



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, June 8, 2009

7:30 PM

City Hall

WELCOME

Pledge of Allegiance

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 Council Member David Tolleson

Staff Present: City Administrator Kay Love; City Attorney David Davidson; Community Development Director Kathleen Field; Deputy Director of Community Development Clyde Stricklin; City Planner Jackie Deibel; Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers; Community Information Coordinator Kimberly Johnson; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.

CONSENT AGENDA

- Approval of May 11, 2009 Mayor and Council Zoning Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on May 18, 2009); approval of May 18, 2009 Regular Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on June 1, 2009) and approval of June 1, 2009 Council Brief Minutes.**

Consent Agenda:

Approval of May 11, 2009 Mayor and Council Zoning Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on May 18, 2009); approval of May 18, 2009 Regular Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on June 1, 2009) and approval of June 1, 2009 Council Brief Minutes.

A motion was made by Council Member Becky Wynn, seconded by Council Member Jerry Orlans, that this Item be Approved. The motion passed unanimously.

REGULAR AGENDA

Mayor's Report

1. **Proclamation for Amateur Radio Week.**

1. Proclamation for Amateur Radio Week.

Mayor Wood read the proclamation honoring amateur radio operators and presented it to the North Fulton Amateur Radio League; members of this organization provide backup services to the City of Roswell Police and Fire Departments. Mayor Wood proclaimed the week of June 22 through June 28 as Amateur Radio Week in the City of Roswell. The Mayor recognized Ian Kahn, North Fulton Amateur Radio League member. Mr. Kahn thanked Mayor and Council for allowing use of Waller Park Extension for their 2009 field day, a combination emergency preparedness drill and annual public demonstration event involving competition with other clubs across the country. Mr. Kahn noted that last year, the North Fulton Amateur Radio League placed second in this annual competition. Overall, in various categories, the league placed within the top five percent of all amateur radio leagues nationwide. Mayor Wood expressed his appreciation for the service and expertise the North Fulton Amateur Radio League provides to our community.

Community Development - Councilmember Richard Dippolito

2. **Wireless Application, 10930 Crabapple Rd. Village Festival, Verticality - Roswell, LLC (T-Mobile - Clearwire). (Deferred from April 13, 2009 and May 11, 2009.) Presented by Brad Townsend, Planning and Zoning Director**

2. Wireless Application, 10930 Crabapple Rd. Village Festival, Verticality - Roswell, LLC (T-Mobile - Clearwire). (Deferred from April 13, 2009 and May 11, 2009.)

Presented by Brad Townsend, Planning and Zoning Director

City Planner Jackie Deibel noted the applicant has requested another deferral until the July 13, 2009 Mayor and Council Zoning meeting; the applicant is currently looking for other sites.

Mayor Wood called for public comment. None was heard. There were no objections to the deferral.

Council comment:

Councilman Dippolito noted he had directed staff to contact the applicant to determine whether the applicant would be willing to either move forward or withdraw by the next meeting. Ms. Deibel stated the applicant's response was they would either return to the July 13, 2009 Mayor and Council meeting, or withdraw their application.

Public comment:

Gail Oliver, 450 Junction Track, asked if it would be possible to see the potential alternate sites before the next meeting. Ms. Deibel replied that the applicant would be required to submit plans on July 2nd, ten days prior to the Mayor and Council meeting. Ms. Deibel stated Community Development would not receive the plans until that time; that is the last day they can actually submit.

Mayor Wood inquired if the applicant submits a plan for a new site, would a separate

hearing be required or does it "tag" onto this hearing. Ms. Deibel explained a separate hearing would be necessary due to the fact that this application has been advertised for this particular location; a new site would be required to go through a new process and advertising. Ms. Oliver confirmed that she understood.

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

In Favor: 6

3.

RZ09-04 Text Amendment - Allowable Vehicle Signs.

2nd Reading

Presented by Brad Townsend, Planning and Zoning Director

3. RZ09-04 Text Amendment - Allowable Vehicle Signs. 2nd Reading. Presented by Brad Townsend, Planning and Zoning Director

City Planner Jackie Deibel noted this is the second reading of the sign ordinance. At the first reading of this text amendment, Mayor and Council discussed two main issues which involved the color choices and the setback. Ms. Deibel noted that the ordinance currently allows only one color; white. Ms. Deibel stated there were no proposed amendments made to this ordinance and therefore, no changes were made; it stayed as written as a "first ordinance."

