



# 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, August 11, 2014

7:00 PM

City Hall

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### WELCOME

**Present:** 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; Deputy Police Chief Craig Easterwood; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Recreation and Parks Director Joe Glover; Recreation and Parks Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; City Planner Jackie Deibel; Community Relations Coordinator Karen Zitomer; Transportation Land Development Manager Clyde Stricklin; Senior Transportation Engineer Robert Dell-Ross; City Traffic Engineer Muhammad Rauf; Construction and Street Maintenance Manager Neo Chau; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.*

### Pledge of Allegiance - Lynn McIntyre

### CONSENT AGENDA

1. **Approval of the July 14, 2014 Mayor and Council Meeting Meeting Minutes (to replace the Council Brief approved on July 28, 2014); Approval of the July 28, 2014 Mayor and Council Meeting Minutes.**  
*Administration*  
**Approved**

2. **Approval of the Roswell Leadership Focus 2014 Trip Funding for six of the City's Boards and Commissions Chairs in the amount of \$3,750.**

*Administration*

Approved

3. **Approval of a Resolution to adopt the Short Term Work Program (STWP) and the Capital Improvement Element (CIE) covering the five year period 2014-2019.**

*Community Development*

Approved

Enactment No: R2014-08-35

4. **Approval of a Resolution to Accept the 2014 Community Giving Grant from Target™ Corporation for National Night Out and approval of Budget Amendment 22232102-08-11-14 in the amount of \$1,000.**

*Public Safety*

Approved

Enactment No: R2014-08-36

5. **Approval for the Mayor and/or City Administrator to accept one (1) Right of Way Agreement for Parcel #9 for the SR 140 Westbound Through Lane and Streetscape Project in the amount of \$43,341.**

*Transportation*

Approved

6. **Approval of Budget Amendment BA35042102-08-11-14 for the purchase of lights for the River to the Square Trail Project in the amount of \$33,000.**

*Transportation*

\*\*\*This item was pulled off the Consent Agenda and discussed under the Transportation Department\*\*\*

*Director of Transportation Steve Acenbrak presented this item stating twenty (20) lights did not make it into the original base bid. This project is far enough along now for the lights to be installed. The bases for the lights are in and the conduit has been run; all that remains is purchasing the lights and pulling the wire to hook them up. HD Power Solutions gave a quote and staff is requesting a budget amendment of \$33,000 to purchase the lights and install them.*

*Mayor Wood asked for Council questions.*

*Council Comment:*

*Councilmember Price asked when the Midtown Gap Project was completed. Steve Acenbrak replied about nine to twelve months ago then there were some punch list items. He thought the last invoice that finished paying off the project was in the early part of this year. Councilmember Price said then it was in FY-2014. Mr. Acenbrak said, "The money would have been allocated in FY-2014 but it was finished spending in 2015. We are in 2015 now; no we are 2015 now so right it is 2014." Councilmember Price said her question was if the project was completed how does the money stay in a fund into the next fiscal year?*

*Mayor Wood asked the City Administrator to respond to this question.*

*Kay Love stated that any remaining balances in projects remain there and roll forward through the budget process. The budget ordinance provides for any monies that have already been allocated for projects that are unspent to roll over and be re-appropriated in the next year. She said they are beginning to move through the budget process. During the process, if in February Transportation was not sure there was going to be another invoice or a final invoice, they would not in conjunction with the budget have closed that project out and thus zero it out. Because we like to move that money out down to Fund Balance so it can be reallocated. She said she guessed that during the budget process, Transportation was not completely sure that everything had been paid; now that has come and gone and this money is available to be appropriated to another project and this happens to be one.*

*Councilmember Price said that was her concern. She said there is a lot of left over money here and there and it does not come back to Council for full discussion as to where it might be best used. She said she is waiting for the citizen to come forward and say "how much have we already put into this" and she knows it was a whole lot more than was verbally expressed at a Roswell Next meeting not too long ago. She asked what the total amount is into this project if this is approved.*

*Mayor Wood asked Steve Acenbrak for the total expenditure on this project to date. Mr. Acenbrak said he did not recall. Kay Love said the trail to the river was \$700,000 in total. Mr. Acenbrak told Mayor Wood that he could get that information.*

*Councilmember Price said she was disturbed when she heard at Roswell Next that now it is given as \$160,000 when in reality it was four times that. In any case, she is sure there is going to be a lot of economic development based on the bicyclists who will be riding on that trail and she looks forward to the completion of it. What really caught her eye in this was the math on the financial impact that she cannot quite figure out. If they want to put in \$33,000 and taking the \$6,000 that is left in the project and then what is needed to make up the \$33,000; how does taking that from the \$45,000 leave \$39,000?*

*Mayor Wood said to clarify; the total project was approximately \$700,000. Mr. Acenbrak said that is correct. Mayor Wood said we have completed that project substantially. Mr. Acenbrak said substantially. Mayor Wood asked how much has been paid out on this project. Mr. Acenbrak replied he pays those invoices as they are submitted and they are usually several weeks behind the work that is actually in the field. Mayor Wood asked if this is still within the \$700,000. Mr. Acenbrak said they are doing fine financially on this project. Mayor Wood asked how much is anticipated to be added to this project. Mr. Acenbrak said just \$33,000 to do the lights and they do not anticipate anything more.*

*Mayor Wood asked Kay Love to address Councilmember Price's question.*

*Kay Love said she agreed with Councilmember Price that it is confusing. She said the financial impact is trying to say that in the Midtown Gap Project there is about \$45,000 remaining that is not allocated and over in the trail to the river project, there is \$6,000. A total of \$39,000 is needed to buy the lights, install them, and pull the wire plus all the little tasks that have to be done and items purchased. \$6,000 is available in this trail project so this budget amendment of \$33,000 will give the \$39,000. The \$33,000 that will be taken out of the Midtown Gap Project of \$45,000 leaves a balance of a few thousand in the Midtown Gap Project.*

*Councilmember Price said, "My calculator doesn't work as well as yours apparently but maybe somebody could explain it to me later; it just seems like it doesn't add up."*

*Kay Love said it is confusing to read in a narrative form. She asked Keith Lee to write out an explanation in an email for Councilmember Price.*

*Mayor Wood said the real issue for this Council is if they want to spend another \$39,000 to put lights on this trail. Councilmember Price said it would be \$33,000. Mayor Wood said \$39,000 is what would be spent for lights and asked if that was correct. Mr. Acenbrak replied, it is \$35,815 but because there is money in the budget already a budget amendment of \$33,000 is needed. Mayor Wood asked for the total expenditure if the lights are put in. Kay Love said \$39,000 will be available in the project. Mayor Wood said that is how much more money Council is being asked to spend but money is already there so moving forward, the cost for putting the lights in will be \$39,000. He said he was not asking where the money is coming from but how much is going to be paid to the contractor for putting the lights in. Kay Love said not all of that will be paid to the contractor because we will be pulling some of the wiring but they need to buy supplies and fixtures. Mayor Wood said the total cost to the City to put in the lights would be \$39,000. Kay Love said that is correct; the fixtures are \$35,000 but there are other elements. Mayor Wood said there are a lot of questions about where the money comes from but the question to this Council is if they want to spend another \$39,000 to put lights in. They can choose not to put them in and save \$39,000 to be spent elsewhere. He asked if that is a fair statement. Kay Love replied yes sir.*

*Mayor Wood said before this trail, there was not a good way to get from the river to the square. He said he has ridden his bicycle on this trail and it is a wonderful experience. There are two great places in Roswell; the river and the square but there is a big elevation change and this trail creates a great connection and is also a streetscape improvement.*

*Mr. Acenbrak said that is right and it extends the historic district which is why they are putting period lights in the area and they also used decorative fencing and included several safety elements. He believes everyone will find it to be a very nice additional area.*

*Mayor Wood said the biggest part of this project was approved and the money was spent and it is a great project. The question now is if they want it to be well lit. It is one of the main entrances into this City and he supports this.*

*Further Council Comment:*

*Councilmember Dippolito said he supports this. He had one question and referred to the photo on the overhead and asked about an indentation where the wall is and one lane widens a bit. Mr. Acenbrak said it is for a U-turn and is across from Spring Drive. Councilmember Dippolito thanked Mr. Acenbrak.*

*Mayor Wood called for a motion.*

*Councilmember Diamond said in the scheme of things, this is less than \$2,000 per light. Having just built a house; that seems like a deal for a light post that will be outside and last forever.*

*Motion: Councilmember Diamond made a motion for Approval of Budget Amendment BA35042102-08-11-14 for the purchase of lights for the River to the Square Trail Project in the amount of \$33,000. Councilmember Wynn seconded.*

*Mayor Wood asked for public comment.*

*Public Comment:*

*Janet Russell said this is an awful bicycle project because it is on the wrong side of a six-lane divided highway from where everyone lives. That is the feedback she has heard. She said she was here in Council chambers when they approved \$500,000 for a half mile of multi-modal path along SR-120 and she thought that was a ridiculous amount of money. She now finds out that it did not include lamps. She did not know what kind of historic fencing Mr. Acenbrak was talking about because there is a metal thing all along it on SR-120 that is hideous and there is nothing historical about it. Mr. Acenbrak said it is a guardrail. Ms. Russell said there is nothing historic about it and it is ugly. The people that live in River Ridge and across from Spring Drive cannot even get to this path. They cannot exit and go left down to the light because there is no sidewalk to get to the light until getting to the church. Mr. Acenbrak said they are working on that. Ms. Russell said she has been told before by Mr. Acenbrak they were working on that but the people who live in this corridor from the square to the river to Willetto to SR-9 are tired of waiting. The people she has talked with who live on Spring Drive, Barrington and River Ridge have all asked what have they done on SR-120 because it is a mess and they cannot use it. Those are the people who are paying the taxes that built the path. She saw someone riding on SR-120 the other day that was not even using the path; he was on the other side because it is too dangerous to get across at the light. This path should have been on the other side of SR-120 from day one. Now they want to spend more money to put in lights. She asked if solar had been considered that would not need all the electric wires and the sun is there all the time because there are no trees. This path is a waste of time and money for the people who live there. They have been forgotten. This panders to people who do not live in the corridor or in this City. \$33,000 should not be spent on this project.*

*There were no further public comments. The public hearing was closed. There was no further Council comment.*

**Motion: Councilmember Diamond made a motion for Approval of Budget Amendment BA35042102-08-11-14 for the purchase of lights for the River to the Square Trail Project in the amount of \$33,000. Councilmember Wynn seconded. The motion carried by the following vote:**

**In Favor: 6**

## Approval of the Consent Agenda

**Motion:** Councilmember Orlans made a motion to approve Items 1-5 of the Consent Agenda. Item 6 was extracted from the Consent Agenda per request of Councilmember Price and discussed under the Transportation Department agenda. Councilmember Wynn seconded. The motion carried by the following vote:

