



# 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*

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Monday, September 12, 2011

7:00 PM

City Hall

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### WELCOME

**Present:** 6 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Betty Price, and Council Member Becky Wynn

**Absent:** 1 - Council Member Jerry Orlans

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Dwayne Orrick; Environmental Programs Manager Janet Liberman; Transportation Deputy Director David Low; Director of Community Development Alice Wakefield; Planning and Zoning Director Brad Townsend; City Planner Jackie Deibel; Land Development Manager Clyde Stricklin; Planning Manager Chris Chovan; Economic Development Manager Bill Keir; Transportation Director Steve Acenbrak; Transportation Planner III Andrew Antweiler; Transportation Administrative Assistant Kim Weber; Construction and Street Maintenance Manager Neo Chua; Community Relations Director Julie Brechbill; Executive Assistant to City Council Lisa Hines.*

### Pledge of Allegiance - Daughters and Sons of the American Revolution

### CONSENT AGENDA

1. **Approval of August 8, 2011 Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on August 22, 2011); Approval of August 22, 2011 Council Meeting Minutes; Approval of August 29, 2011 Open Forum Council Meeting Brief.**  
*Administration*  
**Approved**

2. **Approval of a change order to URS for the SR 140/SR 92 Advanced Traffic Management Systems (ATMS) project to perform additional design work for the project in the amount of \$70,730.**  
*Transportation*  
Approved
3. **Approval for the Mayor and/or City Administrator to sign a contract with Georgia Management Agency d/b/a ROADWORX for the construction of the MARTA Offset - Bus Stop Installation Project in the amount of \$64,304.45.**  
*Transportation*  
Approved
4. **Approval to accept a donation of needed right-of-way from Jose and Carmen Espina for the MARTA Offset - Bus Stop Amenities Project.**  
*Transportation*  
Approved
5. **Approval for the Mayor and/or City Administrator to sign a contract with Blount Construction Company for the Lum Crowe Road surface treatment project in the amount of \$42,050.**  
*Transportation*  
Approved

#### **Approval of the Consent Agenda**

A motion was made by Councilmember Wynn, seconded by Councilmember Price, to Approve the Consent Agenda. The motion carried by the following vote:

In Favor: 5

## REGULAR AGENDA

### Mayor's Report

#### 1. **Reading of a Proclamation for Constitution Week.**

*Mayor Wood read the proclamation marking September 17, 2011 as the two hundred and twenty-fourth anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention. Mayor Wood proclaimed the week of September 17th – 23rd as 2011 Constitution Week in the City of Roswell and asked the citizens of Roswell to reaffirm their ideals of the Constitution by vigilantly protecting its freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights might never be regained.*

*Mayor Wood recognized the Daughters of the American Revolution (DAR) and asked them to come forward.*

*Paula Nelson on behalf of the Martha Stewart Bulloch Daughters of the American Revolution thanked the City of Roswell and said it was a privilege to accept this proclamation. She noted that the City of Roswell has always helped commemorate DAR events but Constitution Week is closest to their hearts because it was the Daughters who petitioned Congress in 1955 to set aside September 17th – 23rd each year to commemorate the signing of the Constitution. Her desire is that everyone in Roswell would extend to their families and neighbors the joy of living under our Constitution and to always remember it is worth defending and preserving for posterity. Mayor Wood expressed appreciation for the Constitution copy that DAR presented to him and said that it is a great inspiring document. He asked her to identify the other members who were present with her. She introduced Dawna Godfrey from the Atlanta Chapter of the DAR and the Sons of the American Revolution.*

*Mayor Wood asked the Sons of the American Revolution to come forward.*

*Alan Greenley, on behalf of the Sons of the American Revolution, stated the Constitution is it is a document that has been "copied by many but equaled by none," and we are rightfully proud as a nation to be the authors, through our founding fathers of this document. Mr. Greenely introduced Paul Prescott, the chapter Color Guard Commander and Colonel George Thurmond. Mr. Carl Bame introduced himself as a past president of the Piedmont Chapter of the Sons of the American Revolution and expressed his appreciation to the City for this recognition.*

*Mayor Wood read the first sentence from the Constitution "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility" and said it works at home too and perhaps everyone would take this home and form a more perfect union and insure domestic tranquility. He thanked all the members from the Daughters and Sons of the American Revolution.*

#### 2. **Reading of a Proclamation for Rivers Alive 2011.**

*Mayor Wood read the proclamation stating the citizens of Roswell recognize all life as dependent upon clean water and strives to restore and maintain the chemical, physical and biological integrity of Georgia's waters. The watersheds are the key component of the hydrologic water cycle and an integral part of the earth's systems.*

Georgia has 70,150 miles of streams and rivers and Roswell has 1,675 miles of streams and is fortunate to have the Chattahoochee River running beside it. Rivers Alive brings together citizens, community representatives and local government leaders to restore and preserve our watersheds and their mission is to create awareness and involvement in the preservation of Georgia's water resources through an annual volunteer cleanup of the fourteen river basins in Georgia. The non-profit organization Keep Roswell Beautiful partnered with Roswell, Alpharetta and The Chattahoochee Nature Center to host the second largest cleanup in metro Atlanta on Saturday, September 24, 2011 from 8:30am – 11:00am. There will be an education area with activities and displays. Keep Roswell Beautiful will hold their Great Annual Duck Race at 12:45 pm at Oxbo Road on Big Creek, immediately following the cleanup. Mayor Wood declared September 24, 2011 as Rivers Alive Day in the City of Roswell and encouraged the citizens to take part in the event. He said unfortunately, there always is plenty of trash to be picked up, but he believes we make it a little cleaner every year and are making progress.

