



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

Wednesday, September 10, 2014

7:00 PM

City Hall

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; City Attorney David Davidson; Assistant City Attorney Robert Hulsey; Police Chief Rusty Grant; Fire Chief Ricky Burnette; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Interim Deputy Director Alice Champagne; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Director Joe Glover; Recreation and Parks Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Accounting Specialist Karen Bernard; Budget Manager Ryan Luckett; Budget Coordinator Denise Brown; City Planner Jackie Deibel; City Engineer Jean Rearick; Assistant to Community Development Director Kristina Lappin; City Planner Courtney Lankford; Community Relations Manager Julie Brechbill; Community Relations Coordinator Karen Zitomer; Financial Analyst Lynn Williams; Grants Manager Danny Blitch; Employee Relations Manager Michelle Hunter; Water Resources Manager Alice Champagne; Water Resources Engineer Danelle Alloway; Environmental Programs Manager Janet Liberman; Environmental Education Coordinator Vicki Culbreth; Human Resources Benefits Manager Karin Grindstad; Historic and Cultural Affairs Manager Morgan Timmis; Deputy Police Chief Craig Easterwood; Police Captain Ken McRae; Transportation Land Development Manager Clyde Stricklin; Senior Transportation Engineer Robert Dell-Ross; City Traffic Engineer Muhammad Rauf; Traffic Operations Supervisor Mike Elliott; Construction and Street Maintenance Manager Neo Chau; Administrator of Park Services Jeff Pruitt; Recreation Superintendent/East Katie Trolene; Bulloch Hall Historic Site Coordinator Pam Billingsley; Smith Plantation Historic Site Coordinator Chuck Douglas; Building Operations Technician Andrew Hale; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Nancy Saviano; City Clerk Marlee Press.

Pledge of Allegiance - The Junior Flyers

Mayor Wood recognized The Junior Flyers and asked them to come forward and introduce themselves.

Nick Ostreich said he has been racing six years and riding for nine. Ryan Garvey has been racing one year. Analise Ostreich has been racing three years. Max Ostreich has been racing four years. Jerry Latham has been racing three years. Sophia Broadwell has been racing since she was nine.

Mayor Wood asked Sophia Broadwell what titles she has. Sophia said she has a few state champion titles and won third place at nationals in 2011 and a fifth place at nationals in 2012.

CONSENT AGENDA

1. **Approval of the August 11, 2014 Mayor and Council Meeting Meeting Minutes (to replace the Council Brief approved on August 25, 2014); Approval of the August 25, 2014 Mayor and Council Meeting Brief.**

Administration

Approved

2. **Approval for the Mayor and/or City Administrator to Accept Parcel #10 Right of Way Agreement for the SR 140 Westbound through Lane and Streetscape Project in the Amount of \$9,485.**

Transportation

Approved

Approval of the Consent Agenda

Motion: Councilmember Wynn made a motion, second by Councilmember Orlans for Approval of Items #1 and #2 on the Consent Agenda. Item #3 was extracted at the request of Councilmember Price. The motion carried by the following vote:

In Favor: 6

3. **Approval of a Policy on High School Mascots painted on Public Roads.**

Transportation

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

Transportation Director Steve Acenbrak presented this item stating that he would be happy to answer any questions but since they had talked about that they had a

request come through, specifically Roswell High School that had asked about painting mascots on the public right-of-way. Transportation inquired about other municipalities, specifically their neighbors to the left and right, Cobb County and Gwinnett County. They got some feedback from them and came up with a draft policy and are prepared to do the draft policy. It is essentially that they have limited it to high schools and they said that the high school will basically make an application to the Roswell Transportation staff basically outlining their proposal. RDOT will approve it, the applicant will hire a contractor, they will have them put in, they will refresh them as they are needed and if they choose not to do them they will be required to eradicate them. So, it is a pretty basic policy and the Transportation Department is prepared to execute that as the Council approves it.

Mayor Wood asked for clarification if this is applied to public and private high schools. Steve Acenbrak clarified that it applies to public and private schools but it is limited to high schools; that was the issue.

Mayor Wood asked for questions from Council.

Council Comment:

Councilmember Price asked what the procedure is if a school wants to do it. Steve Acenbrak stated that they will make an application to the department that is basically a right-of-way encroachment form. Councilmember Price clarified that No. 4...it just seems like there is no ability for the staff to either reject or what have you. It looks like the applicant can just provide the drawings and then the City has to do it.

Steve Acenbrak stated that anytime someone provides the staff with a drawing and a concept, they work with them. If they came in and said that they would like to do half a mile in each direction the RDOT would probably say no. They would probably say that they could do a couple of hundred feet in each direction in each lane approaching the stadiums. So, they will work with them. If the Council would like to add further guidance to the staff, that is fine. He thinks they perfectly understand what Council's intent is and RDOT does these encroachment permits all of the time.

Councilmember Price stated that as they spoke earlier, she has seen some schools where it has gotten carried away. She doesn't know whether they just didn't know how to say no or...Steve Acenbrak stated that one thing that might be of consideration is if the Council would like to amend this to say something like mascot symbols will be limited to 200 or 300 feet in each direction approaching the stadium or something like that to help the DOT guide the efforts of the school that would be fine. But it is really not necessary as far as he is concerned. They are anticipating three or four or five mascots appropriately spaced in each travel lane as it approaches the stadium. And that is really the extent of their understanding of the Council's guidance for this policy.

Councilmember Price asked if it would be in one entrance or multiple entrances. Steve Acenbrak stated that it is the stadium that is the issue; a Booster Club kind of a thing so whatever the main entrance is off of the stadium. Councilmember Price stated that they can be very nicely done, but they can also be very overdone. And when they are overdone they are really very distracting to the drivers.

Mayor Wood suggested that whatever they do they are going to have to treat each high school the same. They certainly are not going to have...so his recommendation is why they don't get with the high school that is requesting this, come forward with the guidelines and then one can adopt the guidelines to go along with this policy and the Council will be comfortable. But Mayor Wood's biggest concern is not whether it is too much or too little, it is that one get treated differently than the other one and

that is when they really get in trouble. He thinks it is appropriate to develop guidelines and say that one has to follow it. So, maybe they adopt the guidelines on the front end after a discussion with the high schools and then Council has a comfort level of what is being approved.

City Administrator Kay Love stated that they certainly intend to treat everyone consistently but there is a time sensitivity because they have a request from Roswell High School is her understanding. So, if they could get some type of clarification and perhaps get this approved in some fashion tonight it would allow them to proceed.

Mayor Wood stated that he is fine with approving it he just wants to make it clear that whatever they do for one high school, they do for the other.

Steve Acenbrak stated that perhaps the simple way to do this is to simply add to No. 4 that the icons or the graphics are limited to 300 feet in either direction of the entrance. And that pretty much creates a geographic limiting factor that it will be easy for the RDOT to apply to every situation if Council thinks they need that clarification.

Councilmember Orlans stated that he just wanted to clarify that Steve Acenbrak is talking in referencing to stadiums yet this does say stenciling is only allowed in the public roads at or near the main school entrance. So, which is the intent?

Mayor Wood stated that he thinks the intention is within 300 feet of the main school entrance.

Steve Acenbrak stated that it could be the main school entrance or the stadium. He would defer to the school. If they have a certain reason why, for instance it's Centennial, if they want the entrance to be the focus rather than the stadium. It is not really the RDOT's call to tell them where to do it. It is really their call to just sort of, as Mayor Wood pointed out, make sure it is uniformly applied. He doesn't really care whether it is the stadium; he assumed it was the stadium from a Booster standpoint. Maybe what they could just do it on the right-of-way within the property lines of the school. Mayor Wood stated that some schools have more property lines than others and then they get into a Steve Acenbrak stated that say for Roswell High School they have Hardscrabble and King. His thought was that this would just be on King and there is no reason for this to be on Hardscrabble.

Councilmember Orlans stated that one could say on one right-of-way. Steve Acenbrak suggested saying "the main entrance." Councilmember Orlans stated that the main entrance is fine; he was just trying to get to the stadium. The stadium may be in different places. He guessed that he didn't read the limitation of one.

Mayor Wood suggested they say that the main entrance is designated by the high school and they can pick whatever their main entrance is. Steve Acenbrak agreed with the Mayor. Councilmember Orlans clarified that basically they are saying one mascot drawing potentially on each direction. Steve Acenbrak stated that was correct. He is saying there could be multiple mascots. There could be three or four, so let's say Roswell Hornets. There will be three or four hornets on King Road leading up in one direction and three or four leading up in another direction as one approaches whichever entrance they apply for.

Mayor Wood stated that this does not say all of that. That is what he thinks the Council is getting at. Councilmember Orlans is saying one at the main entrance and then he is saying three or four. That is what he guessed they were getting to no consistency. So he thinks they probably need to narrow those down to determine it. He would not think one would want three or four at a school. He would think one

would want primarily one to identify it in each direction. He does not know what the rest of the Council thinks.

Councilmember Diamond stated that it just seems much harder than it needs to be. She really feels like staff can handle this. But if they need to do something maybe on No. 3 they take away main school entrance so that is at the discretion of the school which entrance they want to consider and that the icons are limited to 300 feet on either side of the entrance, a maximum of eight total.

Steve Acenbrak stated that was fine. Councilmember Diamond stated that they were saying three or four on each side. They are going to be about 50 feet apart and then they have to work around the crosswalks.