Council comment:

Councilwoman Wynn noted Council had suggested during the Committee meeting discussion of this item that the automobile dealers bring in multiple colors or a color chart. Ms. Deibel displayed the color chart via the overhead projector.

Councilwoman Wynn asked if the dealerships had indicated to Ms. Deibel their color preference or color priority. Ms. Deibel answered she believed their preference other than white was yellow, but they did not indicate a specific yellow. She confirmed that the dealerships preferred white and yellow.

City Attorney David Davidson conducted the second reading of An Ordinance to Amend the City of Roswell Sign Ordinance Regarding Allowable Vehicle Signs within the City of Roswell stating pursuant to their authority, the Mayor and Council adopt the following ordinance:

1.

Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.11 (a) (6) Prohibited Signs; Ground Signs on Double Frontage Lots, is amended to read as follows:

(6) Vehicles used for basic purpose of providing advertisement or products or directing people to a business activity located on the same or nearby property or to any other premises are prohibited. New and used automobile sales establishments shall be permitted to display eight (8") inch vinyl letters professionally made not hand lettered indicating, the price, model and year of vehicles for sale on the front windshield of said vehicles within ten (10") inches of the roof line, not to exceed a total of 320 square inches of area in the color of non-fluorescent white and such display shall not violate this section.

Mr. Davidson explained this ordinance would allow the display of eight (8) inch vinyl letters, professionally made (not hand made), on the front windshield of vehicles for sale, within ten (10) inches of the roofline, not to exceed a total of 320 square inches of area; the ordinance currently allows the non-florescent white color only.

Motion: Councilman Dippolito moved to approve RZ09-04 Text Amendment - Allowable Vehicle Signs. 2nd Reading. Councilwoman Henry seconded.

Council comment:

Councilwoman Wynn said she would like to add one of the yellows included on the color chart, noting it was her opinion that the dealerships would need the ability to work with two colors.

1st Amendment: Councilwoman Wynn moved to amend the motion to add the "yellow-yellow" as a permissible color in addition to the color white. Councilman Tolleson seconded the motion.

Council comment:

Councilman Orlans stated that as he said at the first reading of the ordinance and as the Planning Commission had stated, it is over regulating when Council allows only the use of white. He preferred that the dealerships have more choice of color and suggested the particular chart shown to Council, which included a total of four colors plus the white.

2nd Amendment: Councilman Orlans moved to add the color chart.

Mayor Wood clarified that the second amendment was to add all of the colors.

Council comment:

Councilwoman Wynn inquired whether the automobile dealerships had noted their preference for all five colors or did they prefer just having white and yellow. Ms. Deibel referred to the color chart and stated they were the colors received from the dealerships and what she would consider the dealerships' color preference.

Mayor Wood called for a second to Councilman Orlans' amended motion.

The motion failed due to a lack of a second.

Mayor Wood invited public comment on the amendment to add yellow and white, or comment on any other matter related to this motion. No public comment was heard.

3rd Amendment: Councilman Orlans moved to add white, blue, and yellow. Councilwoman Wynn seconded. Further discussion invited. None was heard.

Mayor Wood explained the vote taken on the motions would be in descending order.

The Mayor called for the vote for Councilman Orlans' amended motion to add the colors white, yellow, and blue.

Council comment:

Councilman Igleheart asked if these are each individual colors or could these be mixed together; for example, there could be a choice of white, yellow, or blue on the window or some mix. He was concerned about controlling the mix of colors.

Mayor Wood inquired with Councilman Orlans if he intended a choice of three colors, a choice of two colors, or choice of only one color. Councilman Orlans responded that if we are making available two or three colors then those colors could be combined; for example, yellow print on blue background. The Mayor asked if he meant the dealerships could use all three colors. Councilman Orlans noted that these signs would only be a two by two strip; not the entire windshield or what has been on the side of the cars in the past. Mayor Wood asked Councilman Orlans to

clarify whether his motion was for three colors, in any combination. Councilman Orlans agreed any combination, and the colors white, yellow, and blue. Councilwoman Wynn seconded this clarification.

Councilman Igleheart stated he was okay with some colors; some dealerships have said they change out their sign colors after thirty days. He further stated that he did not agree with a "mix of colors."

Councilman Dippolito asked if the amendment was specifically for the colors as shown on the color chart or is it "any yellow, any blue, and any white." Councilman Orlans clarified that normally when a palette of colors is laid out, those would be the exact colors. Ms. Deibel confirmed that was correct.