In Favor: 6

## REGULAR AGENDA

### Administration and Finance Department - Councilmember Kent Igleheart

1. **Approval of an amendment to Section 2.1.4, Compensation of Elected Officials, of the City of Roswell Code of Ordinances. (First Reading)**

*Presented by Michael Fischer, Deputy City Administrator*

*Councilmember Igleheart introduced this item and noted for clarification that this amendment does not deal with the Mayor and Councilmembers and does not change any amounts that anyone makes. This is specific to the judge and how that position will be paid.*

*Deputy City Administrator Michael Fischer presented this item stating this amendment will allow for the judge to be moved into a position where he can be paid on a per session rather than at a salary as they are now. Language will be added so that the compensation of the judge will be set by resolution by Mayor and Council which is what is in the Charter. This would be the first reading of the amendment to the Ordinance. If this is approved after the second reading, a resolution will be done at that particular time.*

*Mayor Wood asked if staff is recommending this change. Mr. Fischer replied that staff recommends this amendment. Mayor Wood asked for the rationale of this recommendation.*

*Mr. Fischer said a paid per session judge can handle the current workload in Court Services for a savings to the City of around \$25,000 to \$30,000 per year. By paying per session, the amount is the same for either the chief judge or a fill-in judge. If the chief judge is paid a salary and cannot be here then the fill-in judge would also have to be paid for that session. Mayor Wood said there would be the same service at a lower cost. Mr. Fischer replied yes.*

*Council Comment:*

*Councilmember Price referred to the sheet in Council packets marked "C" and said the amount for a fill-in judge is listed as zero. She asked if that means they never expect to have any substitute, standby judges. Mr. Fischer replied no, that would be the cost for a fill-in judge and there would be no added cost because it would be per session. If a judge has to fill in when the elected judge is not here, the amount would be the same regardless of whether it is the chief judge or a substitute judge. Councilmember Price said, "Surely we have an estimate as far as vacation, training, the time that the main judge would not be here. Because otherwise we are over estimating the amounts that would be paid out to FICA, Medicare, etc."*

Mayor Wood asked Kay Love to respond to the question.

City Administrator Kay Love said the spreadsheet, Exhibit C is based on the calendar year 2015 with 288 sessions no matter who the judge is. That would on average be 24 sessions per month so that is the per session amount for the FICA, Medicare, all the associated expenses for the chief judge or a fill in judge for 288 sessions per year. Councilmember Price said so FICA, Medicare, etc. would come out either way. Ms. Love said that is correct; not any medical, dental, life. Councilmember Price said but the FICA and Medicare would be the same regardless. Ms. Love said correct, 7.65%. Councilmember Price thanked Ms. Love.

Councilmember Price said she had another question and referred to the three pages marked "E" and said if that is calculated, it looks like it is closer to 300 sessions per year so it comes out to a little more, not a whole lot more. She did not want them to underestimate because as they get busier there may be more sessions. She asked why it is based on 23 or 24 sessions per month when it is likely to be higher.

Michael Fischer said shown on the pages labeled "E" is the actual historical from September of 2013 averaged out to 24.7 sessions per month but that will ebb and flow some. There is a week of training when they will not have court and also not in December around the holiday period and there are some weeks when there will not be court. All of that is figured in. The estimates of what the elected judge has put in is somewhere around 272 or so sessions per year and that includes weekend sessions when a judge would have to come in to see people who are in custody. The average comes out about right on the estimate. The estimate could be adjusted a little one way or the other but from looking at the historical and at the organizational structure of what the chief judge has put in place, it should be fairly accurate.

Councilmember Price asked if the Saturdays would be treated the same as a weekly session. Mr. Fischer replied if they have to come in, yes. Councilmember Price asked for the time involved. Mr. Fischer replied it all depends on the number in custody; these are budgeted numbers but it depends on how many are there which is never really known. It also depends on whether someone can bond out in time or they have to stay long enough to have an appearance. Councilmember Price asked if that is seven days a weeks or just Saturday. Mr. Fischer replied it will be on the weekend because they can only be held in custody for a certain length of time before they have to be brought before a judge.

Councilmember Price asked if they would come back with a budget amendment if the case load increases. Mr. Fischer replied they would manage the court calendar. There is some capacity now for additional cases and they are working diligently with the software company to get a better count each session. There has been a glitch almost once a month where there have been some very large court sessions but they are trying not to do that. He thinks through some good management and efficiencies they can have some capacity in the sessions they have now. If it got to the point where they could not do that any longer, they would try to move sessions around or ultimately look for money in a budget amendment. But there would be a lot of work coming through the courts at that point and there would be fines and fees that would be paid that would help cover that cost.

Councilmember Price referred to attachments "A" and "B" and asked if they are being taken together or separately.

Mayor Wood noted there is an ordinance and then there will be a resolution. The first would be the reading of the ordinance and the vote.

*Councilmember Igleheart said this is an ordinance change that takes two readings and a resolution cannot pass based on the ordinance until the ordinance changes. Mr. Fischer said that is correct.*

*Mayor Wood said we are only bringing up one matter tonight on this. Councilmember Price said she understood.*

*There was no further Council comment.*

*City Attorney David Davidson conducted the first reading of an ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ROSWELL CHAPTER 2 "ADMINISTRATION," TO AMEND EXISTING SECTION 2.1.4 "COMPENSATION OF ELECTED OFFICIALS," AND FOR OTHER PURPOSES stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance: Whereas, Section Ch.7.20 of the City of Roswell Charter provides that the compensation of the chief judge and other judges shall be fixed by resolution; and currently the compensation of the chief judge is set by ordinance; and the Mayor and Council of the City of Roswell have determined it is in the best interest of the public welfare to set the compensation of the chief judge and other judges of the municipal court of the City of Roswell by resolution:*

*1.*

*Section 2.1.4 of the Roswell Code of Ordinances is hereby amended by deleting in its entirety the current Section 2.1.4 and substituting a new Section 2.1.4 to read as follows:*

*Section 2.1.4 Compensation of Elected Officials*

*Each member of the city council shall receive compensation of \$1,500.00 per month. The mayor of the city shall receive compensation of \$3,333.33 per month. The compensation of the chief judge of the municipal court shall be set by resolution of the mayor and city council. Such compensation shall be considered salary for tax purposes.*

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

*Public comment invited. None were made.*

*Further Council Comment:*

*Councilmember Price said she wants to make sure, if we are passing "A" then there is a presumption that we would be passing "B" or will there be a totally separate discussion on "B?"*

*Mayor Wood said there will be a separate discussion on "B," the Resolution. There will be a separate vote and a separate discussion.*

*Councilmember Price said there are a number of people in the audience who may have interest in this topic for whatever reason so discussion of "A" and "B" may be appropriate at this time.*

*Mayor Wood asked for questions or comments from the audience. There were no public comments. Mayor Wood asked for further Council comment.*

*Further Council Comment:*

*Councilmember Price said there is one item in the paragraph on "B" that reads: All judges of the municipal court of the City of Roswell shall be permitted to devote time*



*to other professions, including the practice of law, provided such profession does not conflict with the duties of chief judge or judge of the municipal court of the City of Roswell. She said her real question would be "If just because you are in the courtroom, is that the extent of your duties? Is there none courtroom time that would still be considered part of the duties of the chief judge?"*

*Mayor Wood asked Michael Fischer to respond to Councilmember Price's question.*

*Mr. Fischer said he did not know of any duties outside of what is handled when the judge is on the premises or in the courtroom. There may be legal answers to other things that they would do from a judicial standpoint, but the judges are here to listen and hear cases within the court. He said he was not aware of anything else they do outside of the court.*

*Councilmember Price said, "I know that there is some question from a number of people about whether or not the chief judge is permitted to practice law if this is a full time position. I guess the question hinges on whether or not this would be considered a full time position and whether time outside the courtroom is considered part of the job or not."*

*Mr. Fischer said he would defer the question of the definition as to whether this is a part time or full time position. He said it is a paid per session position. He was not aware of any duties the judge would have outside of the courtroom.*

*Mayor Wood said it currently reads that if the judge is not in court and not here in City Hall, he can practice law. There are a number of ethical codes that apply to judges that go beyond what this City does but the chief judge or any of the City's judges would have to comply with those rules of judicial ethics. But as far as whether it is the chief judge or the other fill-in judges, this does not limit their practice of law to serving for the City at City Hall. Mr. Fischer said that is correct.*

*Councilmember Price asked if this changes the way they are characterizing the position of the judge in this City. Mayor Wood asked David Davidson if he believes this is a change in the ordinance as the way the judge is characterized.*

*Mr. Davidson replied it is not a change in the ordinance on how the City characterizes the judge. There was a budget amendment around 2006 or 2004 that made the judge's compensation based on full time compensation. However, that budget amendment has been replaced by budget ordinances ever since that have not addressed it. The City's current elected judge has talked to the Judicial Qualifications Commission (JQC) which oversees judges throughout the State. They have said that if nothing is said in the city charter or in the ordinance, then the judge is free to practice. The JQC is the determining body; this would just clarify it.*

*There were no further questions or comments from Council.*

**Motion: Councilmember Igleheart made a motion for Approval of an amendment to Section 2.1.4, Compensation of Elected Officials, of the City of Roswell Code of Ordinances on First Reading and be placed on the Mayor and City Council agenda for 8/25/2014. Councilmember Orlans seconded. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD2014-08-09

**Community Development - Councilmember Becky Wynn**

2. **PV 201401064, 205 W Crossville Rd., The Providence Group**  
(This item was deferred at the July 14, 2014 Mayor and Council meeting)  
Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating this is a Parkway Village variance. The applicant is requesting to reduce the 175' buffer or 150' buffer with a berm requirement for a non-single family large tract development over seven acres that abuts the perimeter of the district. This is for the northern area of the subject property. It is approximately 15.3 acres. The proposed development is for 92 townhomes. There is an approximate six acre lake on the subject property adjacent to Crossville Road. An aerial of the property was displayed on the overhead and Mr. Townsend pointed out the existing single-family home, the lake, and the Parkway Village boundary line which requires the 150' buffer. He pointed out what the code would require that shows the Sterling Crossville development and also what would be required for the 205 West Crossville Road if the variances were not requested. That would be the code sections that require 150' on the eastern property line and the 150' on the northern property line and the 40' buffer and 20' building setback on the western property line. The applicant originally requested three variances but the variances on the western property line and northern property line have been removed. The only variance being requested now is to the eastern property line. The revised site plan was displayed on the overhead and Mr. Townsend pointed out the 20' building setback, the 40' building setback on the west and the 40' buffer setback and 20' building setback on the east and the 150' berm along the northern property line for what the applicant is proposing in their development.

Mayor Wood asked for Council questions. There were none. He asked to hear from the applicant.