Mayor Wood stated that he would like to see more himself. Councilmember Diamond stated that they are halfway through football season and they are still messing with this and she feels certain the staff can handle it. Councilmember stated that was her motion.

Steve Acenbrak stated that he is fine with both of those proposals.

Mayor Wood asked to hear the motion.

Motion: Councilmember Diamond made a motion for Approval of a Policy on High School Mascots painted on Public Roads with the conditions set forth here by staff saving No. 3 where they eliminate the word main out of school entrance and icons are limited to 300 feet on either side of the entrance with a maximum of eight total icons. Councilmember Wynn seconded.

1. Limited to public and private high schools
2. State Routes are prohibited
3. Stenciling is only allowed on the public roads at or near the school entrance and icons are limited to 300' on either side of the entrance with a maximum of 8 total icons.
4. Schools are required to provide drawings of their proposal to Roswell Department of Transportation (RDOT) with measurements and locations
5. Stenciling shall be a minimum of 50 feet from any standard school zone or cross walk striping
6. Schools are required to pay all related costs associated with design, installation and maintenance
7. Schools shall hire a qualified contractor to perform the work within the right-of-way (Students are not allowed in the street)
8. The Contractor is required to submit a Right-of-Way Encroachment Permit to RDOT before performing any work within the roadway
9. Stenciling shall be refreshed every three years or sooner
10. If a school does not want to or is unable to maintain the stenciling in the future, they are required to eradicate the markings at their expense.

The motion carried by the following vote

In Favor: 6

Mayor Wood introduced Ricky Burnette, the new City of Roswell Fire Chief.

REGULAR AGENDA

Mayor's Report

1. Reading of a Proclamation for Constitution Week September 17-23.

Mayor Wood read the Proclamation stating, whereas September 17, 2014 marks the 227th Anniversary of the signing of the Constitution of the United States of America by the Constitutional Convention. And it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary and the patriotic celebration which will commemorate this occasion. And public law 915 guarantees the issuing of a Proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.

On behalf of the City of Roswell, Mayor Wood proclaimed the week of September 17-23, 2014 as Constitution Week in the City of Roswell and asked all citizens to affirm the ideals of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties remembering that lost rights may never be regained.

The Martha Stewart Bulloch DAR Chapter was present for the reading of the Proclamation for Constitution Week. An unidentified representative spoke about Constitution Week and said the Martha Stewart Bulloch DAR Chapter would like to remind everyone to remember on September 17th and give pause for the 227th Anniversary of the signing of our Constitution. She said in Roswell the Martha Stewart Bulloch DAR Chapter and Martha Stewart Bulloch CAR Society are very active in the community. They will be providing programs in the schools about the Constitution, delivering Proclamations, ringing bells, signing Constitution Week Scrolls, visiting nursing homes, senior citizen centers and other activities reminding our citizens that it is up to each and every one of us to safeguard the Constitution for ourselves and for generations to come. She thanked the City of Roswell on behalf of the Martha Stewart Bulloch DAR Chapter and said the City has always done a wonderful job supporting their efforts in all of their commemorative events.

Mayor Wood said on behalf of the City of Roswell, they are thankful to the Martha Stewart Bulloch Chapter for bringing this Proclamation to the attention of the citizens and for promoting the Constitution and all that it means to them.

2. Reading of a Proclamation for American Legion Day on September 16.

Mayor Wood recognized Roger "Sunny" Wise who was present at the meeting on behalf of the American Legion recognizing American Legion Day.

Mayor Wood read a Proclamation for American Legion Day on September 16 stating, whereas, the American Legion was chartered by Congress in 1919 on September 16th as a wartime veterans' organization based on the four pillars of Veterans' Affairs: Rehabilitation, National Security, Americanism and Children and Youth. Over the years the American Legion has become a community based service organization, more than 2.5 million members, men and women, in over 14,000 American Legion Posts worldwide. The American Legion supports a variety of programs that support

the four pillars and benefits our nation's veterans and service members, their families and American citizens. The members of the American Legion are dedicated to upholding the ideals of freedom and Democracy while working to make a difference in the lives of their fellow Americans and the 2014 observance of American Legion Day provides an opportunity to recognize our Legionnaires for their many contributions to our Roswell Community.

On behalf of the City of Roswell Mayor Wood proclaimed September 16, 2014 as American Legion Day and asked all citizens to recognize and support the efforts of the American Legion of the Roswell Community and worldwide.

Mayor Wood asked Roger Wise to say a few words.

Roger Wise thanked the Mayor and the City Council and said as an ambassador for the American Legion they are privileged to receive this proclamation. They are thankful to the City very much for recognizing what they do in their communities. He said he lives in Roswell and loves Roswell and each year Roswell does many things to make this a special place to live that include the Memorial Day service and the children's parades. He said his children were raised here and have gone near and far but they have all come back to Roswell. On behalf of the Legionnaires nationwide, State of Georgia and North Atlanta, he said thank you to the City for recognizing their efforts.

Mayor Wood thanked Roger Wise and asked for a hand for the American Legion and encouraged everyone to come to Roswell's 9/11 ceremony. It will be held tomorrow morning beginning at 8:30 a.m. at the Faces of War Memorial. He stated that he and the Council would be going on a Roswell Inc. sponsored trip to Asheville and would not be there but there would be many Roswell employees at the Faces of War Memorial. This is a moving ceremony that Roswell has done every year since 9/11/01 for 13 years and it is great tradition.

3. Presentation to the Roswell Police Department and Bike Roswell from the Junior Flyers on behalf of the Georgia 400 Ride.

Eric Broadwell thanked the Mayor and Council. He is the president of the Junior Flyers and they just wanted to come tonight to say thank you. They put on the event every year, the Georgia 400 Century Ride, where they get to shut down SR 400 and take over the lanes with bicycles. They cannot do that without the Roswell Police, and the Junior Flyers have a donation for their Foundation, the Roswell Fire and Police Foundation. It is a check for \$1000 to say thank you for all of the service that they do. Mr. Broadwell is glad to present this check but before he does, he would like to give the Council a few stats.

They had over 1368 documented riders, over 110 volunteers and the riders self-reported that they spent \$39,300 here in Roswell in preparation for the ride here through buying new merchandise and new bikes, food, whatever. But he can tell the Council that it is probably under-reported because several of the registrations happened at Roswell Bicycles. Mr. Broadwell happened to get those receipts where they paid at Roswell Bicycles and it brings them into the shop. They will say they are going to spend twenty bucks and right there on the receipt is an additional \$60 on top of the registration that they spent in the store. So, he knows it brings a lot of economic impact here to the City and several people do stay at the 400 Hotel or at the Embassy Suites and ride across to start the ride.

Mr. Broadwell presented a check for \$1000 to the Roswell Police Chief. Mr.

Broadwell stated that they are also making a donation to their other civic organizations here around cycling. Bike Roswell will be having their meeting tonight on the Grand Fondo, probably the biggest ride that is going to happen in Georgia and he will be presenting their check to them tonight.

Mayor Wood thanked Mr. Broadwell and the Junior Flyers for bringing cycling to Roswell. The City is proud of being the first bicycle friendly city in the state. It means something to the Council to attract good citizens and not just visitors, but people who live here. He has talked to several people, when he is occasionally riding his bicycle around Roswell and asks them where they live and when they say they live in Roswell he asks them why did they come? The new residents said because Roswell is a bicycle friendly community.

Mayor Wood stated that Roswell has a new Fire chief. Chief Rick Burnette came forward. Mayor Wood said he is not new to the City of Roswell. Chief Burnett stated that he has been with the City for 28 years, so he is a relative newcomer to the Roswell Fire Department but not unknown. He is taking over the leadership and the Council is proud of his accomplishments and proud of his leadership. He has the full support of the Council, he has the confidence of the Fire Department and Mayor Wood stated that he knows he will continue to do a great job.

Fire Chief Ricky Burnett stated that he just wanted to thank the Mayor and Council and City Administrator Kay Love for giving him this opportunity. He will work hard for Roswell, he promised that and he is here just to try to make a difference every day and support the Mayor and Council and the citizens of Roswell.

Community Development - Councilmember Becky Wynn

4. RZ201400970, CV201400974, 110 Woodstock Rd., Lehigh Homes.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating it is a proposed rezoning with concurrent variances located at 110 Woodstock. It is approximately 2.4 acres. The existing property is zoned RS12. The proposal is for RTH for the construction of 21 town home developments. Townsend presented the aerial of the surrounding property. As one can see the majority of it has existing cemetery to the east and to the south. To the west are the parking lot, cell tower and water tank adjacent to Minhinette. To the north is a town house development. He presented an aerial of the property subject to the development. This is a proposed site plan showing the 21 town home development, one access to Woodstock Road. The applicant is requesting the required buffers as part of the PRD along the eastern and the western property line. To the north of the property is where the detention and connection trails and sidewalks are located on the north.

The Planning Commission recommends approval of the rezoning with the approved buffer, Section B which is next to the water tank. They are recommending denial of the buffers, A, C, D and E which are along the eastern property line next to the cemetery. Staff recommended approval of the rezoning without the buffer variances.

Mayor Wood asked if the staff or the Planning Commission have any thoughts on the buffers.

Brad Townsend stated that the staff dealing with the buffers recommended the

approved buffers required as part of the UDC be applied to the property. They see no real concern since the buffers that are being requested to be reduced are not next to any existing homes. It is either next to the park or the cemetery or the water tank or the cell tower. So, it is not adjacent to homes in which the buffers are being requested reduced. So they do not see any real hardship for them, but because the UDC did call for specific buffers, staff could not recommend approval of reducing the buffers.