Mayor Wood confirmed the colors would be the three shown on the chart which were projected before Council on the overhead screen.

Councilman Orlans responding to Councilman Igleheart's previous statement, noted there would be "print on the color so it could be a white print on a blue, yellow print on blue, or blue on yellow, or blue on the white" which was what he meant by different combinations together and not just one color.

Mayor Wood stated that as he understood the motion, it was "any combination of the three." The Mayor requested that Councilman Orlans clarify whether he meant any combination of two colors. Councilman Orlans stated yes, his motion was for all three colors.

Mayor Wood stated the motion was for all three colors on one. Councilwoman Wynn stated she agreed to that in her second of the motion.

Councilwoman Henry inquired if this meant that a sign could have alternating colored letters. Ms. Deibel replied yes. Councilwoman Henry asked if that was Councilman Orlans' intention. Councilman Orlans stated it would be costly to print signs that way and did not expect that dealerships would print those types of signs. Councilman Orlans reiterated that the Planning Commission thought that this was over regulation. Councilwoman Henry noted her concern that "people can get very creative when they are trying to get someone's attention."

Councilman Tolleson stated that the best two out of three colors would work well. In terms of cost for alternating colors, it would not matter about the different colors because it must be run through the press for each color. Councilman Tolleson felt the concern for both the seller and the public is the loudness of the sign and the distraction created. This ordinance could always be amended for other than two color choices later on.

Councilman Orlans asked Councilman Dippolito to comment on the colors. Councilman Dippolito replied that he had made a motion for one color.

Mayor Wood asked Councilman Orlans if he wished to reconsider his motion.

4th Amendment: Councilman Orlans stated he would now change it to two out of three colors. Mayor Wood clarified that Councilman Orlans proposed two out of three colors, any two of the white, yellow, or pastel blue. Councilwoman Wynn confirmed her agreement and that her second to the motion remained intact. Mayor Wood inquired if everyone understood the motion. No further discussion.

Mayor Wood called for the vote on "the motion for the best two out of three."

Councilman Orlans' amendment passed 4:2; Councilman Orlans, Councilman Tolleson, Councilwoman Wynn, Councilwoman Henry voted in favor; Councilman Dippolito and Councilman Igleheart opposed.

Mayor Wood called for the next item.

Councilman Igleheart noted the vote just taken was for the amendment, and also that he had an additional amendment.

5th Amendment: Councilman Igleheart stated his concern regarding the setbacks on the south side of Holcomb Bridge Road, in the area of the "midtown Roswell project where there are quite a few car dealers who currently do not use numbers and things on the windshields but once we allow it like this, you can guarantee they will." Councilman Igleheart stated "In talking with Mr. Davidson, it is allowable to have a setback from any point, but thought the best thing to do would be a setback of 15' from the edge of the pavement where these displays could begin so that anything behind that could still have the numbers but it would basically not allow all the cars that are currently right up on the sidewalk."

Councilman Igleheart moved to amend the motion saying "Mr. Davidson suggested from the edge of pavement; at the end of this whole section it says #6 with the underline ends 320 square inches of area and the color of non-florescent white which we just changed, and such display shall not violate the section. The amendment would be, provided such vehicles are set back a minimum distance of fifteen (15) from the edge of pavement of the public right-of-way. That would be right where the asphalt ends."

Mayor Wood inquired if this would be the asphalt as maintained by the city versus the parking lot. Councilman Igleheart stated that was correct and why it was stated "edge of pavement of the public right-of-way." Mr. Davidson noted it should be worded "street right-of-way."

Mayor Wood clarified Councilman Igleheart's motion was to have a setback of 15' from the paved street right-of-way.

Council comment:

Councilman Dippolito requested clarification on what was being measured; would it be 15' from the back of the curb in the right-of-way. Councilman Igleheart answered "It is curb is some places, and not in others; it is basically wherever the street is, right now the edge of the public street, 15' from that point. The most consistent area is the edge of the street." Councilman Igleheart confirmed it would be from the "public street." Councilman Dippolito stated his concern was that this "would not accomplish a whole lot because in a lot of cases there is a ten (10) foot landscape strip and you may not even be to the edge of curb in fifteen feet." Councilman Igleheart replied that some are right on the sidewalks so the distance is less than five, six feet.

Mayor Wood noted there was a motion for a fifteen (15) foot setback.

