk Betsy Branch.

CONSENT AGENDA

1. Approval of March 9, 2009 Zoning Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on March 16, 2009); approval of March 16, 2009 Regular Meeting Minutes; approval of March 18, 2009 Special Called Meeting Minutes; and approval of March 30, 2009 Council Brief Minutes.
Administration
2. Approval for the Mayor and/or City Administrator to sign a design contract with Mulkey Engineering & Consultants for the Holcomb Bridge Middle School Sidewalk Connectivity Project in the amount of \$59,421.16.
Transportation
3. Approval of a Resolution to apply for a U.S. Department of

Justice, Edward Byrne Justice Assistance Formula Grant (JAG) in the amount of \$71,894.01 and to authorize a Memorandum of Understanding (MOU).

Public Safety

Approval of the Consent Agenda

1. *Approval of March 9, 2009 Zoning Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on March 16, 2009); approval of March 16, 2009 Regular Meeting Minutes; approval of March 18, 2009 Special Called Meeting Minutes; and approval of March 30, 2009 Council Brief Minutes.*

Administration

2. *Approval for the Mayor and/or City Administrator to sign a design contract with Mulkey Engineering & Consultants for the Holcomb Bridge Middle School Sidewalk Connectivity Project in the amount of \$59,421.16.*

Transportation

3. *Approval of a Resolution to apply for a U.S. Department of Justice, Edward Byrne Justice Assistance Formula Grant (JAG) in the amount of*

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, to Approve the Consent Agenda. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Reading of a Proclamation for Patriots Day.**

Mayor Wood proclaimed April 19, 2009 as Patriots Day in recognition of the American Revolution and its importance in our history. The Mayor recognized the Piedmont Chapter of the Sons of the American Revolution, an organization of lineal descendants of the patriots of the American Revolution.

2. **Reading of a Proclamation for National Donate Life Month.**

Mayor Wood conducted the reading of the National Donate Life Month proclamation and declared April 2009 as Donate Life Month. The Mayor recognized and honored Pamela Locke, a recipient of organ donation. Ms. Locke shared her experience of receiving the devastating news that she was in renal failure and the many months following spent researching the disease, organ donation, and fundraising efforts for her to afford the extreme medical costs. In January of 2006, she received the gift of life of two pediatric kidneys from a five year old foster child who had been fatally injured in an automobile accident. Ms. Locke stated she has committed the rest of her life to ensuring this child's gift of life and her family will never be forgotten. Ms. Locke works as an advocate for organ donation and the organization Life Link of Georgia. Mayor Wood thanked Ms. Locke for sharing her experience and for her work to promote organ donation.

3. Recognition of Safe Teen Driver Education Program.

Mayor Wood recognized the Leadership North Fulton (LNF) class of 2009 and the Safe Teen Driver Education Program they have developed in conjunction with the Safe America Foundation. Mr. Lenny Forti, Sweet Apple Elementary School principal speaking on behalf of his Leadership North Fulton team, introduced fellow team members Pat Hill, Tiny Sanderson, Jennifer Hall. He stated this LNF team worked closely with the Safe America Foundation and its representatives Deborah Larowe and Marylou Pagano to create the Safe Teen Driver Education Program which will utilize first responders from the City of Roswell and include 30 hours classroom instruction and 6 hours behind the wheel training. The first class will be offered in June; they hope to eventually offer the class three times per year. Mr. Forti thanked Mayor Wood and Recreation and Parks Director Joe Glover for establishing the Hembree Road Recreation Center as the site for this driver education program and for promotion of it on the city's website and on Roswell Cable Television (RCTV). Mr. Forti also expressed their appreciation to the Safe America Foundation for their donation of a car for training purposes. The LNF team hopes to find a local car dealership which could donate the use of another car.

Community Development - Councilmember Richard Dippolito

4. Approval of a Resolution to apply for the Historic Cemetery Heritage Tourism Grant Program Round #2 in the amount of \$2,500 for signage and brochures, with a matching contribution from the City in the amount of \$2,500 for a total of \$5,000.

Presented by Kathleen Field, Director

Kathleen Field, Director of Community Development, stated the Historic Preservation Division of the Georgia Department of Natural Resources is making a second round of Historic Heritage Tourism grants available for the purpose of promoting historic cemeteries; this request is for approval to apply for this matching grant to be used for the installation of interpretive signage at the City's three historic cemeteries. The maximum amount which the City could apply for would be \$2,500; the City would match \$2,500.