Mayor Wood clarified that technically they are following them although he did recognize that it was not next to any residential or commercial use. He asked if the Planning Commission had any thoughts on that. Mr. Townsend stated that the Planning Commission did not recommend reducing the buffers adjacent to the cemetery. They felt the reduction next to the water tank and the cell towers was applicable because by moving next to the cemetery along the eastern property line, there are a couple of specimen trees in which the entrance way is trying to stay out of the critical root zone. That in essence is pushing the proposed town homes closer to the water tank.

Councilmember Price asked Mr. Townsend to clarify the buffer requests on each side and how they are enumerated or lettered. Brad Townsend pointed out Buffer B at this location, which is along the water tank and the cell towers in this location. It is being requested to be reduced from a 40-foot requirement down to eight feet. These buffers along the cemetery, Letter C, is a 40-foot requirement going down to 13 feet. And then this varies in this location here. It is a 40-foot requirement going from 13 feet in this location to 32 feet in this location. And they have a buffer A, a 40-foot requirement. Mr. Townsend believes that one is going down to five feet. Buffer D in this location is a 40-foot going down to 30 feet.

Councilmember Price clarified that there is no buffer request for the back side. Mr. Townsend stated that was correct. Councilmember Price clarified that there are four separate ones on the right side, the eastern border, nothing on the road obviously and then one on the western, water tower side. Mr. Townsend stated that was correct.

Councilmember Dippolito stated that in those buffer areas, under the UDC, they require a certain amount of trees to be included. He asked if there are an equivalent number of trees included in these buffers even though the distances are small. Mr. Townsend stated that the same amount of trees, he thinks there, is going to difficult putting in, when they put 40-foot of buffer, they have trees so often. That would still be a requirement. He thinks the scenario is that may be too many in....if one has 40 feet of area to put trees in and now he only has eight feet of area, it may be over landscaping it to a certain degree. So the landscape arborist would look at the requirement and deal with that buffer appropriately, if approved.

Councilmember Dippolito clarified that they really don't know how many trees that would have been required to put in the buffer versus what they are requesting to put in here. Brad Townsend stated that was correct. Councilmember Dippolito asked if it was possible to figure that out in the next 15 minutes. Mr. Townsend stated that he was sure they could take a stab at it.

Mayor Wood asked if there were any other questions.

Hearing no further questions from Council, Mayor Wood stated that they will hear from the applicant. He told the applicant that he needs to focus on the hardship that he feels that he is under because of these variances.

Applicant:

Brendan Walsh, 120 Thompson Place, Roswell, GA thanked the Council. He is here to ask for a rezoning as Brad Townsend mentioned from RS12 to RTH at 110 Woodstock Street and a concurrent variance with the buffers on each side.

Mr. Walsh stated that he was the president of Lehigh Homes and Development, which is a family business here in Roswell. They are located in historic Roswell and he is also a resident of historic Roswell. His company focuses on infill development in areas that are unique that provides one with an access to walkable areas and great architecture. His company did Providence in historic Roswell which is right here off of Canton Street. They started that project in 2009. It was sitting vacant since 2005. When they started that project streets and pavement, curb and gutter and all of that was already in so they were a little limited on the site and exactly what they could do. But they took those 41 units that were approved there and decreased those to 35 units to help with green space and a park inside the community itself. Mr. Walsh presented a picture of the finished product that they have there in Providence. They also did Providence Historic Roswell Phase II, which is under construction right now. These were vacant parcels so they were afforded a little more leeway with what they wanted to do in designing the plan from the ground up. In doing so, they incorporated single family residences along with town home products to blend in with the existing Heritage that is on the street back there. It is the same kind of concept. They wanted to decrease density back there so they could provide more parks and green space.

Brendan Walsh stated that he will now get into a little more about the specifics of 110 Woodstock and how they arrived here. He purchased this property a few years ago. When one goes down Woodstock Street it is all offices and commercial spaces and he comes across this property. There is a water tower, a cell tower to the west of it, a cemetery to the east and existing town home developments to the north of it. It is completely overgrown at this point and it has been for some time. When he purchased this some people told him that he was a little crazy for doing it. They didn't see the value that was there. When he looked at it, he saw it as a big positive. It was a link between a great development that has happened on Canton Street and the new development that is starting to happen on Alpharetta Highway with Thumbs Up, Lucky's, Pure, the elementary school and the existing development of Liberty. It is great area for walkability and connects to parks, the soccer fields are right beside them, it connects to retail, to offices and to public transportation. There is a MARTA bus stop within a couple of hundred yards. When he first purchased the property he was gung ho on doing a mixed-use building there with a combination of apartments, condos, retail, restaurant, office, and town homes. He had his land planner start to put together conceptual plans of what he wanted to accomplish here. After they were able to put together some plans, Mr. Walsh said he couldn't get comfortable with what they were doing from a site layout and a site design. He decided to go out and meet with key players in the area. In doing so, he met with residents and HOA presidents in the area, the Roswell Historical Society which is a big part of the historic cemetery which is next door, business owners, Parks and Recreation, and the Roswell Arts Commission. Some of the feedback he got was no apartments in this area. They wanted to protect the existing specimen trees which are there, manage the storm water properly and manage the sanitary sewer properly, provide privacy and a buffer between the existing residents to the north in the town home development which has been there for almost 30 years, and respect the sensitivity of the neighboring cemetery which is to the east. The retail feedback was that business owners weren't as interested in this area. He also got feedback about what kind of additional traffic they would be putting onto Woodstock Street with the one entrance. They went through several alliterations of plans. This was a very thought out process for what they wanted to do and they stumbled across a few different

plans. They had some things that were meeting all of the codes that they wanted to meet with no variances on the buffers that they are looking at but he really wasn't happy with the design of the plan. It didn't give the privacy to the neighbors to the north who had been there a long time and it didn't give that great design aspect which is what he really desires when he puts together a project so they started to focus on a different plan with a lot of New Urbanism concepts. As one can see on the site plan there is a large open space and a park to the north of the site. There is a community gathering area in that same area. From the success that they had in Providence in Roswell they figured out that residents are ready to down size in this market but they still want to have their own little private green spaces. So they have incorporated them in that plan where there is a spot to set up one's grill or a spot to let the dog out which is important for someone that is coming from a half-acre lot down to a town home community. They were very active with the Roswell Arts Commission in figuring out a way not only to put some sort of public art design into their project, but also look at the surrounding area for any kind of opportunity for public art there. They found that there might also be some potential with the water tower right next door.

Mr. Walsh said they followed the 2030 comprehensive plan in doing town homes in this area and the thing that was probably most important was a strong curb appeal. On this plan, everything is a rear-entry garage which is what he always strives for in a town home development. They oriented these buildings from all of the high traffic areas where people are going to be the most; Woodstock Street, the parks, and people walking through the cemetery. That is where one is going to see the fronts of these buildings and see the great design that they are able to put out there.

Mr. Walsh said they also focused on the connectivity of the sites and how they can create biking trails and walking trails. Transportation is requiring them to do a biking lane on Woodstock Street. He said they asked themselves how can they tie all of these into the heartbeat of the city, which is Canton Street and at the same time, create a buffer and park area between the residents and Townsend Place. That is how he arrived at the site plan that is shown here today. If someone is standing on Woodstock and looking at buildings 1-4, those are all the front entries of the buildings. It has a shared alley way with buildings 5-8 so the garages will be hidden. Buildings 5-8 are highly visible from a green space or a park area they have designed in the community and the same thing with units 9-13 as well as 14-17. That is what one will see from Woodstock Street as well as the fronts of the buildings and the great elevations they were able to design there. And units 18-21 are going to face onto the park/walking area and detention system.

Mr. Walsh said what he really loves about this site is kind of what Brad Townsend mentioned; there are some large specimen trees that are at the very front of the property to the southeast corner where they have the road oriented as far west as they can go to save the specimen trees that one sees there. One sees the walking paths and the connectivity and there is a great historic trail that currently goes right through the cemetery which they will be tying into as well as looking to add another trail on the northwest side that will tie in the soccer field parking lot to give easy access to that park system.

Mr. Walsh said after putting together this plan they were comfortable with the design and the look and wanted to go back to the public and get their feedback and comments about this plan now that they are narrowed in on a better design compared to their previous plans.

Mr. Walsh said some of the issues that were brought up with this from a site concern were their sewer line and the verification of the Fulton County Sewer System in the area and their ability to tie into it. They also heard more feedback about their storm

water management system. They were able to come to an agreement with the Townsend Place residents on a piping system and easement that runs through their eastern side of their development, which eventually would be hard piped and tied in all the way to the back of Prospect Street. Mr. Walsh thinks that is a real key not only for them but for Townsend Place and the area in general. They had a little bit of an issue with some water runoff coming from the soccer fields and the parking lot there but if they are able to complete this project, he thinks it would help alleviate their problem as well as the redesign of their storm water facilities with that hard piping which they would be to keep a closed system now. That closed system is going to help them in the interior of their project to decrease the size of their storm water detention facility and in turn they are going to stay out of a lot of critical root zones of specimen trees in that area. They heard more feedback about the traffic in the area. He believes at the Planning Commission they submitted another report. They went above and beyond and did a traffic report for this area showing that there would be no detriment to the area.