Environmental Programs Manager Janet Liberman said that in the last two years the amount of trash collected has lessened with an average of approximately a ton of trash versus nine years ago when six tons was collected. Nine years ago there were about 125 volunteers and now there are 500. Ms. Liberman noted that ducks could be rented at the Keep Roswell Beautiful website; at the Alive After Five event; prior to the race at Rivers Alive; and at Roswell City Hall in Suite 235.

3.

### **Reading of a Proclamation for Family Day - A Day to Eat Dinner With Your Children.**

Mayor Wood introduced Joanne Rooks from Fulton Families Matter and Anna Jackson from "Mom's Table." The Mayor noted that the City helps sponsor this annual event. Mayor Wood read the proclamation, which stated that the use of illegal drugs and abuse of alcohol and nicotine constitute the greatest threat to the well-being of America's children. Surveys conducted by The National Center on Addiction and Substance Abuse (CASA) found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs. Teenagers who never eat dinner with their families are 72% more likely to use drugs and alcohol. The correlation between family dinners and reduced risk for teen substance abuse is well documented. Parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers. Family dinners have long constituted a substantial pillar of family life in America.

Mayor Wood proclaimed Monday, September 26, 2011 as Family Day – A Day to Eat Dinner With Your Children. He urged all citizens to observe the occasion; it is simple but effective. The Mayor noted that sitting down to the family dinner table was one of his favorite memories.

Ms. Anna Jackson stated Fulton Families Matter has celebrated Family Day every year, bringing after-school children and their parents and adult students together for dinner. She said it was also her favorite time growing up and an important tradition in her home to have family dinners. Ms. Jackson invited Council to join them for dinner at Zion Missionary Baptist Church's fellowship hall at 888 Diane Circle on September 26, 2011 from 5:00pm – 6:30pm. Mayor Wood said he would not miss it and thanked her for the invitation.

4. **Recognition of the City of Roswell 2011 National Bike Month  
"Bike it Forward" Challenge Participants.**

*Mayor Wood asked Eric Broadwell, a Bike Roswell representative, to come forward. Mr. Broadwell thanked Mayor and Council for inviting him and explained that the Cycle It Forward challenge program started on May 9, 2011. This was a program the Transportation Department highly supported to encourage Roswell City employees to utilize the bicycle as best they could. Mr. Broadwell stated that Transportation Director Steve Acenbrak actually logged in the most miles but was not eligible for the Bike Roswell gift bag. Other Transportation employees recognized were Kim Weber for riding 87.19 miles; Karen Bernard, 50.89 miles; Steven Buckley, 22 miles; and Rob Dell-Ross who rode one day to lunch for a total of 2 miles.*

*Mr. Broadwell also announced that the directors of Bike Ride Across Georgia (BRAG) had visited Roswell and selected the City for the event rest day. BRAG is a weeklong annual event that traverses about 60-80 miles between cities across the state, attracting approximately 1,500-2,000 participants, a majority of which comes from the North Atlanta region including families, high school students, and college students. Mr. Broadwell explained that several Bike Roswell board members participated in BRAG and suggested the consideration of Roswell. The Roswell High School campus will be the location for the BRAG tent city. In addition, about 150-200 hotel rooms in Roswell will be rented. This will be a great economic boost for the City of Roswell and it will provide citizens an opportunity to see what cycling really does for the City. Mr. Broadwell expressed his appreciation for everyone's hard work and invited Mayor and Council to Bike Roswell's annual Bike and Politics Day at Founders Hall on October 12 at 6:00 p.m.*

*Mayor Wood on behalf of the City thanked Bike Roswell for bringing BRAG here. The Mayor noted that BRAG organizers had stated they considered Roswell because this city is the first bicycle friendly community and also because of the efforts by Bike Roswell. This event will bring economic benefit for the City of Roswell not just because of the one day and two nights 1,500 people will be here spending money, but because those families will return. The Mayor's hope is that Roswell will become a regular BRAG stop for the east west route, on an annual or semi-annual basis. This event would benefit business and jobs for the State of Georgia and the City of Roswell. The Mayor thanked Mr. Broadwell and Bike Roswell.*

**Community Development - Councilmember Betty Price**

5. **RZ11-09 & CV11-02, 350 & 370 Rucker Rd., Ashton Atlanta  
Residential, LLC, Land Lot; 1240.  
(Applicant is requesting a deferral until 10-10-11)  
Presented by Bradford D. Townsend, Planning & Zoning Director**

*Planning and Zoning Director Brad Townsend presented the item and stated there were no additional details to bring forward for discussion. The applicant has requested deferral until the October 10, 2011 Mayor and Council meeting.*