Council comment:

Councilman Dippolito noted the City had previously applied for this grant last year; he asked if the City would be applying with essentially the same package as applied with last year. Ms. Field replied yes, and although the City did not receive funding under the first round, it was requested that the City submit for the second round.

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

In Favor: 6

Enactment No:

5. RZ08-17, CV08-03, Crossville Hardscrabble, LLC, corner of Hardscrabble Rd. & Highway 92, Land Lots 188, 294, E-2/PV (Single-family residential/Parkway Village) and E-2 (Single-Family Residential) to PV (Parkway Village) Mixed Use. (Applicant requesting a deferral to May 11, 2009.)

Presented by Brad Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated there was no additional information to be presented. The applicant requested a deferral until the next Mayor and Council Zoning Meeting on May 11, 2009.

Mayor Wood invited public comment; none was heard.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Becky Wynn, that this Item be Deferred and placed on the Mayor and City Council Zoning agenda for 5/11/2009. The motion carried by the following vote:

In Favor: 6

6. Wireless Application - 150' Stealth Monopole Cell Tower, 10930 Crabapple Rd. Village Festival, Verticality - Roswell, LLC (T-Mobile - Clearwire). (Applicant requesting deferral to May 11, 2009.)

Presented by Brad Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated there was no additional information to be presented. The applicant requested a deferral until the next Mayor and Council Zoning Meeting on May 11, 2009.

Mayor Wood invited public comment; none was heard.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Lori Henry, that this Item be Deferred and placed on the Mayor and City Council Zoning agenda for 5/11/2009. The motion carried by the following vote:

In Favor: 6

7. RZ09-02 Colonial Properties Trust, Mansell Rd. & Colonial Center Parkway, Land Lots 543, 544, 545, 558, OCMS (Office-Commercial Multi-Story Mixed Use).

Presented by Brad Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated the applicant has proposed an amendment to the approved 1999 site plan which would increase the office square footage by ten (10) percent. The subject property, located at Mansell Road and Colonial Center Parkway, encompasses sixty-seven (67) acres, has an existing zoning of Office-Commercial Multi Story (OCMS), and contains 747,000 square feet of commercial and office space. The applicant's proposed site plan would maintain the OCMS zoning and increase the square footage ten percent to a total of 821,700 square feet. Mr. Townsend, referring to an aerial photograph of the site, noted the two large office buildings which have been built and the location of the proposed two additional office buildings; the surrounding area is industrial and commercial; eastern and southern property lines are the City of Alpharetta. Mr. Townsend stated the proposed additional square footage would increase the overall site by ten percent, which is within the limits of the "DRI" criteria; less than ten percent does not require any additional review or approval by the Atlanta Regional Commission (ARC), only approval by the local jurisdiction.

Recommended conditions are as below.

A. RECOMMENDED STAFF CONDITIONS

It is recommended that this application for rezoning to OCMS (Office-Commercial Multi-Story District) be approved. It shall be approved with the following conditions:

1. The owner/developer shall develop the property in substantial accordance with the site plan prepared by Eberly and Associates, stamped "Received January 23, 2009 City of Roswell Community Development Department," and as approved by the Design Review Board and consistent with these recommended conditions.

**Clarification: Mr. Townsend noted "The date on condition #1, which is identified as January 23rd needs to be amended to April 2nd. The applicant amended the site plan to include a trail easement that was provided to the City as well as identify the other setbacks from the buffer areas."*

2. The site plan shall be updated to match the Westside Parkway improvements (i.e. median along Mansell Road and Old Roswell Road, right-of-way, lane configuration, etc.).

3. The right-of-way along Mansell Road frontage shall encompass all sidewalks, ADA ramps and pedestrian crossing plus a minimum one (1) foot, as per City of Roswell standards.

B. RECOMMENDED PLANNING COMMISSION CONDITIONS

The Planning Commission recommended approval during their March 17, 2009 hearing with the following conditions.

1. All of the staff conditions.

Mr. Townsend noted staff recommended approval of the application with the recommended conditions.

Council comment:

Councilman Dippolito noted the Planning Commission had inquired about the site plan's original twenty conditions which were submitted as part of this current zoning application, and including those with these three recommended staff conditions. Mr. Townsend confirmed the original twenty conditions are noted on the approved site plan and will be carried forward with the project. Mr. Townsend confirmed he had discussed these three additional staff recommended conditions with the applicant; the applicant was agreeable to those additional conditions.