*Applicant Presentation:*

Don Rolader stated his home address as 198 Bear Creek Point, Jasper, Georgia 30143. He stated he was appearing on behalf of Warren Jolly from The Providence Group of Georgia. He said this is not a rezoning request. This property in the Parkway Village District is zoned for the use intended. The Providence Group intends to construct fee-simple single family townhomes if this variance is approved. He noted that Brad Townsend had outlined that the applicant is only requesting one variance on the east boundary of this property to reduce it to 40' with a 20' setback. The other two variance requests have been withdrawn. If this were not the end parcel of the Parkway Village District, they would not be here; otherwise it has been designed to comply with the requirements of the ordinance and it works fine. The applicant has had multiple meetings with neighbors including Roswell Green and Sterling Crossville Townhomes. As a result of the meetings with those neighbors, the applicant agreed to 11 conditions to be part of the approval of this variance.

Mr. Rolader said in his written request he had asked for those conditions to be read into the record but to save reading time, he asked if it would be acceptable to the City Attorney and Mayor and Council if they could be displayed on the overhead screen to be voted on. He continued his presentation and said the property is 15.6 acres on the north side of Crossville Road. The west boundary is the Sterling Crossville Townhomes. The north boundary is Ivy Mill subdivision and the applicant is not

asking for a variance there. They are seeking a variance on the east boundary. A picture was displayed on the overhead screen and he said the entire northeast corner of the property is consumed with an existing detention pond.

Mayor Wood asked which development the detention pond serves. Mr. Townsend said it is for the development to the east.

Don Rolader continued his presentation. He noted that below the detention pond is a substantial creek, a blue line stream with substantial buffers. Below that are four homes in Orchard Lake on the far side of the creek buffer that abut the proposed development. There is an existing pond or lake for the remainder of the boundary that provides a substantial buffer from neighbors. He pointed out that they have put the distances from back of residences to back of residences on this drawing in order to provide an understanding of the distance involved with these natural buffers. He said it runs from a long distance of 315' to the shortest distance of 140'. The others are 275' or 160' which are substantial distances that would serve the same purposes as the variance that was pictured in the original ordinance. The homes on all of these subdivisions on the east boundary are far closer to each other than they are to the proposed development.

Don Rolader said the scheme they intend to use is laid out in the site plan which has been submitted. The applicant is the fourth largest home builder in the metro Atlanta area. Warren Jolly has an excellent reputation for the quality of his product and outstanding design. Both the proposed property and the Sterling Crossville property to the west are designed to be gated with private streets. He stated for the record that the applicant is requesting private streets and a gated entrance as part of their request. The Sterling Crossville Townhomes residents are vehemently opposed to an inner connecting roadway with this proposed development because they are private, fenced and gated and want to remain that way and the applicant stands with them in support of that proposition. The only reason these substantial buffers are imposed on the east boundary is because the property is the end piece of the Parkway Village and it were not the end, the applicant would have complied with the buffers and setbacks to precisely what every other similar development in the Parkway Village District would be asked to comply with. The applicant is asking for no favors or special circumstances or special consideration. If this is approved, the applicant will be allowed to develop the same as everyone else. The applicant's opinion is that all of these natural buffers and creeks and lakes on that side create a buffer that far protects the health and welfare and safety of the citizens of Roswell.

Don Rolader said to summarize, the applicant is requesting one variance on the east boundary of Ms. Conway's property to reduce the buffer to 40' and the setback to 20' as it is on the west boundary of the proposed development. The applicant has contacted abutting neighbors and subsequently submitted a list of conditions to be included with this request. If the request is granted, the applicant will be allowed to develop fee simple for sale single family homes in the same manner that other property owners in the district are allowed to do. If the proposed property were not the end piece, they would not have this issue.

Don Rolader then said he would lay out the conditions which have been discussed and agreed to and requested that they be incorporated into the record. He noted that staff has a copy of the conditions as part of the record. Seven (7) initial conditions were agreed to and pursuant to discussions with Orchard Lake that concluded today, they have agreed on four (4) additional conditions.

Mr. Rolader placed the seven (7) initial conditions on the overhead and read as follows:

1. All homes will be two story and have predominant brick or stone on the front and side elevations of the homes.
2. Lots 1-55 and 80-92 will contain a minimum of 2,100 square feet of heated living space, lots 56-79 will contain minimum of 1,850 square feet of heated space living area.
3. The forty (40') foot undisturbed buffer and the twenty foot (20') building setback should be reduced to a no buffer and no setback along the western property line for a distance of one hundred (120') feet from the West Crossville Road of Right of Way.
4. We will meet with City of Roswell arborist to have approval of the scope of the work before any work begins. This will be subject to all easements needed or permits received and approved, along with the Roswell Green Homeowner's association board. We will remove dead or dying trees along the edge of the existing lake and along the Easterly property line between the proposed development and the Roswell Green subdivision per arborist approval/City of Roswell or other government approval. This will be subject to all easements needed and approval of the Roswell green Homeowners Association Board.
5. The developer/engineer will be utilizing the existing pond/lake location on the southeastern portion of the property for storm water detention purposes. This shall be achieved by lowering the normal pool and removing the existing silt accumulated in the bottom of the pond, creating additional storm water storage below the existing normal pool elevation. The developer/engineer shall demonstrate by engineering analysis submitted with the Land Disturbance Permit (LDP) application, that the detention facility meets The City of Roswell requirements for storm water discharge.
6. Water Quality requirements are to be obtained by utilizing bio-retention ponds, infiltration chambers and/or additional BMP's as necessary. Water quality measures will not be allowed in the existing pond. Alternate compliance for Channel Protection to be achieved upon analysis of the downstream conveyance's ability to handle the flow from the pond.
7. A mandatory homeowners association shall be established before the construction of townhomes' our obtain from the City of Roswell. This association shall be responsible for maintenance at a consistently high quality standard for all common property including lake/detention pond, contiguous right-of-ways, curbing, landscaping, entrance monuments, street trees, tree save areas, fencing. The streets and alleys, along with the front gate within this development which will be a privately maintained by the Homeowners Association. The lake/detention pond will be maintained by the homeowners association according to approved design plans after the development has been completed.

Mayor Wood noted that the lake to the southern end of the property appears to be jointly owned and asked how many property owners there are. Mr. Rolader said he believed Ms. Conway owns the vast majority of it. An unidentified speaker said "all of it." Mayor Wood said then the applicant owns the entire lake and the homeowners association would be responsible for maintenance of the dam on that lake. Mr. Rolader said that is correct.

Mr. Rolader read the final four (4) conditions:

1. The Homeowners Association will carry general liability insurance coverage.
2. Developer will construct a wooden shadow box fence along the eastern property line adjacent to Roswell Green, Hidden Pond, Orchard Lake subdivisions subject to the City of Roswell Arborist and the City of Roswell development department review.
3. Developer will plant twenty (20) Leland Cypress or Cryptomeria along the eastern property line of Orchard Lake subdivision with the City of Roswell Arborist approval on placement of these trees for the purpose of screening were sparsely vegetation.
4. The Developer will have surveyor stake property line on the easterly property borders with Roswell Green, Orchard Lake and Hidden subdivisions before construction begins.

*Mr. Rolader said of the four additional conditions, the developer would complete conditions #2 and #3 before the first Certificate of Occupancy is issued and #4 before an LDP is issued. Mr. Rolader completed the summary of the conditions. He said the developer is requesting that these conditions be incorporated into this variance request if it is approved.*

*Council questions for applicant:*

*Councilmember Price said, "In the proposal there is no berm, is that correct? The berm goes away in your proposal?" Mr. Rolader said the berm that goes away would be on the east boundary; there will be a berm on the north boundary.*

*Councilmember Price said it will be on the north boundary. Mr. Rolader said that is correct; the 150' and the berm. Councilmember Price asked him to estimate the number of units that were in the prior request compared to the current request compared to what could be built if no variances were approved. Mr. Rolader replied it would be the same number of units they would have as when they filed the first three variance requests. He said this is a guess but if this buffer was imposed, they would lose somewhere over 20 units all along the eastern boundary.*

*Councilmember Price requested that the map be put on the overhead and asked Mr. Rolader to point out the different groups who have expressed group concerns. She asked him to point out Roswell Green. Mr. Rolader pointed out Roswell Green with five homes abutting the lake. He pointed out Orchard Lake with four homes in the middle that abut the property.*

*Councilmember Wynn referred to condition #3 from the list of additional conditions. She asked should the arborist think more than 20 Leland Cypress was needed, would that be a problem. Mr. Rolader said that would not be a problem. She thought Mr. Rolader had shown something to her that showed two and three story units and asked if there was a site plan or something showing that because she wants to be sure that if this is approved, the site plan would show all to be two story homes as is shown in condition #1 from the original seven conditions. Mr. Rolader said yes, condition #1 is that all homes shall be two stories. Councilmember Wynn asked if the applicant was in agreement with that and Mr. Rolader replied yes.*

*Councilmember Wynn said she would like to take out the wording "twenty (20) Leland Cypress" and instead have it be upon the discretion of the arborist because it could be less than 20 or approximately 20. She suggested adding the word "approximately." She asked Mr. Rolader if he was in agreement with that. Mr. Rolader said "approximately" would be fine.*

*Public Comment:*

*Scott Smith stated he is a member of the Orchard Lake community and said they have worked with the developer recently and expressed some concerns but believes the developer had addressed all of them. He thought they were the most adamant neighbors because they are so close to the retention pond and their concerns were specifically related to flooding and things of that nature but the developer was good in reacting to their concerns and giving solutions. He asked for clarification of what the developer had mentioned about doing some things to the pond as far as digging out to help out a little bit.*

*Don Rolader stated that the conditions as printed are the conditions, verbatim, with which they have agreed with the homeowners in Orchard Lake. He said any summarization that he made would not be considered as an amendment to that. Mr. Smith thanked Mr. Rolader.*

*Martin Shelton stated his home address as 1356 Atlanta Street and said he is here as counsel representing the Sterling Crossville Townhomes association. They submitted their concerns and are not opposed to the development but when the project originally started, they were opposed because the buffer had been reduced and there was a street going through the back. The buffer has now been restored to what is required within the ordinance and everyone is pleased with that. The Sterling Crossville Townhomes association as Mr. Rolader has said is very much opposed to having a connecting road through the back because it is a private gated community and they want to keep it that way. Mr. Shelton noted that the current plan as shown on the overhead tonight does not call for that emergency access street but he has been charged by his clients to tell Mayor and Council that they are opposed to it and will not agree to it. He said, "To put it in the friendliest way possible, if the City really wants the access, you are going to have to take it from us through court action."*