Councilman Tolleson asked if it was known if those who have more than fifteen feet distance cannot find a way to get closer; he did not want this to have the reverse effect. Councilman Igleheart stated the "ones on the north side already have an existing parking lot with mostly grass or trees in between and would have to move it forward on some other new pavement. Now, there is no requirement or restriction at all so they could do that today and they haven't done it."

Councilwoman Henry noted that she had previously asked Code Enforcement about

these concerns because a number of car dealers park their cars with the front tires actually on the landscape strip and bumpers hanging over the sidewalk; she was informed this is not allowed and the car dealer must stay within the contained area. Councilwoman Henry asked staff if the car dealers would have to come in for an amendment to their site plan in order to increase impervious surface, or would Code Enforcement become involved because the requirement is to stay on the asphalt or the concrete.

Mayor Wood called for a second to Councilman Igleheart's amendment. Councilwoman Henry seconded. The Mayor called for public comment; none was heard. No further discussion by Council.

The motion passed unanimously.

Mayor Wood called for any further amendments to this ordinance. No further amendments were made.

Mayor Wood clarified that Council would vote on the ordinance with two amendments: 1. Allow two of the three colors identified; 2. A fifteen (15') foot setback from the edge of pavement of the public street.

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

In Favor: 6

Enactment No: Ord. No. 2009-06-06

4.

RZ09-06 Text Amendment to the Roswell Zoning Ordinance Section 15.2.8 regarding tree pruning.

2nd Reading

Presented by Brad Townsend, Planning and Zoning Director

4. RZ09-06 Text Amendment to the Roswell Zoning Ordinance Section 15.2.8 regarding tree pruning. 2nd Reading. Presented by Brad Townsend, Planning and Zoning Director

City Planner Jackie Deibel stated this would be the second reading of this text amendment to the Zoning Ordinance Section 15.2.8, and three sections regarding this ordinance; Section 15.2.8 (a) defines the standards of tree pruning; (b) defines topping; (c) defines the standards relating to residential lots. There were no specific changes to the text amendment from the first reading although there were grammatical changes made to Section 15.2.8 (c) regarding the single-family residence. Section 15.2.8 (c) now reads: Except for specimen trees, subsection (a) of this Section shall not apply to a single lot that contains, or is zoned and platted for purposes of constructing a detached single-family residence or duplex.

Mayor Wood inquired if it is commercially zoned property, trees cannot be pruned unless these standards are complied with. Ms. Deibel stated that was correct. Mayor Wood inquired if it is residentially zoned property, it is only necessary to comply with the standards if it is a specimen tree. Ms. Deibel stated that was correct.

City Attorney David Davidson conducted the second reading of AN ORDINANCE AMENDING ROSWELL ZONING CODE SECTION 15.2.8 REGARDING PRUNING stating the Municipal Court of the City of Roswell has declared Section 15.2.8 of the Roswell Zoning Code unconstitutional because it is impermissibly vague and ambiguous. Therefore, in order to rectify the foregoing, the Mayor and Council of the

City of Roswell, pursuant to their authority, do hereby adopt the following ordinance:

1. The existing Section 15.2.8 of the Roswell Zoning Code is hereby repealed. 2. A new Section 15.2.8 of the Roswell Zoning Code is hereby adopted to read as follows:

Section 15.2.8 Pruning

(a) To prevent long-term harm to the health of trees or their structure, all pruning of trees within the City of Roswell must be done in accordance with the International Society of Arboriculture Standards entitled "ANSI A300 Standards." A copy of the ANSI A300 Standards is attached to Article 15 as Section 15.7.3, Appendix D-ANSI A300 Standards, and is incorporated herein by reference as though fully stated.

(b) "Topping," defined as removal of more than one-third of the leaves and branches of a tree measured from the lowest branch on the trunk of the tree to the top of the tree, is prohibited.

(c) Except for specimen trees, subsection (a) of this Section shall not apply to a single lot that contains, or is zoned and platted for purposes of constructing a detached single-family residence or duplex.

Council comment:

Councilman Dippolito noted he had requested staff to consult with the City Attorney regarding the possibility of excepting tree companies from this ordinance.