Mr. Walsh said another thing which has been a sensitive subject is the cemetery and said he is very sensitive himself to the cemetery. They did a report where they went out with some initial probing in the area to see if there were any areas of concern. Probing is kind of the first step in the project to make sure that if they are looking for graves, unmarked graves in that area, it is going to be the less disturbed way to do it. After they found some areas that brought them some concerns they used radar technology to go under the ground from that area and they found buried trash, rubble, bottles and things like that. There were areas where they had done their own soil testing. That is what they found with the radar system.

Mr. Walsh said related to variances and what was needed, there has been a lot of discussion on the variances in this area and they are in a very unique situation here. If one is in a townhome project and he is abutting a civic space, which is what the water tower, the cell tower, the cemetery are considered, there are two options. They could do a 40-foot buffer with the required landscaping that Brad Townsend mentioned, or a 20-foot buffer with an eight-foot privacy fence. Mr. Walsh said they are asking for a reduction in the buffer alongside the water tower and the cemetery to reduce that from the 40-foot to avoid the eight-foot fence around the property for two reasons. They feel the eight-foot fence that would go on the property is going to provide a very hard background to the cemetery and this is going to be very important to the look of the cemetery. From the standpoint of someone standing inside the cemetery, how the project will look in the background. They feel it is better to soften up with landscaping rather than do the eight-foot fence which would be a requirement of the 20-foot buffer.

Mayor Wood apologized for interrupting but said for clarification under the current UDC, it is his understanding that one can either have a 40-foot buffer with no fence, or a 20-foot buffer with an eight-foot privacy fence. Mr. Walsh stated that was correct. Mayor Wood asked if he was going to maintain the 20-foot buffer area. Is he simply saying that he wants to go from 40 feet to less than 40 but still maintain 20, or are they dropping below 20 in places? Mr. Walsh stated that they would like to drop to below 20 to avoid the eight-foot privacy fence. They are not opposed to doing a different style of fence. Mayor Wood stated that the applicant still has at least 20 and asked if he is dropping below 20 in places. Is he asking to reduce the buffer below 20 and to eliminate the fence? It is a combination, not just eliminate one. Mayor Wood said he was getting the nod, yes. He said he wanted to make sure he understands the facts. He said the applicant is asking for a variance to the 20-foot buffer and to eliminate the privacy fence.

Brendan Walsh continued his presentation and indicated on the site map what this

helps them do with the variances. He said it helps to take their project more east-west than north-south. There are residents to the north that have been there for quite some time and it helps them create that usable green space in that buffer between those current residents. He indicated the areas that are called out where they are looking to do the buffer reduction; to the left is the area B that Brad Townsend mentioned that abuts the water tower and then four separate ones on the right, all kind of incorporated in the same thing. They are called out separately because with the angles of the site and how the existing property lines work, they change with the amount of footage in between at certain areas because everything is not parallel.

Mayor Wood asked Mr. Walsh to tell him how much buffer he is giving in each one of those areas. He said in D, it looks like 30 feet of buffer and asked "is that wrong or right?" Mr. Walsh stated that with the way that Mayor Wood is asking, right now for example, buffer area D is asking for a reduction from 40 feet to 30 feet. The reason they are asking for a reduction there is they don't want an eight-foot privacy fence that runs to the corner of the property there and runs back. They could get away with doing the 20-foot buffer with an eight-foot privacy fence in his opinion but it is just bad design from that standpoint. He said A is a reduction from a 20-foot buffer to a five-foot buffer without a fence. Mayor Wood stated that it looks like E varies from approximately 12 to 30 feet. Mr. Walsh stated that was correct; it is 30 feet into the median of the alleyway and then it decreases kind of up and down; C would be 13 feet at the northern corner. Mr. Walsh said on the note on this plan it calls out the planting schedule that they would do with these reduced buffers.

Councilmember Price asked if Mr. Walsh could identify the areas where he probed from that picture. Mr. Walsh stated basically a 30-foot line that runs parallel to their property line here from the northern property boundary all the way down to Woodstock Street. Councilmember Price asked Mr. Walsh how far in he looked. Mr. Walsh stated 30 feet in from their property line all the way down to the road. How much of that is where a proposed building would be? Mr. Walsh provided an actual copy from the cemetery report itself and said as far as being into that 30-foot zone; one can kind of see where the angle of that is and how it corresponds to this plan here. The corner of Unit 17 and the corner of Unit 18 would be the only ones in that area. Councilmember Price clarified that 17 and 18 would potentially be the areas where Mr. Walsh probed. Mr. Walsh stated that was correct. Councilmember Price thanked Mr. Walsh.

Mayor Wood asked Brendan Walsh to proceed. Mr. Walsh said that completed his presentation.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Igleheart stated that first of all he knows that Walsh said and he has heard discussions he has had with folks all around and he has made a number of changes based on that input. Councilmember Igleheart thanked Walsh for that work because he thinks it is important and appreciated. At the Planning Commission meeting there was discussion about the eastern buffer. Councilmember Igleheart thinks that is the one they just looked at. Roswell is having a new interest in the Woodstock Cemetery. The Historical Society has come forward and wants to do some things with that. He guessed that the reasoning for the civic buffer was not so much for the homes, because clearly they are residents but they are more permanent than some others so they are probably not too worried about it. But as they work on the cemetery and how close those buildings are... Councilmember Igleheart stated that he never did put on this drawing but there is a set right along that property line

where there are some existing grave stones. He does not know exactly where they are but it is going to be awfully close he thinks to 18. Has Walsh given any thought about the possibility? He and Walsh had discussed this long before he put the application and Walsh said and Councilmember Igleheart agreed that the four units that will probably sell last are the two next to the water tower and the two next to the cemetery. Councilmember Igleheart asked if Walsh had given it any thought. He knows he never wants reduced numbers but it is the last two that really make that buffer closer and it is closer to the cemetery and the existing graves and all that kind of stuff.

Brendan Walsh stated that met with Johanna Harnad from the Roswell Historical Society; he has actually walked the site with her and her associate. He knows that there is a meeting on the 23rd which he will be attending as well. There is an issue with the cemetery as it is now where they have an issue with maintenance and maintaining and overgrowth and all of those things. Walsh feels like this is a great opportunity to coincide with their initiative with what Walsh is doing with his project. Like he spoke about, this is going to be the back rounds of the historic cemetery there so he wants to design and make sure that the landscaping and the buffer requirements that they have in between are providing the best backdrop not only for their project but for cemetery itself. Part of what Walsh has looked at is if one does the 20-foot buffer, which they could get to if needed. They are going to put that eight-foot fence and they are going to have an area in between the cemetery and the outside of their project which is going to be, Walsh thinks, from a long-term standpoint tough to maintain. It is going to create a hard background from the cemetery followed by another hard background, which would be their buildings. So that is why they are asking more in the reduction of no fence as well to tie in with these buffer requirements.

Walsh has a mutual goal here of the cemetery as well. They respect it and want to make sure what they are doing provides good design and a good look for not only their benefit but for the cemetery's benefit as well.

Councilmember Igleheart agrees and stated that certainly the Council could give the variance for no fence regardless of whatever the distance is. That is not the biggest concern to him, it is more the closeness of those units to what ultimately, hopefully is going to be a revitalized cemetery. He is not sure if that is the right word to use.

Councilmember Wynn stated that Brendan Walsh had discussed a private agreement with the homeowner's association and she thinks Lori Henry also. She just wanted to let Council know that this is not a condition of zoning. It is actually a private agreement between Walsh and those two entities. Councilmember Wynn hopes she is not jumping the gun, but she said to go ahead and just put that into the minutes on the record. Is she correct in that is the way Walsh wants to handle that? Walsh stated that was correct. She thinks they can do that and just give it to Brad Townsend. They can have it on the record. She does want to thank Brendan Walsh for doing that. She thinks one of the things that they do have to do is follow up on Councilmember Igleheart's suggestion. Walsh feels that increasing that five-foot buffer is not in the best interest of this development or not for the cemetery. So how does Johanna Harnad feel about having that so close to those two graves? Councilmember Wynn thinks there are two or three graves right there.

Brendan Walsh stated that he spoke to Johanna Harnad and she is not allowed to speak publically with her position so he does not know if he is allowed to say or not. Councilmember Wynn asked Walsh to give her his opinion of how this meeting went. Walsh stated that he thinks the meeting went very well. To be honest, when they

originally started the project and they were vetting what they were going to do to get where they were even closer and that is where the historical society had some concerns. They since have moved away farther from what they originally designed. So walking the site with Harnad and seeing how the two parcels are going to play off of each other, Walsh thinks Harnad was very happy with what they have designed now.

Mayor Wood stated that he had a couple of questions. The first is again the Council is looking at cemeteries as a place for people to reflect and sort of a passive park. They know that they have trails through this cemetery. Is there any possibility, without walking over graves to get from the rear loop trail around the property over to the cemetery trail system? Mayor Wood stated that he knows because that is a great way to get over to Thumbs Up and to Pure.

Brendan Walsh stated that he agrees with the Mayor. In some of their original iterations they had that connection in and in doing a little title work in that area, the cemetery is actually two different parcels and the northern parcel is owned by a private entity. The southern parcel is not. So their power was a little restricted.