*Mayor Wood said that is not what is being voted on tonight.*

*Mr. Shelton said he understands that but if this is approved, they would like to see it approved as is shown here on this plan. He said another issue of concern to the people in Sterling Crossville is with traffic on SR-92. There is already an issue in that people traveling eastbound have to come back to access the entrance to their community. The cut-thru for SR-92 is positioned so that it is close to the top of the hill and makes it dangerous for people to have to make a U-turn. The concern is not so much with the amount of traffic but the safety for not only residents of Sterling Crossville but also the residents of the new community having to turn around while traveling eastbound to come back to their homes. Sterling Crossville has talked with people from The Providence Group about this and they all recognize it is not necessarily something that is within their control but they would like a commitment from the City to look at this and talk with GDOT about changing the location of the cut-thru that would be closer to where these communities are located so a turn can be made in a safer manner avoiding potential accidents. This issue and the road in the back are the primary concerns of Sterling Crossville. They know that only the City can help with correcting the traffic flow issue and asked for a commitment to try to get that done. Mr. Shelton noted that some of the residents of Sterling Crossville community will be speaking after him and that will be one of the primary concerns they will be expressing.*

*Mayor Wood said they certainly want to hear from their citizens but changing where the median cut-thru is located is not on the agenda tonight nor would it be voted on tonight.*

*Council Comment:*

*Councilmember Wynn asked Mr. Shelton for clarification and said she heard a couple of weeks ago that Sterling Crossville wanted a longer stacking lane to make that turn.*

*Mr. Shelton replied that the traffic engineers could figure out the best and safest way possible to get people from the east side to their homes but from a lay person's viewpoint, the best way is to have a media curb cut closer to the entrance so they would not have to make a U-turn and cross traffic. He said it could be either a better stacking lane or a curb cut but they would leave that to the wisdom of the City's traffic people and designers and the State of Georgia. He realizes the City does not get much say in it but if this isn't addressed, these residents are going to be in even more danger.*

*Councilmember Wynn noted that this is a State route and GDOT will have the final say. Mr. Shelton said he understands that which is why they are asking for the City's help with getting GDOT to do something. Mayor Wood said we are always here to*

help our citizens. Councilmember Wynn said definitely and she thanked Mr. Shelton.

*Public comment continued:*

Scott Carter, the Property Manager for Sterling Crossville Townhomes said he would reiterate what was just said and it can't be said enough to help everyone understand the gravity of the situation with that U-turn. Mr. Carter noted that until the end of last week, there was a connecting stub coming into their subdivision shown on the site plan but that has been taken off the plan. He stated that none of the Sterling Crossville homeowners want that connection and they do not want it reinserted back into the plan. Mr. Carter talked about the traffic on SR92 in rush hour traffic while having to make a U-turn into their subdivision. He said it is extremely dangerous and they have to wait a long time until the three lanes of traffic open with barely enough time to make the turn. Oncoming traffic moves extremely fast and it is difficult to judge the amount of time one has to make the U-turn. This problem needs to be resolved before stacking additional traffic from these 92 homes into these lanes.

Denise Wood stated her home address as 501 Roswell Green Lane in Roswell and said she is with the Roswell Green Homeowners Association. They submitted a letter to Brad Townsend this afternoon stating that if these conditions that have been submitted are accepted with the variance; they have no objections or oppositions to the property development as proposed.

Terry Young stated she is the President of the homeowners association for Sterling Crossville Townhomes. She is here more as a community member of this subdivision. She said the traffic problem actually starts prior to making the U-turn. Traveling west bound into the stacking lane to make the U-turn, cars are not travelling at the 35-45 mile speed limit. It is a "small raceway" and when a car slows down to make the turn on the stacking lane, they are almost rear ended. Waiting is not the problem. She would gladly wait to not be side swiped making the turn. She reiterated that the problem is the speed and volume of traffic while making the U-turn and adding homes is an accident waiting to happen. She said she does embrace these homes being built. She understands that is not what is being voted on tonight but asked that Mayor and Council take this issue into consideration.

No further public comments. The public hearing was closed.

Mayor Wood asked if there was anything further from the applicant. Mr. Rolader had no further comments. Mayor Wood asked for Council questions for the applicant.

*Council questions to applicant:*

Councilmember Diamond said she assumes that although this is a private road, it will be built to City specifications. Brad Townsend replied that was correct.

Councilmember Dippolito said he understands that most parties do not want a connecting road between the two subdivisions. He asked if the Fire Department could confirm that is acceptable. He knew they had a concern originally and they wanted a connection. He asked if anything has been heard from Public Safety. Mayor Wood asked Councilmember Wynn if she could address the question.

Councilmember Wynn said she knew it was an issue a couple of weeks ago but she had not heard anything from Public Safety since the access was withdrawn from the plan. She asked Brad Townsend if he had heard anything from Public Safety about the access. Brad Townsend stated he had not heard anything from Public Safety. Councilmember Wynn said then they have not heard anything contrary to removing it from the plan.

Mayor Wood said currently that connection is not on the plan and asked if this is approved tonight, could the applicant move forward without the connection. Brad Townsend replied yes if that is Council's wish. Councilmember Dippolito thanked Mr. Townsend.

Councilmember Price asked one of the representatives from the Sterling Crossville Townhomes for the number of units in their subdivision. An unidentified speaker replied, 97.

Mayor Wood asked for further Council comment.

Council Comment:

Councilmember Diamond thanked the neighbors and said these types of letters are not easy to get and thanked them all for their time and effort because it makes all the difference.

Councilmember Price commented on the density. She said "I know we are not allowed to use the word density anymore apparently but it does look to me a whole lot more dense than the neighborhood to the west. I know we are approving it based on the site plan and it is not likely that there would be fewer units. But compared to the property that Sterling Crossville has, to have almost the same number of units, to me is just too dense. I hate to see us trying to pack so many units into a piece of property. I would love to see fewer units but I guess we are going to let this one go."

Councilmember Wynn thanked Don Rolader and Warren Jolly and the neighbors who all got together to bring this to Council so easily and said that she loves these types of rezoning and variance changes. She thanked them all for making it work and everyone looks forward to a really great project.

Councilmember Dippolito thanked the neighbors and the applicant for working together. These things are never easy and it takes everyone getting together and being willing to talk. That is important and he was glad everyone took time to do that. There was a little give and take on both sides and it seemed to work out for everyone.

Mayor Wood asked to hear Steve Acenbrak's thoughts on the median cut and what the process might be. He said a lot of citizens have expressed their concern and he expects that number to double when this project moves forward.

Director of Transportation, Steve Acenbrak said staff would be happy to look into this issue. He said there are horizontal and vertical curbs there and given the existing number of turning movements and the projected new number of turning movements, they would do their best and work with the GDOT to make recommendations.

Mayor Wood asked Mr. Acenbrak to report back to the neighborhood association to inform them of staff's findings and the progress being made. Mr. Acenbrak said he would be happy to do that but it may take a while because there are quite a few things they need to look at.

Councilmember Dippolito said he traveled on that road last night and he saw Roswell police there at Sterling Crossville making sure people were not driving too fast. He said he knows the City has some enforcement there but they should look at the amount of time that there is enforcement and monitor that more closely. He said it could be a combination of talking with GDOT as well placing enforcement there at appropriate times.



Motion: Councilmember Wynn made a motion for approval of PV 201401064, 205 W Crossville Rd., The Providence Group, seconded by Councilmember Dippolito with the with the 7 conditions as presented by Don Rolader plus the 4 additional conditions and to include: Add a condition that there is to be no access road between this development and Sterling Crossville Townhomes; Amend #2 and #3 of the 4 additional conditions by adding "prior to issuance of the first Certificate of Occupancy;" Add the word "approximately" to #3 to read "approximately twenty Leland Cypress;" and Change wording in condition #4 from "before construction begins" to "before the LDP is issued."

1. All homes will be two story and have predominant brick or stone on the front and side elevations of the homes.
2. Lots 1-55 and 80-92 will contain a minimum of 2,100 square feet of heated living space, lots 56-79 will contain minimum of 1,850 square feet of heated space living area.
3. The forty (40') foot undisturbed buffer and the twenty (20) building setback should be reduced to a no buffer and no setback along the western property line for a distance of one hundred (120') feet from the West Crossville Road Right of Way.
4. We will meet with City of Roswell arborist to have approval of the scope of the work before any work begins. This will be subject to all easements needed or permits our received and approved, along with the Roswell Green Homeowner's association s board. We will to remove dead or dying trees along the edge of the existing lake and along the Easterly property line between the proposed development and the Roswell Green subdivision per arborist approval/City of Roswell or other government approval. This will be subject to all easements needed and approval of the Roswell Green Homeowners Association Board.
5. The developer /engineer will be utilizing the existing pond/ lake location on the southeastern portion of the property for storm water detention purposes. This shall be achieved by lowering the normal pool and removing the existing silt accumulated in the bottom of the pond, creating additional storm water storage below the existing normal pool elevation. The developer/engineer shall demonstrate by engineering analysis submitted with the Land Disturbance Permit (LDP) application, that the detention facility meets The City of Roswell requirements for storm water discharge.
6. Water Quality requirements are to be obtained by utilizing bio-retention ponds, infiltration chambers and /or additional BMP's as necessary. Water quality measures will not be allowed in the existing pond. Alternate compliance for Channel Protection to be achieved upon analysis of the downstream conveyance's ability to handle the flow from the pond.
7. A mandatory Homeowners Association shall be established before the building permits for construction of Townhomes' are obtain from the City of Roswell. This association shall be responsible for maintenance at a consistently high quality standard for all common property including lake/detention pond, contiguous right-of-ways, curbing, landscaping, entrance monuments, street trees, tree save areas, fencing. The Streets and alleys, along with the front gate within this development which will be a privately maintained by the Homeowners Association. The lake /detention pond will be maintained by the homeowners association according to approved design plans after the development has been completed.
8. The Homeowners association will carry general liability insurance coverage.
9. Developer will construct a wooden shadow box fence along the eastern property line adjacent to Roswell Green, Hidden Pond, Orchard Lake

subdivisions subject to the City of Roswell Arborist and the City of Roswell Development Department review prior to the certificate of occupancy.

10. Developer will plant approximately twenty (20) Leland Cypress or Cryptomeria along the eastern property line of Orchard Lake Subdivision with the City of Roswell Arborist approval on placement of these trees for the purpose of screening were sparsely vegetation prior to the certificate of occupancy.

11. The Developer will have surveyor stake property line on the easterly property borders with Roswell Green, Orchard Lake and Hidden subdivisions before the Land Development Permit is issued.

12. There will be no access road between the Sterling Crossville Townhomes and this development.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-08-37

3.