Councilman Dippolito stated Code Enforcement is "a little uncomfortable with taking out residential entirely" because it is really the tree companies conducting the major pruning of large trees that create the issue on residential lots; there is concern that it may have become too lenient on the residential side. Councilman Dippolito asked if there was a way to provide leniency to the homeowner who may not know any better, while holding the tree companies accountable since they certainly should know the rules. Mr. Davidson replied that he attempted to but was unable because "that tree company is usually hired by that homeowner to come out and trim their trees." Mayor Wood clarified that the city attorney was not comfortable with doing Councilman Dippolito's suggestion. Councilman Dippolito stated he did not think it is a significant problem, but wanted Council to be aware. He added "not knowing a better solution I would recommend approval."

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

In Favor: 6

Enactment No: Ord. No. 2009-06-07

5.

RZ09-07 Text Amendment, changeable copyboard signage.

2nd reading

Presented by Brad Townsend, Planning and Zoning Director

5. RZ09-07 Text Amendment, changeable copyboard signage. 2nd reading.

Presented by Brad Townsend, Planning and Zoning Director

City Planner Jackie Deibel noted this is the second reading of this text amendment regarding Article 22 for changeable copy. This text amendment contains several different definitions of changeable copy, electronic variable message signs, changeable copyboard signs, and a section regarding LED. No changes were made from the first reading of the ordinance.

City Attorney David Davidson conducted the reading of an ORDINANCE TO AMEND THE CITY OF ROSWELL SIGN ORDINANCE REGARDING CHANGEABLE COPYBOARD AND CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS

WITHIN THE CITY OF ROSWELL; pursuant to their authority, the Mayor and Council adopt the following ordinance:

1.

Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.1 Definition, is amended by adding new definitions to read as follows:

Changeable Copy Board sign: A sign on which copy or sign panels may be changed, such as boards with changeable letters or changeable pictorial panels.

Changeable Electronic Variable Message sign: A programmable sign that provides changing information.

Changing Sign: A sign that electronically or electrically controls the display of time, temperature and date.

2.

Article 22 of the City of Roswell Zoning Ordinance, Signs, Section 22.18 (c) Maximum Heights, Maximum Sizes, Setbacks Requirements, and Number Allowances shall be amended by to read as follows:

(c) Ground sign allowed under table 22.18(2) shall have a sign structure, which consists of the base and sign face, restricted to a base of no more than thirty (30) percent and sign face of no more than seventy (70) percent within the twelve (12) feet height limit. This regulation shall not apply to templates 25, 26, 27 and 28 as allowed under table 22.18(2) and detailed under table 22.18(8).

Changeable Copyboard Signs: Entities holding regularly scheduled performances or meetings attended by 100 or more persons, exclusive of employees, shall be allowed to use an otherwise permitted ground sign to contain 65% changeable copy of the allowable ground sign area.

Ground signs permitted with the use of a convenience store with fuel pumps shall be allowed to have changeable copyboard as provided for by the laws and regulations of the State of Georgia.

Any ground sign permitted under this Section shall be allowed a portion of the sign area to include a changing sign defined as follows: A sign that benefits the public by electronically or electrically controlling the display of the current time, temperature and date.

3.

Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.11 (a) Prohibited Signs; Ground Signs on Double Frontage Lots, is amended to add Section 22.11(a) (21), 22.11(a) (22) and 22.11(a) (23) to read as follows:

(21) Changeable Electronic Variable Message sign used for purposes other than traffic management or display of time, temperature and date.

(22) Changeable Copy Board sign except as allowed in Section 22.18(c).

(23) Light Emitting Diode (LED)'s signs except as allowed in Section 22.16 (e).

4.

Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.16 Illumination, is amended by adding Section 22.16 (e) and Section 22.16 (f) to read as follows:

(e) *Light Emitting Diode (LED)'s shall be allowed as a light source in a manner that the LED is behind acrylic, aluminum or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign.*

(f) *Light Emitting Diode (LED) signs shall be equipped with an automatic operational night dimming device which shall lower the intensity of the illumination of the sign at night.*

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

Mayor Wood requested a summation of what will be allowed and not allowed. Ms. Deibel referring to several photographs indicated the type of signs which would be allowed and would be considered as nonconforming signs after the adoption of this ordinance. Ms. Deibel confirmed for the Mayor that they would be grandfathered in if the sign continued but if the sign was torn down, it could not be rebuilt. Ms. Deibel referred to additional photographs indicating other types of allowable signs. Mayor Wood stated it was his understanding that a digital sign is only allowed for certain uses. Ms. Deibel stated digital signs would be allowed for time, temperature; possibly weather is included.