Mayor Wood had a question for staff. Is that private entity who owns this property maintaining this property? It is one thing to own it and have title to it but the City is now being asked to accept responsibility for maintaining, as the Mayor understands it, this entire cemetery. It doesn't affect Walsh but it is a question that he has. If they have a property owner who owns this and hasn't abandoned this property, if the City is maintaining his property they need to take a hard look at that. But what he would like to see is an easement to get from, if in the future they got an agreement with the property owner or the property owner abandoned this as the previous (whoever owned this property) did. He would like to see the potential for a connection between that rear trail and the cemetery system. So, maybe if the City just gave an easement, even if they don't do it now there would be potential in the future for connection if things worked out.

The second point Mayor Wood would like to see is this is a civic space, there will be people on this space. And although he can see the reason not for an eight-foot fence which creates a visual barrier and a whole different world, he still would see the need for sort of a demarcation between the properties. And whether that was a split rail fence or a wrought iron fence or some other fence that was suitable for a cemetery of this vintage, he would like the applicant to consider that because he sees not just a landscaping demarcation but for a difference between the public and private property to know where that break is.

Mayor Wood stated that he cannot speak for the rest of the Council but he recognizes that the purpose of buffers is usually to buffer inconsistent uses. He does not think the folks in the cemetery are going to mind having neighbors. He knows that in Philadelphia where they had the Constitution passed, they have urban cemeteries very close to all sorts of other properties. So, he sees no benefit of creating a buffer to buffer these residents departed on this property and he would support a variance on this property.

Mayor Wood asked if there are any comments from Council before they go for public comments.

Councilmember Wynn stated that she would just like to feed off of the Mayor's comments. Would the applicant been amenable to maybe doing a stub out for the trail so that if and when it does happen, they are right there? So would he be amenable to doing something like that?

Brendan Walsh stated that he would, absolutely. On their first original plan that is what they were showing. They took it off because of the title work that they did. They were a little hesitant to show it tying into something that they didn't have power over.

The second part about the fencing, they are open to doing that whether it is a split rail fence or more of a wrought iron type fence along that. He does not want their residents meandering out onto to the gravestones from that standpoint. He just wants that soft, visual break between the two properties.

Councilmember Wynn clarified that Walsh would not be hesitant to say, as she said, alternative fencing on that area he would be okay with that. Walsh stated that he would. She stated not so much a condition of zoning, but she asked him if he would consider that. Walsh stated that he would. And again, the stub outs, she clarified that Walsh would have no problem with that being part of the conditions.

Mayor Wood asked if there were any other comments or questions from Council before he opens up for public comment.

Councilmember Dippolito stated that he was trying to understand the five-foot buffer. It is a little hard to see on this plan. Does Brendan Walsh happen to have his SP1 handy that he could put up? Walsh stated that he did. Councilmember Dippolito stated that it looks like there is more than five feet. He is trying to understand why that is a...the heavy lines are five feet apart but there appears to be quite a distance from even the sidewalk. It looks like another five feet from the sidewalk to the buffer line. He guessed that he is thinking that visually it appears like there is a lot more between the property line and the house than five feet.

Brendan Walsh stated that Councilmember Dippolito was correct. As part of the buffer requirements the normal setbacks get pushed on the outside of the buffer requirement as well. So, if they have a buffer requirement there they would have a five-foot setback that associates with that buffer requirement. With it being a buffer and not a setback itself that is why they need the reduction to actually get the sidewalk through that area as well. The small dashed lines are the private courtyard areas that one sees there. Those are 10 feet themselves. Walsh thinks that if one went from the front of building 17 to the property line, in this area here, there is more of a 20-foot actual distance. There is a 20-foot actual distance from this property line of the cemetery to the actual building.

Councilmember Dippolito inquired about the private courtyard areas. What does Walsh envision those being? Walsh stated some sort of open fencing type thing where the person feels like they own the space in that area, that it gives them a little bit of privacy but it is not completely closed off. Councilmember Dippolito clarified that it would be like a small wrought iron fence or a picket fence or something like that. Walsh stated that it would be something along that line, maybe some sort of wire mesh that has landscaping between it. The fronts of it usually aren't as important. One is just trying to create a little bit of privacy between himself and his neighbor. The side of the fence is usually what one would do as something more permanent.

Councilmember Dippolito stated that that gives him a better sense of it because he understands Councilmember Igleheart's concern of having a building right on top of the cemetery. Mr. Walsh stated that was correct. Councilmember Dippolito stated that when he says five feet it sounds like he is going to be right there but in reality the building is set further back. Mr. Walsh stated that was correct. Councilmember Dippolito stated that he was more comfortable with that. He said the reason for his question about the number of trees was not so much trying to figure out if Mr. Walsh

is going caliper for caliper but it is really what does this feel like, particularly on the ground. In some cases it is more important to have shrubs than it is even to have trees. He asked Mr. Walsh to talk a little bit about what his vision is for landscaping in that buffer area and how that could potentially set that area apart. He said Mayor Wood mentioned trying to separate the public and the private realm, and he agrees with that. In fact it could be done with a fence or it could be done with proper landscaping. He asked if Mr. Walsh had thought of how that would potentially look.

Brendan Walsh stated that he has. On the eastern edge of their property they have put together their first conceptual landscape plan, which is showing heavy plantings in this area here as well as some plantings on this property line which one sees there. What they are calling out on these areas are some evergreens to provide that shielding and that buffer on a year-round basis. That is where Walsh would imagine he would have the potential for some sort of split-rail type fence that would break the actual property line itself there. As far as getting into more detail about what type of planting requirements, Walsh has not taken that step yet just because of where they are in the process. But he will make sure when he goes through the LDP process that this is something that they put a lot of focus on.

As far as Walsh describing what they envision this as or what they feel like this is, it is as if one were standing in the cemetery and he is facing towards their buildings over there, it would be a possible low fence whether it be split rail or wrought iron type scenario, some smaller bushy green space behind that and then some larger trees to break up the massing of their building from that standpoint. They will be three stories tall so one is looking at close to 35 feet from that standpoint so they don't want to end up with an entire façade that is exposed from the cemetery side. Some landscaping that helps break that façade up.

Councilmember Dippolito stated that having the town houses turn the way he thinks will help that as well because one does not have a long stretch of town houses. He can appreciate that as well. He stated that Walsh has a single row in that five-foot buffer area. Is there a potential to make that a double row of trees to really provide a little heftier buffer there? Brendan Walsh stated that there is room for it. They have a lot of leeway right now between their sidewalks and their courtyards there, so that sidewalk could be moved to adjust for additional landscaping. And when they finalize their plan with their landscape architect they are going to make sure that there is a balance there of how wide this space actually ends up. They don't want it to feel like they are forcing plantings into the area, but there is definitely room for a second row if need be. Councilmember Dippolito thanked Brendan Walsh and stated that he had one last question. In the tree recompense plan it said the minimum height of these trees would be 12-14 feet. Walsh stated that was correct.

Mayor Wood asked if there were any other questions for the applicant.

Councilmember Price stated that in the packet the City put together, Community Development Department, page 13 of 17, there is a paragraph that states, "Section 13.4.8 of the UDC states that the City Council will not approve a concurrent variance unless there are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other properties in the same zoning district." How does Brendan Walsh respond to that statement? Councilmember Price is sure that he has seen that. Maybe Brad Townsend might weigh in also, perhaps.

Brendan Walsh stated that how they kind of envision that and how it ties into their project and what makes them special is they do buffer an historic cemetery. He thinks that the civic space requirements relate to government buildings, school buildings,

park spaces. He is not sure if there are any other properties that are similar to theirs where they abut an historic cemetery. So, that is where they are looking at the special circumstances.

Councilmember Price clarified that in other words the main reason is the use of the adjacent property as opposed to anything else. Walsh stated that was correct.

Councilmember Price thanked Brendan Walsh. Mayor Wood asked if there are any further questions Council may have before they open up for public comment. Hearing none, Mayor Wood thanked Walsh and stated that he would have an opportunity for rebuttal. The rebuttal will be limited to responding to points brought up during the public comment.

Public Comment:

Eric Shumacher stated his home address as 145 Prospect Street and asked Mayor Wood if he would allow him more than five minutes tonight. Mayor Wood asked Mr. Schumacher to try to finish in five minutes and he will see where they go. Mr. Schumacher stated that he lives about 100 feet from this particular property and as the Council knows he has been involved with the UDC a little bit. He noticed that the City has a requirement for mailing for a public hearing. It needs to be mailed out at least 15 days but not more than 45 days prior to the public hearing. That did not happen with this public hearing.

So, they have heard a little bit about the sewer and Schumacher understands that the neighbors have an agreement on that but they still don't have a letter from Fulton County stating that there is sufficient infrastructure for that. They have identified the sewer itself but there is not sufficient infrastructure. Also in the staff report it mentioned that there may not be sufficient infrastructure for schools for the potential children that would live in this development.

Schumacher stated that he spoke with the Fire Marshal last week and he was concerned that they don't have a 26-foot wide street on the site plan. He was told it was 26 but it is actually not on the site plan that Schumacher saw. That might be something the applicant needs to address.

There is not a lot of parking in the development. Schumacher says they should ensure, because of the narrowness of the streets and the mass that they are putting on this property, that they have "No Parking" signs in the development. The streets in the development are marked alleys. That is a problem according to the UDC. He is sure the Council has seen most of this. It has been a part of their packets. They require a primary street entrance for these houses. Schumacher knows everyone is talking about them being rear entry but in fact there is no street on the rear so they can't be rear entry.

So they do have an archaeological site with the cemetery. Schumacher wants to ensure that they do follow this and ensure that they incorporate the HPC in the process before they get a Land Disturbance Permit.