**V 20140345 - Variance to Article 5.4.14 of the City Code, Hazardous Occupancies, Honda Carland.**

Presented by Bradford D. Townswend, Planning & Zoning Director

*Planning and Zoning Director Brad Townsend presented this item stating this is a proposed variance to the Hazardous Occupancies section of the City Code dealing with billboards and "fall zones." It controls that no building structures or parking can be put in a fall zone. The location being discussed tonight is where the old bookstore building was located. That subject property has been purchased by Honda Carland and they are looking for an expansion.*

*Mr. Townsend displayed a drawing on the overhead and pointed out a blue circle that is the 50' radius that encompasses a portion where the applicant wishes to park cars under the "fall zone" of the existing billboard. He pointed out an orange line that represents the current right-of-way and the blue line that is the Sun Valley expansion line showing the location of the billboard just within that right-of-way but in the "fall zone" area where the applicant is proposing to park cars. Mr. Townsend said staff recommends approval of the proposed variance to allow the parking of the storage of cars within the "fall zone."*

**Council Comment:**

*Councilmember Dippolito asked City Attorney David Davidson if the City would incur any liability by allowing this variance that could potentially result in damage to vehicles if the billboard were to fall. Mr. Davidson replied that would be the problem of the billboard owner not the City. Councilmember Dippolito said allowing this variance does not set the City up for a liability. Mr. Davidson replied no.*

*Councilmember Diamond asked if the cars are able to park as close as they are indicated on the map and does this fall under the Unified Development Code. Mr. Townsend replied that the cars will be able to park. There will be serious grading and retaining walls and landscaping. He believes it meets the UDC for the buffer landscaping adjacent to the parking lot which is the way the proposed plan is and with the cars behind that area.*

*Mayor Wood said he has no objection to this variance and noted that when the "fall zone" was originally drafted, the intent was to prevent the construction of a structure.*

*But they never anticipated prohibiting parking under the "fall zone."*

*Mayor Wood asked to hear from the applicant.*

*Applicant:*

*Sam Stone with United Development Services stated he was representing Carland Automotive Group, specifically Honda Carland. He stated that the applicant already has a parking problem and they project selling 3,600 cars in 2015. They also service 700 cars per week and park 150 employees per day. Mayor Wood said the City appreciates the number of employees they bring to Roswell and the cars they sell and the taxes they pay. Mr. Stone said as does Carland. Mr. Stone continued and said they would not be building any structures in this location; only parking cars to help sell, service and employ more people.*

*Public comment invited. None were made.*

*Motion: Councilmember Wynn made a motion for approval of V 20140345 - Variance to Article 5.4.14 of the City Code, Hazardous Occupancies, Honda Carland. Councilmember Orlans seconded.*

*Further Council Comment:*

*Councilmember Price asked if the road would be realigned there. Mr. Townsend replied that is correct. Councilmember Price said the billboard is not moving but the road is also going to come in closer to it than it was. Mr. Townsend displayed a graphic on the overhead and pointed out an orange line that is the current right-of-way line and the blue line that is a future right-of-way line. He said the future right-of-way is moving closer to the base of the billboard. Councilmember Price said there will actually be more moving traffic in the fall line. Mr. Townsend replied yes. Councilmember Price thanked Mr. Townsend.*

*Vote: The motion passed unanimously.*

**Motion: Councilmember Wynn made a motion for approval of V 20140345 - Variance to Article 5.4.14 of the City Code, Hazardous Occupancies, Honda Carland with the condition that it adhere to the site plan and letter of intent submitted on July 18, 2014. Councilmember Orlans seconded. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2014-08-38

**4. Approval of a Text Amendment to the Unified Development Code (UDC), Section 10.2, Landscaping and Screening, Section 10.2.3, Neighborhood Compatibility Buffer table.  
(First Reading)**

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

*Planning and Zoning Director Brad Townsend presented this item stating this is a text amendment to the Unified Development Code (UDC) proposing to amend Table 10.2.3, Neighborhood Compatibility to add a C/D buffer under the PRD column as well as for future PRD's in that location. This has gone to the Planning Commission and there was a lot of discussion related to the details of how that would be implemented.*

*Council Comment:*

*Councilmember Dippolito said one of the reasons for this change was to clarify their discussions during the UDC process that when a PRD was up against another zoning category or another PRD, the buffer between the two would be dependent on what the actual lot sizes were on either side of that shared property line. The way this is written with first of all the absence of a PRD to PRD buffer was just an oversight. But there is also a note at the bottom with an asterisk that says "PRD buffer is based on existing development." He said he thought that was a little too vague and he sent language to Brad Townsend and Councilmember Wynn earlier today suggesting to expand on that to allow that if there is an existing PRD abutting a new proposed residential category or vice versa if there is a new PRD coming up against residential or if it is PRD with PRD, they would look at those two with what the lot sizes are and then define what that buffer should be from there. That is important because if there is a PRD that is a townhouse project going up against another PRD that is a townhouse project there is no reason to have a large buffer between the two. It is really a function of looking at what the various lot sizes are. He proposed having some additional language for the second reading that expands on that note that allows flexibility so there is not always a 40' buffer even if there are like uses butting against one another.*

*Councilmember Wynn said she had already talked to Brad Townsend and David Davidson to come up with some precise wording for Councilmember Dippolito. They are working on that and will send the wording to him before the second reading. They understand what he is suggesting and are working on the language.*

*Councilmember Igleheart asked Councilmember Dippolito for clarification and said, "If it were smaller units...it would not have a C or D? Or it would still be the C or D; it would just be more determined based on the lot sizes." Councilmember Dippolito said it is really dependent on what the lot sizes are on either side of that shared property line. For example, if there are 12,000 sq. ft. lots on either side of a shared property line, there is no reason to have a 40' buffer because if there is an RS-12 against an RS-12 essentially there would not be a buffer. By virtue of that fact, putting in a PRD should not penalize having to put in that additional buffer. Councilmember Igleheart said he understands but his clarification is so it would not necessarily be C or D based on that. Councilmember Dippolito said that is correct; it could be an A or B buffer or C or D or no buffer and would be dependent on what is adjacent. The best thing to do would be to compare what those lot sizes are within the chart that has been established.*

*Mayor Wood said he was confident that wording could be worked out before this comes back for the next vote. Councilmember Dippolito said it is not as complicated as it sounds.*

*Councilmember Igleheart said he understands that and what he thought which was clearly wrong was that the PRD was something that was set because it is a pretty big area wherever it happens to be. But as they are seeing, a PRD can be done in a pretty small area; just put a couple different things in there and call it a PRD. He thinks it is a loophole to allow people to get around that and then put something right next to it whether it is necessarily the right thing or not. He was concerned about still having that loophole which he thought they were trying to fix.*

*Councilmember Dippolito asked Councilmember Igleheart if his concern is that someone would put in, for example, RS-4 and then along the one property line they might put RS-12 just to avoid having the buffer. Councilmember Igleheart said right. Councilmember Dippolito said he had thought about that also but the more he thought about it; within the proposed development, those units need to be saleable so*

*the neighborhood needs to be designed in a way where people would want to live. Someone might not want to buy a large lot in a neighborhood where across the street everything is small lot; perhaps they would but there should be some sort of progression or continuity within the new development. He said to Councilmember Igleheart that he had thought about that as well and whether that creates an issue.*

*Councilmember Igleheart said generally except for a couple of cases, the existing PRDs that he thought they were trying to protect are the largest subdivisions. He said this talks about impacting those. He said the reason he wanted to put the C/D in was to make sure they have that protection. He did not disagree with what Councilmember Dippolito is saying as long as they make sure they do not allow what Councilmember Dippolito had just talked about.*

*Councilmember Diamond said the RS-4 and RS-12 up against each other already triggers the C/D. She suggested instead of putting C/D in the PRD to PRD slot, just put the asterisk and refer to the note at the bottom to read "buffer is based on existing abutting development."*

*Councilmember Igleheart said what he thinks Councilmember Dippolito means is that they would have the size; it would be a PRD overall but it would not be designated as an RS-4 or RS-9 or RS-12.*

*Councilmember Diamond said she thought they were saying the same thing and she hopes they can do it somehow on this chart without a long...(remainder inaudible).*

*Mayor Wood said they should wait to see how the chart looks.*

*Councilmember Igleheart said the reason for having the discussion is because they don't want this to have to come back to Council for discussion all over again because it turns out to not be what they thought or hoped it should be. Councilmember Diamond agreed and said she feels they are all saying the same thing.*

*Councilmember Wynn said hopefully staff will have wording to Council very soon. She thinks they have guidance of where the Council wants to go and they will be glad to send out wording on that and let the Mayor and Council look at the wording to make sure everyone is comfortable with it.*

*Mayor Wood suggested if there is not a consensus by the next meeting that it be deferred again until they reach consensus.*

*Councilmember Wynn said that is why she would try to get this to Council well beforehand so they have time to look at it. There is not really a time line on this; it is just a little house cleaning. She asked everyone to be patient and said staff will get the re-writes out for Council's thoughts.*

*City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND CHAPTER 10 OF THE UNIFIED DEVELOPMENT CODE, SECTION 10.2.3 TO ADD THE C/D BUFFER REQUIREMENT BETWEEN NEW PROJECTS PRD'S AND EXISTING PRD'S stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:*

*1.*

*Article 10, Site Development, Section 10.2 Landscaping and Screening, Section 10.2.3, Neighborhood Compatibility Buffers table, to add PRD under the new project column and to add a type C/D buffer under the PRD column.*

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

*There was no further discussion from Council. Public comment invited. None were made.*

**Motion:** Councilmember Wynn made a motion for Approval of a Text Amendment to the Unified Development Code (UDC), Section 10.2, Landscaping and Screening, Section 10.2.3, Neighborhood Compatibility Buffer table on First Reading and be placed on the Mayor and City Council agenda for 9/10/2014. Councilmember Diamond seconded. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD2014-10-10

### **Environmental / Public Works Department - Councilmember Rich Dippolito**

**5. Approval for the Mayor and/or City Administrator to sign a Joint Funding Agreement with the U.S. Geological Survey (USGS) for a Big Creek Flood Inundation Model in the amount of \$39,450.**

*Presented by Stuart Moring, Director of Public Works/Environmental*

*Councilmember Dippolito introduced this item and noted that he expressed some concerns over this during Committee. Subsequent to that he met with Stu Moring and Alice Champagne who gave him more information that he was thankful to receive and noted that he is now in support of this.*

*Environmental/Public Works Director Stu Moring presented this item stating this agreement with the USGS allows them to develop on behalf of the City, a flood inundation model on Big Creek. Currently, as does most communities, the City has flood maps which are static. They designate what would be the furthest extent of a "100 year storm." This model would provide real time inundation for a given storm so that there could be a better understanding of the nature of river mechanics as the water is rising and would provide real time information to emergency management staff and Transportation Department about the prospects for inundation of particular areas in a specific storm. This has been done in a few locations around the metropolitan area. USGS determined the need for this kind of real time information following the storms in September 2009. This would serve on Big Creek and the watershed and would be made available to the City of Roswell and the City of Alpharetta. The cost sharing arrangement would call for the City of Roswell to pay a share of \$39,450. The funding is available for that in the Stormwater Utility Fund. The details are spelled out in the agenda item. Staff recommends approval of this agreement. This would serve as an element of the watershed improvement program and satisfaction of the NPDES permit.*

**Council Comment:**

*Councilmember Price asked if the City of Alpharetta is contributing the same amount as the City of Roswell. Stu Moring replied yes. Councilmember Price said between the cities it is about 80% and the USGS is about 20%. Stu Moring replied no mam; the USGS will contribute \$23,300 on each project and their net share is \$46,600. Councilmember Price asked, "And we are not considered one entity then once it's established?" Stu Moring said it is one project; the funding is broken up as a mechanism to engage both cities. Councilmember Price said then it is approximately*

60/40 each city. Stu Moring said this is correct.