*Council Comment:*

*Councilmember Wynn asked the specific reason for the deferral.*

*Applicant:*

*Pete Hendricks, attorney, 6085 Lake Forest Drive, Sandy Springs stated he represents the applicant. Mr. Hendricks said this 8.507 acre parcel is rectangular and elongated. The original site plan put forward by the applicant showed an interconnection between this parcel and the Crabapple Registry parcel, which was contiguous and to the west. Crabapple Registry was zoned in a much similar fashion to what was being requested of this rezoning application. Mr. Hendricks said he and Ashton Atlanta Residential reached out to the Crabapple Registry residents to explain the scope of the application; they received very strong resistance over the inter-parcel access suggested by City staff and the Transportation Department. There was an issue of the inter-parcel connection between this parcel and Crabapple Registry. In addition, there was concern over Transportation's suggestion and requirement for a left hand turn lane into this property. It was for these reasons the deferral was requested, while trying to work out something satisfactory for all parties, the City Transportation Department, and the Crabapple Registry community. He noted that Brad Townsend and David Lowe had been very cooperative in their discussions. He said they knew of no opposition but the application had recommendation of approval and certain of the conditions were problematic.*

*Councilmember Wynn said she appreciated his explanation but she had met with Crabapple Registry and did not think there were any more problems with the inter-parcel. She asked Mayor Wood if they could hear from Crabapple Registry.*

*Mayor Wood explained that if the motion for deferral passes, anyone present would have an opportunity to speak, but he wanted to hear comments about the motion for deferral, before hearing comments on the general issue. Anyone present who could not attend the next meeting would be heard tonight, but he would first hear Council's questions and comments about a deferral.*

*Council comments:*

*Councilmember Price said she believed some of this looked like it was on the fast track and was delighted that the applicant had requested a deferral; she thought they could address all of the unresolved issues in the intervening month.*

*Public Comment:*

*David Schoendorfer, 335 North Farm Drive, Alpharetta, said he was not aware of any of the previous meetings and understood that construction had started on the site today with some earth moving equipment and asked for an explanation.*

*Mayor Wood asked the applicant to explain if there was any work already being done.*

*Mike Busher, Ashton Woods Homes, 1455 Old Alabama Road, Suite 100, Roswell, said the earth moving equipment was for soil testing, borings and excavation to determine the extent of the soil. The work had been completed in about two hours and those holes were covered. Mayor Wood asked staff, if other than for the testing and boring had a land disturbance permit been issued for this site. Planning and Zoning Director Brad Townsend replied no. Mayor Wood stated that if anyone sees trees being removed or earth moving equipment they should contact City Hall, but they were allowed to perform borings and testing.*

*Mayor Wood called for further public comments or questions about the deferral. There was none. No further questions or comments from Council.*

Mayor Wood said the applicant would be heard October 10, 2011. The Mayor asked for any public comment from anyone who could not return on October 10. No public comment was made.

The Mayor asked Mr. Hendricks if there would be another meeting with Crabapple Registry and the other neighbors. Mr. Hendricks replied yes; a meeting was being coordinated through City staff with Transportation, as well as Mr. Townsend. Mayor Wood asked how the Crabapple Registry community could contact the applicant. Mr. Hendricks said it would be best to contact Mike Busher. Mr. Busher provided his contact information.

Mayor Wood encouraged anyone who was either interested in the project or wanted to offer input to contact Ashton Woods. If an agreement could be reached to work things out it would be much more satisfactory than the City having to make the decision. He thanked everyone for coming.

**A motion was made by Councilmember Price, seconded by Councilmember Dippolito, that this item be Deferred and be placed on the Mayor and City Council agenda for 10/10/2011. The motion carried by the following vote:**

**In Favor: 5**

**6. CU11-03, 1280 Alpharetta St., Five Brothers Auto Sales, LLC, Land Lot 449.**

*Presented by Bradford D. Townsend, Planning & Zoning Director*

*Planning & Zoning Director Brad Townsend stated this was an application requesting conditional use for a used automobile establishment. The subject property is approximately 3 acres in size. The property is currently an auto service establishment abutting Hog Waller Creek with a perennial stream to the north. There are approximately 36 parking spaces adjacent to Alpharetta Highway and additional parking at the rear of the property. Mr. Townsend stated the Planning Commission reviewed this application and recommended approval. Staff recommends approval with eight conditions.*

*The Planning Commission Recommendations:*

- 1. The property is subject to the survey by David Burre and Associates, Inc. submitted to the City of Roswell on June 7, 2011. Tract B on the survey is the tract proposed for the used car sales. No other tract shown on the survey may contain used cars.*
- 2. The applicant shall use mitigation techniques as approved by the City Engineer to reduce the stress on the stream buffer. All work must be completed prior to the issuance of a business license for the used car dealership. (Revised subsequent to PC meeting requested by the applicant, see staff condition #8.)*
- 3. All landscaping materials required for the mitigation of the stream buffer shall be approved by the Roswell Design Review Board.*
- 4. A 10' landscape strip shall be provided along the frontage of the subject property except where the entrance/exit is located.*
- 5. The owner/developer may park no more than fifteen (15) used cars for sale in the front parking area in front of the existing building along Alpharetta Street. The remainder of the used cars for sale must be located in the rear parking area.*
- 6. A parking plan must be submitted for the front area of the site. The plan must be lined to indicate the used cars on the property. The plan must be approved by the Design Review Board.*

7. The front parking area must be redesigned to meet the landscaping requirements within the zoning ordinance. All landscaping must be approved by the Design Review Board.

8. The carrier truck which delivers the used cars shall unload all cars on the property. The carrier truck shall not park on public right-of-way.