As far as the map update goes, Schumacher stated that they have an item in here that says, do they need to have a substantial reason why this property can't be used under the current zoning? Schumacher does not think that they have heard that tonight.

Schumacher heard that the applicant did not find any graves. According to their survey document they only looked within the fence line. But in fact, the fence line is inside the property line on the survey and this is in fact what those graves look like in

that area. That orange extension cord is running along the property line. So, these graves here are inside the property line. Schumacher knows that the applicant says that they are sensitive to the fact that this is a cemetery and he heard the Mayor and other folks on Council talking about adding some connectivity. Schumacher wants to point out that the applicant actually had an original drawing showing some connectivity but in fact, that connectivity goes straight over existing graves. So while the applicant is sensitive, they are not sensitive enough to actually look to see what is there before they draw connectivity.

Schumacher stated that he can show the Council from the document from the Historical Society that there are plenty of graves in that particular area. This is 110 Woodstock and these are all of the graves. So, they really can't get connectivity in any meaningful way without at least walking over graves. They haven't actually done any GPR in here. The 2008 Jaeger Report says that they potentially have graves under the pathway that was created on private property by the City maybe in the 1980s for connectivity to the old Roswell High School. Schumacher would be concerned about doing that in this area.

Schumacher knows that the Mayor is not that concerned about the serving of any of our residents here with reduced buffers, but Schumacher talked to a resident today that has family here and has been maintaining the grave for 56 years. He was appalled by what he was hearing about three-story brownstones going up in this area. He thought it was completely inappropriate. So, they do have families in this area. Schumacher thinks Mayor Wood also has family in this particular cemetery per this document. They have other families that are concerned about this area. It is historic. It is not a place to be building down town style brownstone town houses.

Eric Schumacher stated that he lives in this area here. When he moved to Roswell he did some investigation into the zoning there and it is R2. He had an expectation that that would happen, R2, when it was developed. He is not against some development here. He is not actually against some town houses but 21 town houses with no parking, where they are going to potentially be using the park parking lot for offsite parking because they only have say seven parking spots in the whole development outside of the garages. He is hugely concerned about what this is actually going to look like for this historic cemetery. He thinks they need to fulfill the buffer requirements that they have put in the UDC.

Now, those came in between the first and second reading of the UDC. So Schumacher thinks there is a very good reason why they added them. He had a long conversation with Brad Townsend during the UDC work sessions about what civic actually meant. They took all properties that were historic, churches, everything and made them civic and there were no buffers. They got buffers between the first and second reading because that is meaningful for the kinds of places they mark civic, historic places. This is an historic place, this is about respect. Putting up tall buildings directly next to historic graves isn't respectful. Schumacher stated that he does live here. In fact, Mayor Wood spoke in 1999 against high density development in this area. He reduced it to five single family homes from the 13 that they originally wanted. Councilmember Orlans was here when that happened.

Schumacher does not believe they need to go to 21 town houses in this area. He thinks they can eliminate some. He thinks they need to think about what that is going to mean for the parking that they have at the park and the neighborhood.

Mayor Wood asked Mr. Schumacher to try to wrap up his comments. Mr. Schumacher thanked Mayor Wood.

Mayor Wood asked if anyone else would like to speak.

Tom Moore stated his home address as 1232 Minhinette Drive and stated that he is the HOA president of The Old Place which is directly behind the soccer fields. So he is one of the people that Brendan Walsh approached and proactively brought his plan and asked for their concerns and comments. Moore circulated it around his homeowners and they came back with nothing. They would love to have that development. Moore thinks it would help the neighborhood a lot and from the caliber of development that the applicant has done so far, they have complete confidence. That is all Moore has to say.

Mayor Wood thanked Tom Moore and asked if anyone else wishes to speak.

Lori Henry stated her home address as 1195 Minhinette Drive and said she is speaking on behalf of Townsend Place Homeowners Association. She said they have been working with Brendan Walsh and it was a rocky start but it has been a good relationship since then. They have come to agreements, conditions between Walsh's development and theirs. One thing that she is concerned about is that they had agreed that their agreement would be a condition of rezoning. And the reason why she wanted that condition of rezoning is because they have agreements that the staff needs to understand as they are policing this development. Unless they have that tied to the site plan, staff is not privy to those agreements which could cause them to make inappropriate decisions on the site. So, she is requesting that that be put in as a condition of the rezoning as well. But they are supporting the project, they think they will be great neighbors and they look forward to having them in the neighborhood.

Mayor Wood asked Councilmember Wynn if it was her intention to make this private agreement a condition of rezoning. Councilmember Wynn stated that she was going to defer to her attorney who suggested that she add the meeting to the record.

Mayor Wood asked City Attorney David Davidson to explain to the Council the legal technicalities of condition or not condition and what his recommendation is.

City Attorney David Davidson stated that the Council cannot subject the applicant's property to conditions that are not on his property. They can't enforce a private agreement. They would not be able to, so if there is something having to do with the applicant's property that he is in agreement to do it they could agree to do that. But they can't do anything outside of his property. There is nothing that they can enforce.

Mayor Wood asked if there are conditions within this private agreement that affects, that are on the applicant's property or some of these conditions can be enforced.

Councilmember Becky Wynn stated that she thinks Don Rolader had a hard copy and she saw that. She thinks there were maybe a couple maybe with storm water that they could look at.

Lori Henry stated her concern with the storm water and the trees...(the remainder of her comment was inaudible).

Councilmember Wynn asked that she be allowed to finish real quick. But she thinks that Brendan Walsh needs to address this. She was going to get to the critical root zones. She thinks that if those root zones are on Walsh's property then she thinks they can enforce the boring...he wanted to bore under instead of cutting across. So, Councilmember Wynn does not know if it would be good for the Council to....she is going to have to ask the attorney for language about it whatever's in that agreement,

what they carry on to as a condition of zoning or if they need to look at it real quick and see what they can get out of it.

Mayor Wood asked City Attorney David Davidson if there was a possibility to adopt as a condition of zoning those portions of the agreement that do affect the applicant's project. Mr. Davidson stated that the parts that are on Walsh's property, yes if he is in agreement. Mayor Wood asked if the applicant was in agreement with that. Mayor Wood stated to Lori Henry that that seems to be the best that they can do.

Lori Henry stated as a point of clarification that she is anticipating something. They have construction on her property and the arborist comes out or the engineer comes out or whoever comes out and they say, "Oh no, you can't do this because this is our ordinance." But they don't understand that the neighbors have an agreement that is going above and beyond what the ordinance requires. She just wants to make sure that staff is on notice that there is a private agreement so that they are not enforcing a standard ordinance where...

Mayor Wood stated that he thinks staff is now on notice.

Lori Henry asked if that would translate into the field or is staff going to go back and listen to these minutes.

Mayor Wood stated that he understands that the staff will have to, in trying to understand the context of the request and the limitations, it will be aware of this. But as far as enforcement of the private agreement he does not think the Council is in the position to enforce it.

Lori Henry stated that she is not asking Council to enforce it. She is asking them to make sure that staff is aware of this.

Councilmember Wynn asked Don Rolader if he had copies of that for the Council. Rolader stated that he provided them to Jackie Deibel. Councilmember Wynn stated that it was her understanding that there was going to be an agreement so she did not have it passed out. But if they are looking at certain parts to be conditions of zoning she would like her colleagues to see what they are talking about. Councilmember Wynn asked Lori Henry to give her about 30 seconds to pass it out.

To answer Lori Henry's second question, Mayor Wood stated that he thinks Council has personal knowledge of the existence of this agreement. He thinks they are back to which portions of this agreement may be adopted as conditions and Mayor Wood thinks it is appropriate if they can identify those conditions so that Council recognizes what conditions they are posing and the applicant recognizes which conditions are being imposed. If this goes forward he thinks it is appropriate to go through that exercise.

Mayor Wood stated that if Don Rolader was representing the applicant, he asked City Attorney David Davidson to take a quick look at it and the Council will get back to Lori Henry. But unless Lori Henry has other questions, Mayor Wood stated that he was going to see if there is anyone else with any comments. Lori Henry stated that she was good and thanked Mayor Wood.

Chipper Gronholm stated his home address as 4941 Laurel Springs Drive in Roswell, Georgia and made the following comments. He said the first property he got involved in management of was in Townsend Place when he just came back from college and started his little business here in town. He has managed that piece ever since at

Minhinette. 1195 is on the north part of this development. He thinks that Lehigh's track record says a lot. They have salvaged a project on Canton Street that was sitting vacant and produced a great product. As long as they can kind of build a nice buffer and not have lights coming into that development, Townsend Place, Gronholm thinks that he would support the rezoning and the concurrent variances.

Mayor Wood asked if anyone else would like to speak. There was no further public comment. The public hearing was closed.

Mayor Wood asked if the applicant would like to respond with any rebuttal. He would then hear from Council to address what conditions it is possible to impose on the applicant's property.

Applicant Rebuttal:

Brendan Walsh said he will address some of the concerns he heard and said they do have a letter from Fulton County which shows there is an availability of sewer in the area and the capacity of sewer in the area. He can provide that after this meeting.

As far as children in the school system from this development, Walsh mentioned Providence in historic Roswell. They sold 35 units in that development. He thinks there were three household formations that had school-age children. The majority of their residents are generally empty nesters or young professionals.