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

**Motion:** Councilmember Dippolito made a motion for Approval for the Mayor and/or City Administrator to sign a Joint Funding Agreement with the U.S. Geological Survey (USGS) for a Big Creek Flood Inundation Model in the amount of \$39,450. Councilmember Wynn seconded. The motion carried by the following vote:

In Favor: 6

### **Recreation and Parks Department - Councilmember Betty Price**

**6. Approval for the Mayor and/or City Administrator to sign an amendment to the contract with The Cultural Planning Group (CPG) for consultant services for the Community Cultural Plan in the amount of \$10,000.**

***Recreation and Parks, Historic and Cultural Affairs***

*Councilmember Price said "I know you have asked me before if I was not completely in support of an idea that I should not present it. Perhaps I will ask somebody else to present it."*

*Mayor Wood asked Joe Glover to present this item.*

*Recreation and Parks Director Joe Glover stated this item is an amendment to the contract with The Cultural Planning Group (CPG), the consultants for the Community Cultural Plan in the amount of \$10,000. He said the City has contracted the CPG for development of the Community Cultural and Arts Assessment Plan in November 2013. The plan will provide short term and long range actions, and culture and arts strategies for the City. The proposed addition to the scope of the work is to enable the CPG to integrate a set of recommendations regarding the historic homes into the Community Cultural Plan. The Plan will provide recommendations regarding the resources needed and the recommended organizational structure to support the implementation of the Community Cultural Plan. Since the functional operations and oversight of the historic homes and cultural affairs are tied together, it will be beneficial for CPG to take into consideration the impact of the Magellan Strategy Group's Report. Additionally, the CPG will work with the Mayor and Council to develop a vision and goals for the historic homes; meet with leaders of the "friends" Groups and meet with key city staff members. The amendment includes a two-day site visit; all meetings, coordination, follow up, and development of recommendations. This portion of this addition would be handled by the City Administrator.*

***Council Comment:***

*Councilmember Price said the backup materials indicate a two-day site visit scheduled for today and tomorrow. She presumed that would have to be modified. Mr. Glover replied that was postponed until after this meeting and it will be rescheduled.*

*Councilmember Igleheart said, "I guess it kind of falls to me since all the rest of this plan has fallen to me as well." He said initially he was concerned about some of the elements in that he does not want them to get distracted from the overall cultural plan. He said he trusts the CPG; they do good work and may help solve some of the*

issues the City is experiencing that have been identified. He said he would make a motion for approval.

*Motion:* Councilmember Igleheart made a motion for Approval for the Mayor and/or City Administrator to sign an amendment to the contract with The Cultural Planning Group (CPG) for consultant services for the Community Cultural Plan in the amount of \$10,000. Councilmember Orlans seconded.

Mayor Wood asked for public comment.

*Public Comment:*

Janet Russell stated her home address as 260 Willow Springs Drive. She said she superficially reviewed the Magellan report in the paper and what she took from it is that the jurisdiction and running of the historic homes would be taken away from the people who know best about these homes and would be moved to the jurisdiction of the CVB. She does not think they know anything about running historic homes. Historic preservation people are needed who are dedicated and passionate about what they are doing and they have been underfunded for advertising, publicity and almost everything. The historic homes need to remain under the guidance of the people that are not only knowledgeable but also passionate about what they do and they should be given the money to do it. It can't do anything if it is not funded. She does not trust the Magellan group. She questioned the motives of the Mayor and Council for wanting to take the authority of the historic homes away from the people who manage them and give them to someone else.

Mayor Wood said a vote will be taken on whether to expand the scope of the consultant's work for further advice on how the City should proceed. The City is not voting tonight on who manages the historic homes or whether that would be changed.

There were no further public comments. Public comment was closed.

*Further Council Comment:*

Councilmember Price said her reluctance in proceeding in this vein is not so much that she does not think they will give some good information. She said, "We don't know yet because we haven't gotten any feedback from them but to expand this work to include as it states in our packet to integrate a set of recommendations regarding historic homes into the Cultural Plan and that of course is the recommendations from the Magellan report. Since we have not discussed the Magellan report or adopted it, agreed with it, in planning around with it; I think it is fool hearty for us to pass that along to this group as if it has our blessing. It does not have our blessing. It does not have a blessing of many of the people intimately involved with the historic. I think that if we want to expand their scope of work that is absolutely fine. We could do it in a number of ways. I recently interviewed about half of the number of people who the Magellan Group have interviewed and I would say they are vehemently opposed to the recommendations of the Magellan report. Again, giving them the Magellan Report to integrate into their final report just seems foolish since we have not discussed it or adopted it."

Mayor Wood asked for Kay Love's understanding of the scope. He asked if they are simply going to adopt the Magellan Report as part of the larger report, or what do they mean by "integrate."

City Administrator Kay Love said they are not adopting the Magellan Report. The purpose is to integrate "a set of recommendations not necessarily the recommendations from the Magellan Report." The Council has not approved that report. There was a work session on May 28 when the Magellan consultants



*provided their results of the study. The goal with the Community Cultural and Arts Assessment Plan is to make recommendations for organizational structure to support the Cultural Plan. It is difficult for them to do that without taking into consideration the historic homes because functionally they are tied together with Cultural Affairs currently. To make a recommendation about cultural affairs will actually impact that based on current organizational structure. The Magellan Report is provided as a tool to the Cultural Planning Group so that they have the reference and the background and the benefit. Should this be approved, the CPG would be discussing the Magellan Report with the Magellan consultants to find out where they are coming from and what is the basis for the recommendations and how to best make a recommendation for an organizational structure that will support the entire plan. It would be up to Mayor and Council to decide what they will do with that information and how an implementation plan will be developed.*

*Councilmember Price said, "Again, I think it is premature to give them a report without any understanding of whether or not we have digested it and or concluded its voracity very simply and also the wisdom of its recommendations. I think it makes sense for Council and other entities to get together and make a recommendation also for the CPG to look at so that they are not biased in the same vein that the Magellan Report came back in a heavily biased report contrary to the wishes of many, many people in this City."*

*Councilmember Igleheart said for clarification that the people he was talking about was the Cultural Planning Group. They have done a very good job thus far on the Cultural Plan because they have bored into many elements and tried to understand them and make a plan that can work for everybody. Their viewpoints and their approach can work well with what has not worked well thus far in the home planning. He said, "I don't think that we do intend to say here's the plan, take that and put it in there." He said ultimately they may not take any of it. There are pieces of it from the operational side that, "and I don't mean who is running it" but some of the elements of how to make it operate better may have some value and that is to be part of it. The CPG seems to have the capability to help the City determine the end point. He said that is why he supports this.*

**Motion: Councilmember Igleheart made a motion for Approval for the Mayor and/or City Administrator to sign an amendment to the contract with The Cultural Planning Group (CPG) for consultant services for the Community Cultural Plan in the amount of \$10,000. Councilmember Orlans seconded. Councilmembers Diamond, Dippolito, Wynn, Igleheart, and Orlans voted in favor of the motion. Councilmember Price opposed. The motion carried by the following vote:**

**In Favor: 5**

**Opposed: 1**

### **Transportation Department - Councilmember Nancy Diamond**

- 7. Approval for the Mayor and/or City Administrator to sign a change order to the design contract with McGee Partners for the Sun Valley Road project, Phase 1, in the amount of \$200,000.**

*Presented by Steve Acenbrak, Director of Transportation*

*Transportation Director Steve Acenbrak presented this item stating this is for the Sun*

Valley Road project and they are actively designing that project. Some issues with stormwater have been added and they have also talked about making the pond bigger for regional detention. This \$200,000 is to finish the design and it includes stormwater for the road, stormwater for others for regional detention purposes, permitting associated with the stormwater, and additional requested elements such as a roundabout, geotechnical investigations with regard to the stormwater and some contingency funding. McGee Partners has done a great job so far. Staff is looking forward to completing this project by the end of the year and beginning the right-of-way acquisition.

*Council Comment:*

Councilmember Dippolito said he would like to make a comment. He referred to a diagram that he had requested the Transportation Department to put together showing the potential areas that could drain into this detention pond from a regional detention standpoint. He said that is important because it gives a sense of what could potentially use this. There are some areas of automotive uses and older buildings such as Honda Carland, some self-storage; all of those have the potential to drain into this detention. That is important. He said he asked Transportation to keep an eye on these properties and if they were to redevelop, how would they get the water to the pond. That is an important element of designing for this pond. Not only do they need capacity but also need to think about how the water gets there and whether they set up easements or identify areas where easements could be acquired for that to happen, or oversized pipes or whatever the mechanism is; they need to be thinking now about how the water gets to the pond; not just creating the volume for the pond itself. They would not want to go back and tear up a beautiful road that was just installed to try to get some stormwater in there; just a point to bring up to make sure they are keeping an eye on that as they move the design forward.

Public comment invited. None were made.

*Further Council Comment*

Councilmember Price said \$453,000 is already allocated in the fund to expand on Phase I. She asked what that funding was intended to cover. Steve Acenbrak replied, right-of-way. Councilmember Price said if this is taken out of that, will they be short for right-of-way. Mr. Acenbrak said they anticipate that the additional stormwater capacity being designed into this project will be favorably looked at by some of the people that the City needs right-of-way from for instance perhaps Honda Carland who might want to include that in some of their negotiations with the City. He said money is set aside for right-of-way but they are looking to get a favorable consideration from some of the impacted properties.

There was no further Council comment.