Mr. Townsend said condition #1 controls the location for which they are allowed use for used cars. Condition #2 goes similarly with conditions #8 and #3, dealing with additional landscaping and mitigation to the stream. Mr. Townsend stated staff has recommended they only be allowed to park 15 used cars for sale adjacent to Alpharetta Highway; the applicant had agreed to that condition. Staff has requested a parking plan for the front area that needed to be restriped for parking, and additional landscaping in the front to be approved by the Design Review Board. Condition #7 requires that any truck deliveries to the site off-load onsite and not block Alpharetta Highway in any manner. Condition #8, was agreed to by the applicant and staff, and controls the business license for the application. Staff is requiring that the stream buffer restoration and mitigation be installed within one year of the conditional use or the business license for the dealership would be suspended. The applicant had a concern that he would not be able to sell cars until the landscaping was in place; therefore a time frame had been provided in which that could take place on an existing site to bring improvements to that location. Mayor Wood asked the representative for the applicant to come forward.

*Applicant:*

Rob Mitchell stated he is sponsor of the Five Brothers Auto Sales group and introduced the Tashtanov brothers and their employee, Mr. Camille. Mr. Mitchell said he had met the brothers when they first immigrated to the United States from Uzbekistan in 2005, 2006 and they had become friends. They have become full United States citizens. Mr. Mitchell said the brothers are industrious, understand, and speak nine languages, including English. They opened their first shop in Decatur that was too small for their purposes and have now decided to relocate to Roswell where they have also chosen to live, work, and raise their families. Two of the brothers have purchased homes in Roswell; the other three are looking to buy in the Roswell community. Mayor Wood said that was a great story and welcomed them. The location at 1280 Alpharetta Street was originally a Ford auto dealership that opened in 1970. Five Brothers has chosen this property because it is more than 3 acres of land with 25,000 square foot of building space, with 37 service bays. Mr. Mitchell said they have developed lifts, a paint booth and other equipment to service cars, and they now wish to sell used cars. Mr. Mitchell assured that they would be good stewards of the property by containing all of the oils, recycle plastics and cardboard, and prevent anything from spilling into the Hog Waller Creek which abuts the property. In addition to the five brothers, and Mr. Camille, and other employees, they anticipate offering more job opportunities to the community as the business grows.

Mayor Wood asked Mr. Mitchell if they had read the conditions that staff was asking to impose and if those eight conditions were acceptable to the applicant. Mr. Mitchell confirmed that he had read these conditions and they were acceptable. They anticipate having a few cars on display during the day that will be moved behind the security fence each night.

*Council Comment:*

Councilmember Price said she was concerned or curious, since it was an existing business, why the stream buffer issues had not come up at the inception of the auto repair aspect of the business. Planning and Zoning Director Brad Townsend explained that the stream buffer issues did not come up because the business



license would normally be issued with no additional review of the property, making sure that the use would be appropriate. He noted that auto service establishments are a permitted use. Once the conditional use for the used cars was requested, then staff had an opportunity to review the site to see what was deficient regarding the landscaping as well as the stream buffer. Councilmember Price asked if it were not a conditioned use and if it were any number of permitted uses, there would be no change necessarily in the stream buffer. Mr. Townsend replied that was correct. Councilmember Price read #20 of the Standards of Review: "The applicant has submitted an installation, maintenance and erosion control of the stream buffer mitigation plan to the city as to how they will work to improve the existing buffer on the property." She asked if that plan had been accepted by the City. Mr. Townsend replied it had not. Councilmember Price said she did not understand why the applicants would put themselves into a position to move forward when they did not know what the City would require of them. Mr. Townsend responded they had additional meetings with the applicant on-site with the City Engineer and representatives from Public Works/Environmental, and provided the applicant with a preliminary sketch as to what would be required dealing with the mitigation and buffer. He said that was included in Council's backup material. Mr. Townsend said they have a clear understanding of what the request would include dealing with the mitigation and landscaping. Councilmember Price said "But we don't have an agreement. I just don't want them to say down the road either their license gets pulled or there are things that suddenly we are expecting them to do that are really onerous and burdensome which if they were using a regular permitted use they wouldn't be required to do anything. I just want it to be clear and before they break ground or do whatever they are going to do that it's clear." Mr. Mitchell stated they had hired a civil engineer to help address the rainwater runoff issues and containing all pollutants on the property rather than allowing them to breach the buffer, and to continue to maintain a buffer with the stream. Mayor Wood asked if the applicant wished to move forward now. Mr. Mitchell replied yes.

Councilmember Igleheart referring to a list of items under the Engineering Division responses under Department Comments that were to be considered that were not specifically in the conditions, asked Mr. Townsend if those were covered in the discussion he just had even though they are not in writing. Mr. Townsend replied yes.

Councilmember Igleheart said asked if it was correct that it would take a year to install the landscaping. Mr. Townsend replied yes. Councilmember Igleheart said he read in the Planning Commission minutes we were not sure what trees might be going in on the entire street with lights and all that and asked if that was why we would be allowing that long for the landscaping. Mr. Townsend replied we are giving them at least the planting opportunity through December to February; prior to December they will bring a plan that we will be able to approve. He said we are trying to coordinate that with what the City is putting in on Alpharetta Highway and we want to make sure they do not "over tree or under tree the location." They are also coordinating the drainage that would be required. Mr. Townsend displayed an overhead slide and noted Alpharetta Highway and a green area, which is the existing buffer. He noted areas that would be expanded next to Alpharetta Highway and areas that needed to be worked around due to the large delivery trucks coming in that create turning radius issues. He stated that staff would like to get as much buffer next to the stream as we can get legitimately. Referring to the slide, he noted the direction that Hog Waller Creek flows and said the drainage was being designed so that the water would flow opposite and drain into another location and the impurities would not run directly into the creek.