As far as the site plan goes in reference to meeting fire codes, Walsh has worked very closely with City staff. Their professional engineer in doing so and making sure what they are showing here as planned is up to code. Walsh will continue to do that through the LDP process.

As far as parking goes, Walsh believes the UDC calls out a two-and-a-quarter or 2.25 spots per unit which they exceed with the two parking spots in every unit and the additional guest parking that they have shown on the site plan.

As far as the need of changing this property from RS12 or single family homes to R-TH, it really sits on an island by itself right now as it is only abutting active residents or town home residents themselves. Walsh feels that it is much better suited as a town home development itself.

A far as the proposed connectivity, Walsh thinks that on the drawing that was shown they could re-look at that area. There are definitely two possibilities on the northeast corner though where that connection could be made at a future time.

As far as respecting and what they are doing and showing the cemetery and providing great design around the cemetery, Walsh thinks that what Eric Schumacher is saying he agrees with and they want to provide that. They just have a difference of opinion about what Schumacher is looking for and what Walsh is looking for. His idea of what he wants to do beside the cemetery looks something a little more like this, which is somewhat rigid with two different fence systems. Walsh is looking to do something that is a little softer with the landscaping and the split rail system that he talked about earlier.

As far as the conditions, Walsh will let Don Rolader sort that out but he thinks Lori Henry knows their intentions here from that standpoint and what they are trying to do. Walsh does not know if it is read into the record if it can then be enforceable but the document that Walsh presented to Council is what they intend to follow through on. He has to have advice here from a legal standpoint of how that can be worked out.

Mr. Walsh completed his rebuttal.

Mayor Wood thanked Brendan Walsh and asked if there were any further questions from Council other than on the conditions of zoning which they are going to try to address next.

Mayor Wood stated that he did have one question regarding if the City met the notice requirements. He asked staff to tell Council what steps were taken to meet the notice requirement.

Brad Townsend stated proper mailing, posting and...Mayor Wood asked Townsend to explain what proper mailing is and to whom and when.

Townsend stated that postcards were sent to residents within 300 feet of the property to identify when the neighborhood meeting, the Planning Commission meeting and the Council meeting would be and all public meetings. That was also included in the local newspaper and posted on a sign on the property.

Mayor Wood asked if that was timely sent out under the statutes. Brad Townsend stated that it was. Mayor Wood thanked Brad Townsend.

The Mayor asked if the Council could have someone help them with which of these conditions in the agreement could potentially be made conditions of this zoning.

Councilmember Wynn stated that she thinks she has them but she is going to make sure. She does have a question on 4 and 5, which is the six-foot privacy fence and is that going to be on the applicant's property or is it going to be on Lori Henry's and the homeowner's association property, the fence?

Brendan Walsh stated that it would actually be on the HOA and Ms. Henry's property so they would have a construction easement for them to install that fence.

Councilmember Wynn clarified that was on both 4 and 5, the entire southern boundary and then a six-foot privacy fence along the rear inside yard of Lori Henry's property. Walsh stated they are both off site. Councilmember Wynn asked Don Rolader if he wanted to do this, but it looks like no. 2 is the one that Council can enforce, which is the applicant's arborist will consult with Kevin Caldwell, that one about boring underneath the critical root zone because that would be on the applicant's property.

Councilmember Wynn clarified that that is the only one that Council is looking at that the City of Roswell can enforce. Councilmember Wynn asked Don Rolader if she was correct on that.

Don Rolader stated his address as 198 Bear Creek Point, Jasper, GA 30143 and said he has some thoughts to share with Council and the City Attorney where it affects this property and benefits it and he thinks they may want to consider it. He said first of all, this is a private agreement that was negotiated at arm's length with the counsel involved for both parties. They acknowledge on the record and understand that the Council is going to place a copy of this agreement on the record, the terms of that agreement, and they intend to be bound by the terms of them for the benefit of their other party.

Mr. Rolader then stated the following:

1. To the extent it grants a sewer easement to this property. He thinks it may be enforceable by the City because this property cannot be constructed without it but Rolader will defer to the City Attorney.

2. In No. 3 it grants a storm water drainage easement so that they can manage the water that is now free flowing from the parking lot and the water tank and the radio tower across the City's property onto theirs. That is a benefit to this property and again Rolader would defer to the City Attorney, but that may be enforceable.

3. In No. 7 where they agree to execute the sewer easement, storm water drainage easement and foreign substance acceptable to Fulton County, that just kind of supports the two that Rolader has commented on.

Mr. Rolader said other than those thoughts, he would defer to the Council and to City Attorney Davidson to make a final determination with the understanding that the applicant acknowledges that he entered into this agreement fully and voluntarily as did the other party.

Mayor Wood asked City Attorney David Davidson if he has an opinion as to which of these conditions can be adopted as conditions of zoning.

David Davidson stated that he thinks No. 2 can. The applicant's arborist will consult with Kevin Caldwell, Lori Henry's arborist regarding the three specimen trees on Lori Henry's property during the Land Disturbance Permitting process in the City of Roswell. Kevin Caldwell will coordinate construction prescription as it affects the three specimen trees. Such prescription may include boring in lieu of trenching. Applicant shall obtain a five-year bond on the three specimen trees.

Mayor Wood clarified that No.2 can be made a condition.

David Davidson does not think that No. 3 can because the City cannot make Lori Henry or the homeowner's association grant anything. He stated that the City cannot make them agree to execute any kind of sewer easement either.

Mayor Wood clarified that Council can make No. 2 a condition and Mr. Davidson believes that is the only one they can make a condition.

Mayor Wood asked Lori Henry if she had any other questions or comments. Mayor Wood thanked Lori Henry. He asked if the Council have any other questions or comments regarding these conditions.

Councilmember Diamond stated that what she is hearing is a concern not so much for the legal enforceability, but just an awareness of what the conditions are. Is it feasible that Council just makes sure that this goes into the file for the inspectors and anybody that goes on site?

Mayor Wood told Councilmember Diamond to consider it done. Councilmember Diamond thinks that Council can red flag this somehow and make sure that maybe it is at the construction site and the inspectors will have a copy of it. She thinks they could do that. Mayor Wood stated that they can certainly do that.

Councilmember Diamond asked staff on No.7 to please spell Ms. Henry's name right. It is Lori and not Lauri if they want it to be correct. City Attorney David Davidson stated that he was going to blame that on John Monroe. Councilmember Diamond stated that he has it spelled everywhere else correctly and they just want to make sure that everything is above board. And they want Ms. Henry's name spelled correctly, Lori.

Mayor Wood asked if there were any comments from Council or questions before he entertains a motion. Hearing none, Mayor Wood called for a motion.

Motion: Councilmember Wynn made a motion, seconded by Councilmember Diamond to approve RZ2014-00970, CV2014-000974, 110 Woodstock Road, Lehigh Homes with five added conditions that:

- 1. The applicant will provide a stub out of the trail.*
- 2. Consider alternative type of fencing on the east side.*
- 3. Add a double row of evergreens on the side with the five-foot buffer as approved by the City Arborist.*
- 4. To include the No.2 on the private agreement that is applicable to Mr. Caldwell conversing with the arborist about the boring or the trenching of the trees. That is the No. 2 that is on the private agreement.*
- 5. There is one staff recommendation that there is no guarantee that the number of town home units shown on the rezoning site plan will be achieved.*

Mayor Wood asked to hear Council questions or comments.

Council Comment:

Councilmember Price stated that in condition No. 5 that there would be no guarantee of the number of units, she thought it was related to if the concurrent variance was not approved. So why would Council include that in this instance?

Mayor Wood stated that staff was the ones that recommended that. Councilmember Wynn stated it is mandatory, they put it on all of them but she just wanted to make sure that everyone is aware that this is something that they are now adding to. Because when someone asks for 21 units, they might be able to put it in 18 or 17. It is something that they are now adding to all of their rezoning applications and Councilmember Wynn just wanted to make Council aware that that is what they are doing.

Mayor Wood asked if there were any questions or comments before he entertains a motion.

Councilmember Dippolito stated that he likes the site plan. He thinks Brendan Walsh has done a lot of hard work on this and he thinks it is going to be a great project. He complimented Walsh and the neighbors for working together. It is always important for projects like this for people to work together and he appreciates the spirit of cooperation that Walsh entered into, and the neighbors as well, who were willing to meet with him. He thanked Walsh and the neighbors for doing that and getting everybody together.

Councilmember Wynn stated that she did want to commend Mr. Walsh and Mr. Rolader and their company with getting with Ms. Henry and the HOA and working this out. She thinks it is going to be a great project and she would ask the applicant very sincerely to make sure that he keeps the HOA and Lori Henry in the loop of everything that he is doing. It is a great project and she thanked Walsh for bringing it forward.

Motion: Councilmember Wynn made a motion, seconded by Councilmember Diamond to approve RZ2014-00970, CV2014-000974, 110 Woodstock Road, Lehigh Homes with the following conditions:

- 1. There is no guarantee that the number of townhome units shown on the rezoning site plan will be achieved.**
- 2. The applicant will add a stub out for a trail in the future on the northeastern side of the property.**
- 3. The applicant will consider a type of fencing along the eastern side of the property abutting the cemetery.**
- 4. The applicant will add a double row of evergreen trees within the 5' buffer area labeled letter "A" on the August 7, 2014 site plan.**

5. The applicant's arborist will consult with Kevin Caldwell, Lori Henry's arborist, regarding the three specimen trees on Lori Henry's property during the Land Disturbance and Permitting process in the City of Roswell. Kevin Caldwell will coordinate construction and prescription as it affects the three specimen trees. Such prescription may include boring in lieu of trenching. The applicant shall obtain a five year bond on the three specimen trees.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2014--09-44

5.