**Motion:** Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order to the design contract with McGee Partners for the Sun Valley Road project, Phase 1, in the amount of \$200,000. Councilmember Dippolito seconded The motion carried by the following vote:

**In Favor:** 6

**8. Approval for the Mayor and/or City Administrator to sign a change order to add 2014 Local Maintenance and Improvement Grant (LMIG) roads to the existing contract with Blount Construction Company, Inc. in the amount of \$910,000.**

*Presented by Steve Acenbrak, Director of Transportation*

*Director of Transportation Steve Acenbrak presented this item stating this is the yearly LMIG program funding by the Georgia Department of Transportation based on their budget. It is also based on a formula of population and centerline miles. Staff looks at the collector roads at overmatching, in other words, making sure there are more needs out there than there is money. They have identified three roads in this year's list which are Old Mountain Park, Old Roswell and Old Alabama. The amounts estimated exceed the \$626,000 that GDOT has allotted. So in working with the Finance Department this year, they looked at modifying a contract with the existing competitively selected contractor, Blount Construction Company. Subject to approval tonight, they could take the LMIG money, some of the City money and bundle it together and award it to Blount and begin work right away.*

*Mayor Wood asked about the eastern most portion of one of the roads which is in Johns Creek. Steve Acenbrak said they would only go as far as the City limits. Mayor Wood said a small finger of land that is Johns Creek comes into that area. Mr. Acenbrak said the road is actually in Roswell and the small subdivision just north of the right-of-way is in Johns Creek. Mayor Wood asked what the City's practice is when a road has one side in Roswell and the other side in Johns Creek. Mr. Acenbrak said fortunately, the legislature has seen fit not to do that because that would be very problematic from a public works standpoint. The right-of-way is always in one jurisdiction and sometimes that switches but in this case, that section is entirely within the City of Roswell. But it will stop and would be based on the legal city limit line and then there would be a section of that same road that continues in Johns Creek but both sides of the road will be either in Roswell or in Johns Creek.*

*Council Comment:*

*Councilmember Dippolito referred to Old Roswell Road and asked if either Johns Creek or Alpharetta have plans to continue that paving. He noted that they are putting in multi-use trails which he said are great. Mr. Acenbrak replied that Johns Creek is doing quite a bit of work along their section and he asked Neo Chau to respond to the question.*

*Construction and Street Maintenance Manager Neo Chau said Johns Creek is planning to pick up from where the City of Roswell left off and he believed that would go all the way to Nesbit Ferry Road. Councilmember Dippolito asked if Alpharetta is planning to do anything on Old Roswell Road. Mr. Chau replied he was not aware of anything. He said there will be a small section from Warsaw Road to Mansell Road that is only a small part of it and it will not be done by Alpharetta. He said he was not aware of their plans.*

*Councilmember Wynn said she lives in that area and she noted that Johns Creek is doing a lot of work around Mt. Pisgah in their section of Nesbit Ferry and Old Alabama. They are putting in sidewalks that look like eight foot sidewalks and they are doing a lot of work and paving up to the Roswell city limits. She said it will be very nice after the Roswell completes its paving.*

*Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order to add 2014 Local Maintenance and Improvement Grant (LMIG) roads to the existing contract with Blount Construction Company, Inc. in the amount of \$910,000. Councilmember Orlans seconded.*

*Mayor Wood asked for public comment.*

*Public Comment:*

*Janet Russell said this is a change order to add \$910,000 and the State is providing \$656,000 which comes to one and a half million. She asked what amount the City originally allocated and why are they spending so much more money than they thought.*

*Steve Acenbrak said, "Here in lies why we would like to change that term of 'change order.' Right now that is...required because that is technically what we are doing is changing the contract. This is actually something we had anticipated doing." Mayor Wood asked Mr. Acenbrak how much money is the total for this project. Janet Russell said she would like the amount that the City originally told Blount they would pay. Steve Acenbrak said they hired Blount Construction competitively as the City local streets contractor for about \$1.2 million. They have completed all of those projects. Janet Russell said all that money was budgeted and they were paid. Mr. Acenbrak replied yes. Ms. Russell said in addition they will be paid almost double that which is \$656,000 from the State and \$910,000 more which is almost \$3 million on a \$1 million project. She asked if they have increased their jobs or done more work.*

*Mayor Wood asked Ms. Russell to give Mr. Acenbrak an opportunity to explain. Ms. Russell said she wanted to give him all the information and said she was having a conversation with Mr. Acenbrak. Mayor Wood told Ms. Russell, "We are not here to have conversations with people at the dais; you need to address me. If you have a question, you need to address me."*

*Ms. Russell said, "You don't seem to understand; I talked to the Director...please do not...I am asking questions...I am a taxpayer in this City. I want to know what we really are paying, Mayor and I don't want double talk from you."*

*Mayor Wood said "you need to ask the dais the question." Ms. Russell said, "You don't know the answer. That is why I am asking the Director of Transportation."*

*Mayor Wood said, "All questions need to be addressed to me." Ms. Russell said, "Okay, I address them to you now; will you give me the answers completely to the dollar, Mayor Wood."*

*Mayor Wood asked her to repeat the questions.*

*Ms. Russell asked, "What did we originally contract these people for? Why are we paying an additional \$910,000? Why is the State paying \$656,000? What additional work have they paid to triple the amount they are receiving? Thank you, Mayor. I am sure you have all those dollars in front of you."*

*Mayor Wood said he did not have all those dollars in front of him but he has an excellent staff. He asked Mr. Acenbrak to respond. Ms. Russell said he can't talk anymore because you told him he couldn't talk to me. Mayor Wood asked Ms. Russell to refrain from interrupting. He asked if she had any other questions. Ms. Russell said she does for the next agenda item.*

Mayor Wood asked Mr. Acenbrak to respond to the first question.

Steve Acenbrak said they sent out a solicitation and asked for bids to do a slating of roads. Blount was the lowest responsive responsible contractor and therefore the contract was awarded to them for about \$1.2 million to do about 27 roads. Mr. Chau said about 30 roads.

Mr. Acenbrak said Blount has finished that contract. Mr. Acenbrak said, "What we did in consultation with our Finance Department was we set up an annual contract. Usually, we just do a list of roads, do the work and they leave. What we are trying to do is shorten the procurement process and make it more responsive to the needs of the citizens so we can go directly out without re-competing this work. Since they have already been competitively selected, we have the opportunity to take some of the money that we have left over. We purposely did not spend all of our money on our local roads so that we could use the State's money to leverage that and then turn this on to a contract. The State's money is based on a formula. The LMIG is a reimbursement of this motor fuel tax."

Mayor Wood asked how much money is coming from the State. Steve Acenbrak replied \$626,026.76. Mayor Wood asked how much is coming from the City of Roswell for these three projects. Steve Acenbrak replied the balance is \$283,973.24. Mayor Wood said for the three roads shown, the City will be spending the \$910,000; \$626,000 from the State and \$282,000 from the City. Mr. Acenbrak replied that was correct. Mayor Wood thanked Mr. Acenbrak.

*Further Council Questions:*

Councilmember Dippolito said the one thing they didn't say is that even though this is called a change order; they are actually adding additional work so the original scope of work was completed and paid for and now they are buying more roads and doing more work so it is technically new work but it is being called a change order. The terminology trips it up.

Mr. Acenbrak said the contractor must bond for the scope of work and they cannot bond for anticipatory work. There has to be a clearly defined scope of work. These three roads constitute the clearly defined scope of work with a length and a width and a volume which is why it is a change order to the existing, standing, open contract.

Councilmember Dippolito said Ms. Russell is concerned that the City is overpaying for this original scope of work which is not the case. Mr. Acenbrak said that is correct. Councilmember Dippolito said this is adding scope for doing additional roads and paying for the additional roads. Mr. Acenbrak said that is correct. Councilmember Dippolito said in simple terms, paying for additional work. Mr. Acenbrak said that is correct.

Councilmember Diamond said to further muddy the waters; the original budget for a road resurfacing was closer to \$1.5 million. Mr. Acenbrak said it was \$1.8 million. Councilmember Diamond said and only \$1.23 million of that was spent knowing that some would be needed to match LMIG because the formula does not always cover what the City asks for. Mr. Acenbrak said it would probably never cover everything that the City needs because they know from previous experience that the formula has no relation to conditions in the field because sometimes the roads are in really bad shape and require patching and milling and shoulder enhancements. There needs to be enough money left to make sure the job is done right when they get to these roads. He said a lot of art and science is embedded in these agenda items, especially this one.

*Councilmember Diamond said actually, they are leveraging each year's road resurfacing money to use State money to do more. Mr. Acenbrak said that is correct.*

**Motion:** Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order to add 2014 Local Maintenance and Improvement Grant (LMIG) roads to the existing contract with Blount Construction Company, Inc. in the amount of \$910,000. Councilmember Orlans seconded. The motion carried by the following vote:

In Favor: 6

**9. Approval for the Mayor and/or City Administrator to sign a change order to the design contract with Parsons Brinckerhoff for the Historic Gateway design project in the amount of \$200,000.**

*Presented by Steve Acenbrak, Director of Transportation*

*Director of Transportation Steve Acenbrak presented this item stating the Historic Gateway project is the City's most important project and does away with the reversible lanes in a tasteful way. This project has been going on for a number of years and a number of changes in the regulatory requirements have occurred since the project began. Similar to what was talked about earlier with the stormwater in relation to the Sun Valley Road project; the MS4 requirements have been layered on top of the existing contract with Parsons and was not originally bid on or negotiated as part of the scope of work. These elements will improve the chances for approval of the environmental document and include stormwater, additional studies such as ecology, aquatics and hydrology studies for the two bridges. There will be additional survey, some work with the Memorandum of Understanding with the National Parks Service, some place making and urban design elements that are part of the preliminary field plan review that is being done now and bundling that all together. The primary objective is submitting the environmental document for this project and they are projecting a November timeframe which is a huge milestone for this project. These are the last elements that the consultant needs in order to do a good job for the City. A little of it is probably front loading but it is anticipated that this will pay some dividends later on. The changes are to elements that would likely have been comments during the environmental process anyway but are being put together now so the environmental document has a better chance of being evaluated accurately and in a timely manner.*

*Mayor Wood asked for Council questions. There were none.*

**Motion:** Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order to the design contract with Parsons Brinckerhoff for the Historic Gateway design project in the amount of \$200,000. Councilmember Dippolito seconded.

**Public Comment:**

*Janet Russell said she served on a citizen advisory board for about 18 months and asked if Parsons Brinckerhoff is the same company that ran those workshops. Mayor Wood said that is correct. Ms. Russell said she understands the additional work as presented by Mr. Acenbrak but asked what was the original amount paid to Parsons Brinckerhoff. She said these change orders are very deceptive to the lay people who want to know what they are paying and the people of this City are tired of not knowing what the total cost is.*

Mayor Wood said to Steve Acenbrak that the question is, "what is the total amount of the contract for Parsons Brinckerhoff; how much have we spent before this and what will the total come to?"

Mr. Acenbrak said the City paid approximately \$1.8 million to the most qualified professionally selected design firm to do this which included preparation of the environmental document and the completion of the preliminary field plan review and to include incorporating the comments. That adds another \$200,000 so it is around the \$2 million mark.

Mayor Wood asked for the total. Mr. Acenbrak said the City has paid them \$2 million. Mayor Wood asked for the total estimated cost of this project including construction right-of-way acquisition. Mr. Acenbrak said, "The total estimated is \$18 million; I think is still the current working estimate with four bridges." Mayor Wood asked if that is \$18 million plus \$2 million or \$2 million plus \$16 million. Mr. Acenbrak said for the construction; \$18 million. Mayor Wood said then you would have to add design and right-of-way acquisition to that.