Councilmember Igleheart said obviously the things going on with this have been strongly suggested and perhaps even required. He appreciated the efforts to take an extra step and do things that some others might not. Councilmember Igleheart said the applicant will have the opportunity to be one of the first to make that whole front fit and hopefully, can be our first example of how good that can look.

Councilmember Dippolito referenced the mitigation techniques in the Planning Commission's recommendations and asked if this had been reviewed by the Environmental Department. Mr. Townsend replied yes. Councilmember Dippolito asked if the Environmental Department is working in conjunction with the City Engineer to make sure that these mitigation techniques are what we need per code. Mr. Townsend replied yes.

Councilmember Dippolito asked with respect to the Planning Commission recommendation where staff had essentially changed condition #8, did Mr. Townsend prefer his language over the Planning Commission recommendation. Mr. Townsend replied yes. Councilmember Dippolito asked why. Mr. Townsend replied the sequence of events from the Planning Commission was that condition #2 was removed by the Planning Commission and subsequently replaced by condition #8, as seen in the Staff Recommendation included in the Council packets. Mr. Townsend stated staff was unaware of the applicant's desire to be selling cars immediately and understood that we might have the land disturbance permit and all this mitigation put in place prior to them being able to sell cars. The applicant felt there would be a financial burden on their operation not being able to sell cars if it would be some months before all this work was completed, and once staff understood that fact, we recommended a condition that gave them a year timeframe to put this in place. Mr. Townsend stated there have been discussions with the Five Brothers tenants of the property, in dealing with the land owner, who must be brought into the loop in dealing with the condition.

Councilmember Dippolito asked what would happen if there was not a "meeting of the minds" within one year. He referred to Councilmember Price's concern that we might be getting ahead of ourselves a bit and asked if the license would be revoked at that point. He noted that it seemed rough on them to start a business and then find out they could not continue. Mr. Townsend replied there perhaps would need to be some legal determination regarding license suspension, until they came into compliance. He explained that staff is working to get an existing situation into code compliance as best we can with landscaping and mitigations, while knowing when looking at the site plan if we actually install stream buffers and things of that nature, three quarters of the building would be removed. Staff is dealing with an existing structure that provides adequate improvements. Considering what was sitting there, this could possibly be 20% more landscaping improvements than normal, because the type of use they are looking for requires a conditional approval. Mr. Mitchell noted this property has been unoccupied for approximately two years, not well maintained, and would require a lot of upkeep to bring it to code. Councilmember Dippolito said his concern was that he did not want the applicant to get started and then realize a year from now they could not come to an agreement with staff. Councilmember Dippolito wanted to be sure, and he believed the Mayor was also making this point, that the applicant understands going into this, that they will not have final approval until those buffers are completed. Mr. Mitchell said they are committed to working with the City and the City engineers to make this happen.

Councilmember Dippolito noted there is a long term plan for walking trails along along Hog Waller Creek, but did not know if those trails extend to the north side of Highway 9, or if it was just on the south side and whether the City wanted an easement along there to work it into the buffer. Mayor Wood replied that he would be ecstatic if the

City could get it to Highway 9 but did not see it extending further beyond that because of all the residential backyards it would have to go through. The Mayor said as much as he liked trail and creek easements he could not see the walking trails going further north than Highway 9. Councilmember Dippolito reiterated that he did not know if the plan was to extend it beyond Highway 9. Mr. Townsend said he did not know of any plans to extend it behind. Mayor Wood said that even in 30-40 years, he did not see this happening.

No further Council comments.

Public Comment:

Michael Martin, 9400 Coleman Road, Roswell asked if the applicants were aware that over the last two decades this area had flooded several times. Planning and Zoning Director Brad Townsend replied yes. Mr. Martin asked if they were advised about flood insurance. Mr. Townsend stated that it had been discussed dealing with the mitigation. Mr. Martin replied that he wanted to make sure they were aware because he had seen that area flood during hard rain.

No further public comments.

The applicant confirmed that he did not have any questions. No further discussion.

Mayor Wood expressed appreciation for staff coming up with a creative solution for this. The Mayor also thanked Five Brothers for bringing jobs and business to Roswell. Mayor Wood thanked Council for approving this project.

A motion was made by Councilmember Price, seconded by Councilmember Wynn, that this item be Approved with the conditions as seen on page 4 of Staff Recommended Conditions 1 through 8 and with Councilmember Price's additional condition as follows: "Staff will provide to the applicant a clear delineation of what is expected of them." Mayor Wood suggested that perhaps Councilmember Price could state "as soon as possible," in response to Planning and Zoning Director Brad Townsend's inquiry regarding a time frame. Councilmember Price said, "It should be written and clear so they know what their goal is within the year, that it doesn't change at the last minute, and then the City luckily would have a lot of wonderful improvements on the creek, but then they might be put out of business and that is just hardly fair to the applicant." Mr. Townsend replied he understood. The motion carried by the following vote:

In Favor: 5

7.