Motion: Councilman Dippolito moved to approve RZ09-07 Text Amendment, changeable copyboard signage. 2nd reading. Councilwoman Wynn seconded. Public comment invited; none was heard.

Council comment:

Councilman Orlans noted that as he stated during the first reading of this text amendment, the original intent was not to eliminate reader boards, but to look at the brightness and frequent, quick changing messages of computer signage. He stated that during the first reading it came up that business signs like at Chick-fil-A, would not be allowed for future new locations. He noted that the section of the ordinance referring to the use of changeable copyboard signs for entities holding "meetings attended by 100 or more persons" is taking it too far in this situation to require a "one hundred people gathering to allow a reader board to be placed on their signs, especially for churches."

Mayor Wood clarified that in order to have a reader board, a sign which has changeable physical letters, the ordinance states it may only be in a place of assembly of one hundred people or more. Mr. Davidson stated that was correct. The Mayor asked if there is a restaurant like Chick-fil-A, is the occupancy considered, or is it based on what the entities averages, in order to figure if it is of one hundred people, or more. Mr. Davidson said the ordinance states "regularly scheduled performance or meeting attended by more than one hundred persons."

Public comment:

Lisa Decarbo, 130 South Shore Court, noted her concern regarding regularly scheduled performances or meetings for one hundred persons or more and how schools would be affected.

Mr. Davidson replied schools are exempt from the city's zoning ordinance.

Lew Oliver, 65 Sloan Street, asked why the city "would discriminate based on volume

of business or number of people; why should a small businessman not be able to have the same rights as a Chick-fil-A restaurant."

Councilman Dippolito stated that as discussed at Committee, the intent was to have reader boards at places having constant meetings or events where it is necessary to get information out to the public regarding their meetings such as churches and theatres versus restaurants advertising their food on sale.

No further public comment.

Council comment:

Councilman Igleheart, referring to Councilman Orlans' comment regarding the number of one hundred persons or more, asked if fifty persons would be a more reasonable number since it still would accomplish the same goal and "does not open the commercial door." He noted that he did not want to exclude the smaller churches but wanted to allow more freedom for smaller groups.

City Attorney David Davidson replied it would have to be a regularly scheduled meeting; a restaurant would not qualify under that because the ordinance excludes employees.

Amended motion: Councilman Igleheart amended the motion to change the number of people to fifty. Councilman Tolleson seconded.

Council comment:

Councilwoman Henry stated there is a very small church in her neighborhood surrounded by residential, which most likely has fifty people in attendance on Sunday. She asked if they could possibly have an LED message board. Councilman Igleheart replied no one can have a changeable LED. Mayor Wood noted this amendment is regarding reader boards. Councilwoman Henry asked if this amendment would be just for a stationary reader board, which they already have. Mayor Wood replied yes. No further discussion.

The Mayor called for a vote on the amended motion to revise the number of people to fifty. The motion passed unanimously.

Mayor Wood called for the vote on the main motion as amended.

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

In Favor: 6

Enactment No: Ord. No. 2009-06-08

6.

No Net Loss of Trees Policy.

Presented by Brad Townsend, Planning & Zoning Director

6. No Net Loss of Trees Policy. Presented by Brad Townsend, Planning & Zoning Director

City Planner Jackie Deibel noted this resolution regarding No Net Loss of Trees will establish tree cover on public lands, maintain trees in healthy and non-hazardous conditions, and promote efficient and cost effective management of the urban forest. Ms. Deibel stated that the no net loss of trees policy relates to public lands. She explained that the policy means for example, that if the city had land which it was going to develop and it contained thirty units per acre of trees, if the city removed

fifteen units of trees, then the city would be required to replace fifteen units of trees in another location on city public property.

No discussion by Council.

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

In Favor: 6

Enactment No: R2009-06-29

City Attorney's Report

7. Consideration of Mayor's Veto.

7. Consideration of Mayor's Veto.

City Attorney David Davidson stated this was consideration of the Mayor's veto of RZ08-17 at the May 14, 2009 Mayor and Council Special Called meeting. At the May 18, 2009 council meeting, Council voted to defer the vote on overriding the Mayor's veto until June 29, 2009. In order to meet the requirements of the Charter, this item will continue to be placed on the Council Agenda until the vote.

This matter was Deferred to the Mayor and City Council meeting on June 29; due back on 6/15/2009.

In Favor: 6

Adjournment - with no further business, the zoning meeting adjourned at 8:23 p.m. for a work session discussion regarding the Arts Village Charette.