Mr. Townsend confirmed for Mayor Wood that this application would not require any variances. Mayor Wood stated this proposal is for an increase of ten percent in the square footage. Mr. Townsend confirmed that the additional square footage would be 74,700 square feet and once built would bring in additional property tax revenues for the City of Roswell.

Applicant:

Don Rolader, 11660 Alpharetta Highway, representing Colonial Properties Trust, the applicant/ property owner and developer of Colonial Center, stated the purpose in Colonial Properties Trust requesting approval of two new buildings is to provide office space for new prime tenants in the near future (150,000+ square footage). Colonial Properties Trust has leased sufficient space to prime tenants; they no longer have space for more prime tenants. Mr. Rolader explained that the applicant has proposed a new product, "a dynamic work place building" which would particularly suit the

needs of large national tenants. It would increase the total space by 74,700 square feet; the retail component of this project would reduce; the addition of parking decks would reduce the footprint of this development and slightly increase the amount of greenspace. Mr. Rolader confirmed that the applicant accepted the staff conditions. Mr. Rolader responding to Mayor Wood's question regarding the market for prime tenants, speculated that it could be twelve to twenty-four months before the market picks back up; the Roswell and North Fulton market is one of the best markets in the nation and Colonial Properties Trust would like to be in position and ready when the opportunity arises.

Public comment invited; none was heard.

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

In Favor: 6

8. Approval of Budget Amendment 1585-04-13-09 to amend the fiscal year 2009 budget by transferring \$12,000 from the General Fund's Operating Contingency to Cost Center 152E, Special Events for additional funding for the Roswell Criterium.

Presented by Kathleen Field, Director

Director of Transportation Kathleen Field stated there had been previous discussion regarding transferring \$12,000 from the General Fund Operating Contingency into cost center 152E, Special Events account. Ms. Field noted approximately \$18,000 has been reserved in the Special Events account for the Roswell Criterium. The approval of this budget amendment will add an additional \$12,000 to that cost center to provide the \$30,000 funding previously discussed.

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

In Favor: 6

9. Approval of a Resolution accepting the 2009 Community Development Block Grant (CDBG) Program Funds, authorization to execute the subrecipient agreements with Fulton County, and approval of Budget Amendment 7120G2-4-13-09 to establish the 2009 CDBG project budgets.

Presented by Kathleen Field, Director

Director of Transportation Kathleen Field noted the City received these four CDBG contracts late from Fulton County and the reason why these were brought forward for consideration at this Mayor and Council Zoning meeting. Ms. Field noted that Council had previously seen the first three contracts (for the Warsaw Road Waterline project; Oak Street Streetscape project; and Charles Place Waterline project) but the fourth contract, for the Opal Drive/Thomas Drive project, is a new contract which Mayor and Council had not yet had a chance to review in a previous Committee meeting as part of the three year program.

Ms. Field stated additional time had been requested for the Warsaw Road Waterline project and rather than extending the 2008 contract, a new contract was created

which is essentially a roll-over of a previous contract.

Ms. Field explained the contract for the Oak Street Streetscape project is essentially a roll-over of unexpended funds into one major contract, as Council had previously requested. Approximately \$74,000 would be transferred into the Oak Street Streetscape project from unexpended funds associated with the mid-town traffic calming CDBG funds for the Thomas Circle area. Ms. Field noted that HUD funds are an estimated amount until the final determination is made. Fulton County made available \$87,000 as an overage amount for which they inquired where the City thought it should go. The Oak Street project is the project which was not fully funded in terms of the entire amount needed; City funds are also being used.

Ms. Field stated the contract for the Charles Place waterline project, is also a roll-over of time from 2007 and 2008, into a new 2009 contract, to allow completion of the project.

Ms. Field stated the Opal Drive/Thomas Drive project is a new 2009 contract for Mayor and Council review and approval.

Ms. Field noted Mayor and Council had previously approved a three year CDBG program for 2009, 2010, and 2011 at Committee.

Council comment:

Councilman Dippolito stated the City is undertaking right-of-way acquisition for the Oak Street project. He asked if there is a timeline for the other three projects. Ms. Field stated she anticipated the other three waterline projects will go through within this year's timeframe; they should be started and will not roll-over again. Ms. Field added that the timeframe is a calendar year plus two months (fourteen months).

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

In Favor: 6

Enactment No: RES 09-0002

City Attorney's Report

10. Recommendation for closure to discuss personnel.

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

In Favor: 6

Adjournment - After no further business, the Zoning meeting adjourned at 8:01 for Closure.