**CU11-04, 1560 Old Alabama Rd., The New Community Church, Land Lot 612.**

*Presented by Bradford D. Townsend, Planning & Zoning Director*

Planning & Zoning Director Brad Townsend stated this is a conditional use with approximately 1.1 acres. The subject property is currently zoned O-P. The request is to use the property as a church facility. Mr. Townsend displayed an overhead slide of the plan showing the location of the existing bank. There are two conditions; the first condition is related to the site plan; the second condition which has been discussed, relates to a requested sidewalk along Old Alabama Road. Mr. Townsend explained that as this has been drafted, the plan shows there is a five (5') foot sidewalk with a five (5') foot grass strip. He stated they have discussed with the applicant that having the five (5') foot grass strip pushes the sidewalk back into some existing trees and existing critical root zones, so staff would recommend that be

consistent with the other sidewalks on the location of just a one (1') foot grass strip that provides it consistent along Old Alabama Road from the existing sidewalk to the south. Staff recommends approval.

*Staff Recommended Conditions:*

1. The property is subject to the survey by Travis Pruitt and Associates submitted to the City of Roswell on June 7, 2011.
2. The owner/developer shall install a five (5') foot sidewalk with a five (5') foot grass strip along the total property frontage along Old Alabama Road as required by the Roswell Transportation Department. (This condition added after the PC hearing).

*Council Comment:*

Councilmember Dippolito asked Mr. Townsend if he said a one (1') foot grass strip. He asked if they typically are two (2') foot grass strips. Mr. Townsend stated yes. Councilmember Dippolito said one foot is not very much grass. Mr. Townsend agreed. He displayed an overhead of the plan and pointed out the current curb line with the one (1') foot grass strip and said staff asks that it be lined up with the current strip. Councilmember Dippolito asked if it would be possible to get a two (2') foot grass strip and not impact the trees. Councilmember Dippolito noted that he was comfortable either way but would like to get the sidewalk as far back from the curb as possible but did not want to take trees out in the process.

*Applicant:*

Patrick Seferovich, representing The New Community Church, stated they were just trying to match the existing one (1') foot but it might be able to push it back if they could have a little "leeway."

Mr. Townsend pointed out an area on the overhead slide, where they might keep the one (1') foot on this side and another location where two (2') foot could possibly work. Councilmember Dippolito said his recommendation would be to allow some flexibility to work with staff and explained that we try to get the sidewalks off the street, particularly on a high traffic street like Old Alabama Road; if it could meander a little bit that would be wonderful. Mr. Townsend replied staff would work with the applicant on that, but staff did not want to be held with a condition that requires the five (5') feet.

Councilmember Wynn asked Mr. Townsend for the revised wording on condition #2.

Mr. Townsend said condition #2 currently reads, "The owner/developer shall install a five (5') foot sidewalk with a five (5') foot grass strip." He said staff would change the five (5') foot grass strip to read, "No less than two (2') foot in the appropriate areas and where it matches the one (1') foot at the southern driveway to match the existing sidewalk." Councilmember Wynn asked if that language would allow them to do the one (1') foot grass strip on the south side. Councilmember Wynn stated she knows that area and those are beautiful trees and we would not want to do anything to hurt them at all. Mr. Townsend agreed. Councilmember Wynn asked if that would give them the flexibility then. Mr. Townsend replied yes.

Councilmember Price asked how many linear feet of sidewalk this represented. Mr. Townsend replied approximately 190 feet. Councilmember Price asked what is the cost. Mr. Seferovich replied in the \$5,500-\$6,000 range, the amount currently priced out. Councilmember Price asked if the sidewalk already exists on the rest of the contiguous street. Mr. Seferovich replied there is a handicap ramp at the corner of Holcomb Wood Road and Old Alabama Roads and the existing on the southwest side of the driveway. They are just connecting the two, as required by condition #2. Councilmember Price said the City has installed a number of sidewalks on Holcomb

Bridge in the last couple of years; she asked if any of that cost has been borne by the property owners. Mr. Townsend replied no, not to his knowledge. He asked if she meant the improvements along Holcomb Bridge Road. Councilmember Price replied yes. Mr. Townsend said he did not believe any of that had been borne by any of the property owners on that side. Councilmember Price asked for the justification of asking the applicant to do that. Mayor Wood replied that it is City policy to require sidewalk for all new construction on an arterial road and that is across the board. When there is no new construction, sometimes the City takes it on, but City policy is that every time there is new construction, to require sidewalks. Councilmember Price asked if we were considering this new construction. Mr. Townsend replied yes, this was a new use to this building. Councilmember Price asked if the applicant was in agreement with this. Mr. Seferovich said it obviously is something they would prefer not to have to do, but will do it because the property is important to the applicant. No further questions or comments.