An unidentified speaker said, "\$18 million includes right-of-way." Mr. Acenbrak said the right-of-way was about \$5 million so it is \$13 million for construction and \$5 million for right-of-way acquisitions. Mayor Wood said and we are at \$2 million for design. Mr. Acenbrak said that is correct. Mayor Wood asked if additional design work is anticipated after this money. Mr. Acenbrak said he hoped not; we are in very good shape on this project. Mayor Wood asked what if the Federal or State governments come back and say there are more changes. Mr. Acenbrak said environmental policies change and engineering requirements change as more is learned in the engineering field.

Mayor Wood said he understands they will perhaps have to do an archeological aquatic study of the Chattahoochee River with regards to the pedestrian bridge. Mr. Acenbrak said they never anticipated that but if that is the new requirement to get an environmental document then that is what they will do.

No further public comments. The public hearing was closed. There were no further questions from Council.

**Motion:** Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order to the design contract with Parsons Brinckerhoff for the Historic Gateway design project in the amount of \$200,000. Councilmember Dippolito seconded. The motion carried by the following vote:

In Favor: 6

10. **Approval for the Mayor and/or City Administrator to sign a change order in the amount of \$296,588.40 to the contract with RJ Haynie and Associates to add six intersections to the SR140/SR92 Advanced Transportation Management System (ATMS) Project and approval of Budget Amendment BA35042700-08-11-14 in the amount of \$266,588.40. Presented by Steve Acenbrak, Director of Transportation**

Director of Transportation Steve Acenbrak presented this item. He said this is a complicated project. He gave an explanation of the first part of the agenda item. He noted that the difference between the two numbers is \$30,000. He then displayed a

map of Roswell on the overhead and pointed out Holcomb Bridge Road and SR-92 which is essentially the east/west corridor and also SR-9, the north/south corridor. In conjunction with the cities of Alpharetta and Sandy Springs, the Advanced Transportation Management System (ATMS) has been designed, constructed and operating going north and south on SR-9. Construction is underway on the east/west corridor, SR-140 and SR-92. When the Movie Studio Grill came in on Holcomb Center some years ago, this project was anticipated and the City asked the developer to allocate \$30,000 to improve the traffic signal for the cameras, signalization and software. That \$30,000 has already been accepted and is the difference between \$296,588.40 and \$266,588.40. Staff is asking for approval to add that to the construction.

Mr. Acenbrak said the second part of this agenda item relates to money left over from the SR-9 ATMS project. He displayed a graphic on the overhead and said there are five additional intersections that would make a significant difference to the value, efficiency and effectiveness of the current ATMS project. Staff is requesting to add the intersection at Holcomb Center that was previously talked about to these five intersections which are Crabapple Road at Houze Way; Norcross Street at Forrest Street/Frazier Street; Magnolia Street at Mimosa Boulevard; Pine Grove Road at Coleman Road; and Riverside Road at Riverside Park. These are feeder intersections that go into the main backbone to help control and monitor the traffic as it moves along the main backbone and from the side streets to better manage the system. It is also end stage and concludes any additional intersections that would need to be added. Staff is comfortable that with the addition of these intersections they will be in very good shape with the control of the traffic along the major corridors in Roswell.

Mayor Wood asked Mr. Acenbrak to address Ms. Russell's question; how much is being added in total to this contract. Mr. Acenbrak replied that the change order to RJ Haynie is \$296,588.40. However \$30,000 has already been paid by the private developer. Mayor Wood asked for the original cost. Mr. Acenbrak asked if he was referring to the north/south and the east/west because there are two different contracts. Mayor Wood said because this is system wide, he asked for the total system cost.

Mr. Acenbrak asked City Traffic Engineer Muhammad Rauf to address the question. Mr. Rauf replied \$3 million for construction. Mayor Wood asked how much is being added to that. Mr. Rauf replied \$266,000 from City funds and \$30,000 from the private developer.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Diamond said it is her understanding that this was money in the budget originally for the 20% match on the SR-9 part that did not have to be paid. Mr. Acenbrak said that is exactly correct. Councilmember Diamond said so the money is in this project budget. She asked Mr. Acenbrak to give an idea of the impact of the effectiveness of the overall network with or without these intersections.

Mr. Acenbrak said he did not necessarily have numbers because it needs time. They have "before information" but they want a little "after information." Councilmember Diamond asked in his professional opinion, what he sees as the benefit of adding these five intersections.

Mr. Rauf replied that the benefit is since these intersections although small, are too close to the major highways. They already know that traffic backs up into these



intersections from the main highway and from these intersections into the main highway. For a system to work on the main highway or on these side street intersections, they have to be coordinated among each other to be controlled. Currently, the major highways are being controlled with one system and these small intersections that are very closely spaced are controlled with a different system. Those two systems are not talking to each other. Since traffic backs up from these to the main corridors and main corridors to these little intersections, it is very important for those to be coordinated together.

Councilmember Dippolito said part of his question had been answered by Councilmember Diamond. He said this entire project was funded 80% with Federal funds and the 20% match has not been contributed but is being put in now. He asked if this is the original 20% match.

Mr. Rauf said the project that is being discussed is Holcomb Bridge and SR-92. It is an 80/20 match with 80% from the Federal government and 20% from the City of Roswell. The spare money that staff is requesting to be put towards this change order is coming from the SR-9 ATMS Project. The 20% match that the City had budgeted was picked up by the Federal government because SR-9 is a regionally significant corridor since the project included Alpharetta, Roswell and Sandy Springs. The Federal government said they would fund the construction at 100% so the 20% for that project that the City had budgeted is spare money that staff is asking to be used for this project for the additional intersections.

Councilmember Dippolito asked if that same argument could be made again to say that these additional intersections should also be 100% funded since it connects Cobb, Gwinnett and Fulton counties.

Mr. Rauf said this is actually just within the City of Roswell although it is a lot of intersections; 34 already on the main corridor. He said they did not get that offer this time.

Councilmember Dippolito said if Cobb and Gwinnett actually tied into the system, it would be considered regional.

Mr. Rauf said the Regional Traffic Operations Program (RTOP) by GDOT actually picked up a big amount of work that the City was going to do as part of this ATMS project and staff estimated the cost that RTOP picked up was around \$230,000. Also, when the Governor extended the tolls on GA-400 in 2010 or 2011, this ATMS project was considered a good feeder to GA-400 so about \$459,000 was paid to the City by the State Road and Tollway Authority (SRTA) which is already included in this amount.

Mayor Wood asked for further Council questions. There were none. He called for a motion.

Councilmember Diamond said it is painful for those who have not been able to see the instant results of this project but she believes this has been leveraged in all kinds of ways and if using money that is presently in that budget will make a significant difference that she believes it will in the operations, then they need to get the most for the money that has already been put in. She said she supports this.

Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order in the amount of \$296,588.40 to the contract with RJ Haynie and Associates to add six intersections to the SR140/SR92 Advanced Transportation Management System (ATMS) Project and approval of

*Budget Amendment BA35042700-08-11-14 in the amount of \$266,588.40.  
Councilmember Dippolito seconded.*

*Public Comment:*

*Janet Russell said Councilmember Diamond had asked how efficient these systems are. She stated that she lives on SR-9 and these systems are awful and have not made any improvements to SR-9 and the south and north bound traffic flow on weekends or weekdays. Traffic backs up to the Presbyterian Church south bound on weekends when there is virtually no traffic. She said she has had long conversations with Mr. Acenbrak about this and he has listened to her feedback. Transportation put in a large metal box that blocked the vision to get out of their street. She nagged to get it made smaller and lifted higher. No one had the common sense to get in a car and sit at the intersection to look northbound to see it. She said the City needs to get engineers out of their cars and off their notepads and get some real humans involved in these projects. She is tired of engineering professionals coming up with pie in the sky ideas that have nothing to do with real life. There has been no improvement in SR-9. She just sat for about 10 minutes to come out of Oak Street to make a left when there was virtually no traffic anywhere. She had to pull off the road into a driveway for an ambulance to get by the terribly jammed traffic in both directions. There is a giant problem with ATMS. This is not improving things for the people who live in these corridors.*

*No further public comments. The public hearing was closed.*

*Mayor Wood asked for Council questions.*

*Further Council Comment:*

*Councilmember Price said she has been disappointed with this project and a lot of people have been. It points out several things; one that we get tempted by matches and even though it seems like it is free money and somebody else's; it is still the City's tax money and we still have to come up with the match. We have been lured into this project and our professionals have told us it is not performing the way we hoped it would and now we are sort of being promised that if we just throw good money after bad then perhaps it will get better. But my main reason is we still have not figured out how to spell Frazier Street so I am going to withhold my vote on this item.*

*There was no further Council discussion.*

*Vote: Councilmembers Diamond, Dippolito, Igleheart, Orlans and Wynn voted in favor. Councilmember Price opposed. The motion passed 5:1.*

*Mayor Wood said he has a great deal of confidence in the City's engineering staff and it is the best engineering staff in the State of Georgia and Roswell is the model for traffic control management in the State of Georgia right now. He said he had the pleasure of speaking to the experts in Atlanta and he made two comments to them; they have a tough job and everybody thinks they know how to engineer traffic better than the engineers. Mayor Wood said he has confidence in the people this City has hired and is sure they are bringing the best technology that is available. Everyone says the traffic only gets worse so they must be doing a terrible job. Mayor Wood said he told those engineers, "My father used to drive to Atlanta on two lane roads and it took him an hour." Mayor Wood said billions of dollars have been spent and people can say that traffic is only worse now than it was when he was a boy 60 years ago but they are overlooking the fact that there is more and more traffic that has to be handled every day. He said we are running as hard as we can to keep up with traffic. He believes in investing in the City's traffic engineers and in the very best technology*

*because although everyone may not be able to agree upon the solution, they can all agree on the need to invest in traffic. To do that they must have the best engineers that they can hire and he has a great deal of confidence in them. They are doing a great job and he appreciates what they are doing. He said what people do not realize is that if these transportation improvements were not made the traffic would be stopped completely.*

**Motion:** Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a change order in the amount of \$296,588.40 to the contract with RJ Haynie and Associates to add six intersections to the SR140/SR92 Advanced Transportation Management System (ATMS) Project and approval of Budget Amendment BA35042700-08-11-14 in the amount of \$266,588.40. Councilmember Dippolito seconded. Councilmembers Diamond, Dippolito, Wynn, Igleheart, and Orlans voted in favor. Councilmember Price opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

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

#### **11. Recommendation for closure to discuss personnel, litigation and real estate.**

**Motion:** Councilmember Dippolito moved for closure to discuss personnel, litigation and real estate. Councilmember Diamond seconded. The motion carried by the following vote:

In Favor: 6

### **Adjournment**

**Meeting adjourned at 9:21 p.m.**