*There was no public comment.*

A motion was made by Councilmember Price, seconded by Councilmember Dippolito, that this Item be Approved with the conditions as presented by staff and printed on page 4 of 16 of the Staff Report with the following change on condition #2: "The owner/developer shall install a five (5') foot sidewalk with no less than a two (2') foot grass strip along the total property frontage of Old Alabama Road. Mayor Wood asked to double check that it is consistent with what Council had discussed. Mr. Townsend stated that the only part inconsistent was matching with the existing one (1') foot, which is at the southern part of the driveway. Councilmember Price added the following: "With the exception of the contiguous area where it would be allowed to be one (1') foot." The motion carried by the following vote:

In Favor: 5

8. **RZ11-07 Text Amendment regarding the creation of a compact parking space size and allowance for a percentage of compact parking spaces. (First Reading)**  
*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend stated this is the first reading of a proposed text amendment to the City of Roswell Zoning Ordinance Chapter 17.3.7, "Parking Space and Aisle Specifications" to define a standard parking size which has two criteria: nine (9) feet in width by twenty (20) feet in length, or ten (10) foot in width by eighteen (18) feet in length. Mr. Townsend stated the proposed amendment would add a third option where someone being able to provide a parking space eight and one half (8.5) feet wide by sixteen (16) feet in length as a compact parking space would be allowed to have, and not in excess of fifteen (15) percent of the total required parking spaces identified as compact spaces. Mr. Townsend stated the Planning Commission reviewed the application and recommends approval.*

*Council Comment:*

*Councilmember Price asked if Mr. Townsend had said "not less than or not to exceed." Mr. Townsend replied, "not to exceed." Councilmember Price asked if this was identical to what we had discussed in Committee. Mr. Townsend replied yes.*

City Attorney David Davidson conducted the first reading of an ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROSWELL, GEORGIA, CREATING A COMPACT PARKING SPACE SIZE AND ALLOWING FOR A PERCENTAGE OF COMPACT PARKING SPACES stating: To accomplish the foregoing, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following Ordinance:

1.

The Zoning Ordinance of the City of Roswell Chapter 17.3.7 "Parking Space and Aisle Specifications" to Article 17, Access, Parking and Loading is hereby amended to read as follows:

*Section 17.3.7 Parking Space and Aisle Specifications*

*An off-street standard parking space shall be a minimum of nine (9) feet in width and twenty (20) feet in length, or ten (10) feet in width by eighteen (18) feet in length. Parking spaces for compact cars shall be a minimum of eight and one half (8.5) feet in width and sixteen (16) feet in length. Compact car parking spaces may be used in place of a standard size parking space. The total number of compact car parking spaces may not exceed 15% of the total number of required parking spaces and identified as compact spaces.*

*For a single row of ninety (90) degree head-in parking, the minimum depth for a parking space plus the width of the aisle shall be forty-two (42) feet. For two (2) rows of ninety (90) degree head-in parking using the same aisle, the minimum depth for parking spaces plus the width of the aisle shall be sixty (60) feet.*

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

*Council Comment:*

*Councilmember Dippolito stated the City typically has a sixty (60) foot wide aisle if there are two rows of parking. With a typical nine (9) feet by twenty (20) feet space, in the City, there would be two twenty (20) foot spaces and then a twenty (20) foot drive aisle. He asked if twenty feet was wide enough. Councilmember Dippolito said he knew that is typical here but many municipalities make it a twenty (24) feet drive aisle and eighteen (18) foot spaces. Mr. Townsend said it is necessary to keep the aisle width the same. Councilmember Dippolito said that does not really help us a whole lot. Mr. Townsend said a minimum of twenty (20) feet is necessary behind any drive aisle whether it is a sixteen (16) foot or a twenty (20) foot space. Councilmember Dippolito said he understood but his concern was the way it is written; there is a sixty (60) foot aisle width regardless of the depth of the space. If there were two sixteen (16) foot spaces there would be a twenty-eight (28) foot drive aisle. Councilmember Dippolito said the aisle width should be considered regarding the compact spaces. Mayor Wood said that was a good point. Councilmember Dippolito said the second paragraph defines the total width of sixty (60) feet, which should be adjusted. Mayor Wood asked if that correction could be done before the next reading. Mr. Townsend replied yes. There was no further discussion. Public comment was invited. There was no public comment.*

**A motion was made by Councilmember Price, seconded by Councilmember Igleheart, that this Item be Approved on First Reading and be placed on the Mayor and City Council agenda for 10/10/2011. The motion carried by the following vote:**

**In Favor: 5**

9.

**RZ11-08 Text Amendment regarding the revision of the minimum requirements for used automobile sales establishments. (First Reading)**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend said this proposed revision to the Zoning Ordinance of the City of Roswell Chapter 10.38 dealing with used automobile sales establishments would add language requiring a separate lot of record or parcel to insure there is no confusion that an establishment could not locate within shopping centers, but must be on separate lots or parcels.*

*City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ROSWELL, GEORGIA, REGARDING USED AUTOMOBILE ESTABLISHMENTS MINIMUM REQUIREMENTS stating: To accomplish the foregoing, pursuant to their authority, The Mayor and Council of the City of Roswell do hereby adopt the following Ordinance:*

1.

*The Zoning Ordinance of the City of Roswell is further amended by Chapter 10.38 "Used Automobile Sales Establishments" to Article 10, Specific Use Requirements to read as follows:*

**CHAPTER 10.38  
USED AUTOMOBILE SALES ESTABLISHMENT**

*Any Used Automobile Sales Establishment shall have a separate lot of record or parcel with the following minimums:*

- 1. The separate lot of record or parcel shall have a minimum size of at least three-quarters (3/4) acre and a permanent structure used as a business or sales office.*
- 2. The separate lot of record or parcel shall comply with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of Used Automobiles:*
  - a. Striped parking spaces for inventory shall be painted on the pavement and not less than nine (9) feet by twenty (20) feet for each used automobile or the appropriate size for the type of vehicle being parked.*
  - b. A lot shall contain a stabilized base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete.*
  - c. Two (2) driveways, one for ingress and one for egress, or one (1) driveway adequate to permit simultaneous ingress and egress.*
- 3. The separate lot of record or parcel shall not allow any part of a used automobile to encroach upon any public right-of-way or sidewalk.*

4. *The separate lot of record or parcel shall not allow any loud or boisterous noises to emanate from his/her place of business, either by persons congregating there or by the playing of recording instruments, radios, and/or television sets or other sound-producing equipment as controlled by Roswell City Code Article 8.8 Nuisances as amended from time to time.*

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

*Public Comment:*

*Janet Russell, 260 Willow Springs Drive, Roswell asked if this applies to existing car lots and if the purpose of the amendment was to restrict the amount of cars to their particular sales lot. She said there is an abundance of used car lots and some do not follow any rules. Mayor Wood said they have rules they do have to follow. Ms. Russell noted there was one car lot in particular that she would contact Code Enforcement about tomorrow.*

*Planning and Zoning Director Brad Townsend stated the objective of the amendment was to ensure that any new used automobile establishments are on separate parcels of record and not be allowed to go into shopping centers and lease a bay and use their parking lots. They would have to be their own lot of record.*

*Ms. Russell said there currently is a car lot on Highway 9 with so many cars that they park cars in the lot next door, sometimes 16-18 cars at a time, obstructing traffic of the existing business that is there. This is in the old part of town, is a free standing used car lot and not in a strip center.*

*No further public comments. No further Council discussion.*

**A motion was made by Councilmember Price, seconded by Councilmember Dippolito, that this Item be Approved on First Reading and be placed on the Mayor and City Council agenda for 10/10/2011. The motion carried by the following vote:**

**In Favor: 5**

10.

**Initiation of a text amendment for "Find it all Roswell" temporary signs.**

**Presented by Bradford D. Townsend, Planning and Zoning Director**

*Planning and Zoning Director Brad Townsend said this was the initiation of the "Find it all Roswell" banner code amendment and allows for temporary banners for an additional 40 days for the year 2012. Staff recommends the initiation of this text amendment. There was no public comment.*

**A motion was made by Councilmember Price, seconded by Councilmember Diamond, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 5**



**Transportation Department - Councilmember Rich Dippolito**

11. **Approval to accept Local Maintenance and Improvement Grant (LMIG) funds in the amount of \$451,880.50 from the Georgia Department of Transportation (GDOT) and approval of Budget Amendment Budget Amendment 4221G2-09-12-11 to establish the grant account.**

*Presented by Steve Acenbrak, Director of Transportation*

*Director of Transportation Steve Acenbrak presented the item and asked for approval to accept money from the Georgia Department of Transportation (GDOT). The GDOT LMIG program was created to combine two separate programs, the Local Assistance Road Program formerly known as LARP, and the State-Aid program. LMIG is a funding mechanism created and funded by the Georgia General Assembly, based on a specific formula of centerline miles and paved roads. In March 2011, the City submitted an application to GDOT requesting LMIG funds to resurface Pine Grove Road for \$451,880.50. Mr. Acenbrak displayed a graphic overhead and explained that the project would essentially go from the Cobb County boundary to Magnolia Street and would be done in two phases because of many things going on in that area. Mayor Wood asked how Pine Grove Road was selected for this project. Mr. Acenbrak explained that the City has a resurfacing program in which all roads are rated each year and given a condition rating. Pine Grove Road was at the bottom of the list as one of the most distressed road pavement areas; it would be a costly project and deferred for one year because of other programmatic issues going on. Mr. Acenbrak stated that when LMIG came up, staff recommended this road to GDOT. GDOT made their measurements and assessments, which also agreed with the City's measurements and assessments. Based on the formula, GDOT agreed to this funding amount for that road. Mr. Acenbrak confirmed that LMIG is for Pine Grove Road. Mayor Wood asked if this project would include an expansion of the bike shoulders along this road. Mr. Acenbrak replied yes and noted that there are several areas along Pine Grove Road deficient from a structural standpoint. Mr. Acenbrak stated the City is currently advertising in the newspapers for a contract to improve those structural deficiencies in advance of doing the paving so that when the project is completed there will be continuous lanes and continuous bike shoulders throughout the corridor.*

*There were no Council questions. Public comment invited. There was no public comment.*

**A motion was made by Councilmember Dippolito, seconded by Councilmember Wynn, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 5**

12.                   **Approval of a change order to the annual Resurfacing Contract with C.W. Matthews Contracting for the paving of Pine Grove Road in the amount of \$451,880.50.**  
*Presented by Steve Acenbrak, Director of Transportation*
- Councilmember Dippolito noted this item related to the previous agenda item for Pine Grove Road.*
- Mayor Wood called for Council questions. There were no Council questions or comments. Public comment invited. There were no public comments.*
- A motion was made by Councilmember Dippolito, seconded by Councilmember Igleheart, that this Item be Approved. The motion carried by the following vote**
- In Favor:   5**

#### **City Attorney's Report**

13.                   **Recommendation for closure to discuss acquisition of real estate and personnel.**
- A motion was made by Councilmember Wynn, seconded by Councilmember Price, that this Item be Approved. The motion carried by the following vote:**
- In Favor:   5**

#### **Adjournment**

*After no further business, the Mayor and City Council meeting adjourned at 8:22 p.m. Mayor and Council reconvened for a Work Session discussion of the Master Transportation Plan and potential sites for roundabouts in the City of Roswell.*