Initiation of a Map Amendment to the property located on Old Ellis Road and Old Roswell Road.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item and stated that this was discussed at the COMDEV/Transportation Committee meeting. This issue was brought forward by Roswell Inc. The property in question is known as the Spruill Tract on Old Roswell Road and Ellis. It was approved as part of the Unified Development Code with a three-story height limit. Roswell Inc. was representing the desire for this property to be identified with an eight-story. This would be an initiation of a Map Amendment. The discussion has been that this would be initiated. The City would send notices, public hearing and post the property for the Planning Commission meeting on October 21, 2014 and then have a meeting on October 27, 2014 for the Council to deal with the Map Amendment.

There were no questions from Council. Mayor Wood called for a motion.

Motion: Councilmember Wynn made a motion to move forward with Initiation of a Map Amendment to the property located on Old Ellis Road and Old Roswell Road. Councilmember Orlans seconded.

Public comment invited. None were made.

Council Comment:

Councilmember Dippolito stated to Brad Townsend that it is his understanding that the reason for this was the applicant is interested in potential office here. Brad Townsend stated that was correct. Councilmember Dippolito stated that under commercial mixed use, since this is all new, he asked Townsend to refresh his memory, office is allowed under CX. Townsend stated that was correct. Councilmember Dippolito clarified that they would not need to do it as multiple uses necessarily, but they could do all office buildings if they wanted to. Townsend stated that was correct.

There was no further Council comment.

Motion: Councilmember Wynn made a motion to move forward with Initiation of a Map Amendment to the property located on Old Ellis Road and Old Roswell Road. Councilmember Orlans seconded. This amendment will be placed on the Mayor and City Council agenda for 10/27/2014. The motion carried by the following vote:

In Favor: 6

6. Approval of Sidewalk Cafe License (SC #17404), 14 Elizabeth Way, Fix Pizzeria.

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Brad Townsend presented this item and stated that this is a proposed sidewalk café license along the front façade of 14 Elizabeth Way. This is the location of the building circled as one can see it from Alpharetta Hwy. This is the location of the sidewalk café. As one can see, the proposal would be a three-foot area in which there would be single tables. That way there would be remaining a five-foot walkway/path along Elizabeth Way. They would be removing the bench from that location. This is the other angle of where the sidewalk café would be located. This is the proposed chain and post that are being proposed for this location. This would match the East-West Alley proposal and the look of the sidewalk café. This is the graphic diagram showing the table set up, the front door, and the locations of the posts for this location. These are the recommended from staff for the approval for the sidewalk café. Staff recommends approval with these conditions.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Orlans stated that he had a couple of quick things. Is the five-foot still there or did the applicant ask for a five-foot brick wall. Brad Townsend stated that he thinks the bricks hang over on the corner a little bit, not that much. Councilmember Orlans asked Townsend to go back to the fence picture. Councilmember Orlans asked if that was the fence that was approved in front of Zest. Townsend stated that it was. And this fence isn't the one that one can clip on and clip off easily. Brad Townsend stated that staff is trying to make it more secure that the chains do not be removed. Councilmember Orlans stated that is what he was wondering and thanked Brad Townsend.

Councilmember Dippolito asked Brad Townsend to go back to the photograph. Where is the five-foot dimension? Townsend pointed to the three-foot area and the five-foot area. Councilmember Dippolito clarified that the bench would have to be removed. Townsend stated that it would. And the bench, Councilmember Dippolito assumed...whoever owns that is okay with that being removed. Townsend stated that he thinks it is City ownership, so he thinks they are fine. Councilmember Dippolito clarified that is a City bench. Townsend stated that it has been there for so long, he is not sure anybody really owns it. So they will relocate that.

Councilmember Price asked if it was owned by the Historical Society. Brad Townsend stated that he does not know. Mayor Wood stated that it does not appear to be from the Historical Society. It looks like a City bench to him. Townsend stated that it doesn't have In Honor Of or Property Of or anything on it, so he does not know. Mayor Wood stated that the Historical Society benches all have plaques. Councilmember Price asked it was fixed or is it loose. Brad Townsend stated that he thinks it is loose. It will be loose. Mayor Wood stated that they will find a good home for it. Brad Townsend added that they will find an appropriate spot for it.

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

Motion: Councilmember Wynn made a motion for Approval of a Sidewalk Café License for 14 Elizabeth Way, Fix Pizzeria with the five conditions recommended by staff. Councilmember Diamond seconded.

1. The approved site plan is stamped "Received" by the City of Roswell Community Development Department on August 28, 2014.
2. That all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application.
3. That the barrier matches the design in the DRAFT East West Alley Master Plan Design Standards document.
4. That there must be two chains between each existing set of columns in order to meet ADA accessibility requirements.
5. That the bench and any planters located in the 5' pedestrian path are relocated so they do not interfere with the circulation of pedestrian traffic.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-09-45

7.

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.

(Second Reading)

(This item was deferred at the September 10, 2014 Mayor and Council meeting)

Presented by Jackie Deibel, Planner III

Planning and Zoning Director Brad Townsend presented this item and stated that this is the second reading in reference to the buffers required for PRDs. This is the simplified language that has been batted around. It is for the Council to determine whether it needs further clarification amendments, but it has been reviewed by staff and by legal to meet the requirements of what they believe their intent is of how PRD Buffers would be required.

Mayor Wood asked for Council questions. There were none. Mayor Wood asked David Davidson to read the ordinance.

City Attorney David Davidson conducted the second 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 Council now wish to update the Unified Development Code regarding buffers within the City of Roswell and adopt the following amendment:

1.

*Article 10, Site Development, Section 10.2. Landscaping and Screening, Section 10.2.3, Neighborhood Compatibility Buffers table, to add under the new project PRD row and existing adjacent district PRD add a * in the column. *PRD buffer is based on existing development and the size of the proposed PRD buffer shall meet or exceed the*

Mr. Davidson noted that if approved this will be the second reading.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Dippolito asked Brad Townsend to explain to him what this means.

Brad Townsend stated that the size of the buffer that is required for a new proposed PRD would be reviewed in a manner and adopted by Council in looking at the existing PRD lot size. So, adjacent buffers would be similar as well as lot sizes and that is how the PRD would be brought forward and reviewed by Council and determined whether it was appropriate or not.

Councilmember Dippolito clarified that the buffer on the proposed property is based on the lot sizes of the existing PRD versus the lot sizes of the proposed. So, it is really not based on what the other buffer is; it is based on the lot sizes on either side of that property line. Brad Townsend stated that was correct. Councilmember Dippolito stated that he was not sure that is what this says. It really talks more about the buffers. They are in agreement on what they are saying; he is just not sure the language is correct. To him it is still a little confusing. Councilmember Dippolito stated that really the PRD buffer is based on the lot sizes of the existing development compared to the lot sizes of the proposed development. He thinks it is that simple. Brad Townsend clarified that Councilmember Dippolito does not believe that what is written does that. Councilmember Dippolito stated they were talking about comparing buffers not the lot sizes. Buffers are different than lot sizes.

Councilmember Wynn stated that the buffers are determined by lot sizes. Brad Townsend stated that was correct. Councilmember Dippolito stated that there may not be a buffer though on the existing development. Councilmember Wynn asked if Councilmember Dippolito would feel more comfortable saying that the size of the proposed PRD buffer and abutting lots shall meet or exceed the requirements. How does he feel it should be worded to make it clearer?

Mayor Wood stated that if the Council needs to go back and wordsmith this perhaps they need to defer it. If the Council is not comfortable with the wording, rather than trying to wordsmith it on the fly, Mayor Wood is not aware of any urgency in passing this. There is nothing pending. Brad Townsend stated that was correct. So, if the Council has a simple answer it would be wonderful to get to it. If Council feels that it needs to be studied further, Mayor Wood would recommend a deferral. He asked City Attorney David Davidson if it was possible to defer this. David Davidson stated that it was.

Motion: Councilmember Wynn made a motion that 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 be deferred and be placed on the Mayor and City Council agenda for 10/13/14. Councilmember Dippolito seconded.

Councilmember Price asked if the Council will see this again at Committee or just come here. Brad Townsend stated that it will come back to Council.

Councilmember Wynn stated that she will make sure that Brad Townsend sends it out in an appropriate time so that everybody can read it. Again, she thinks they sent it out two weeks ago or something like that and let everybody look at it and be able to comment on the new wording.

Mayor Wood clarified that the answer is that is does not plan to go back to Committee at this time but on the other hand if there is a lot more discussion, it may be appropriate to take it to Committee. He is hopeful that Council is going to come forward with clarity and consensus.

Motion: Councilmember Wynn made a motion that 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 be deferred and be placed on the Mayor and City Council agenda for 10/13/14. Councilmember Dippolito seconded. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD2014-10-10

8. Initiation of a Text Amendment to Article 12.7, Flood Damage Prevention, and Article 13.11, Variance, of the Unified Development Code (UDC).

Presented by Mark Wolff, Community Development Deputy Director

Community Development Deputy Director Mark Wolff presented this item and stated that this is an initiation of a Text Amendment to Article 12.7, Flood Damage Protection. It basically revises the UDC section to reflect changes that FEMA requested of the Metro Water District Flood Plain Ordinance which Roswell's ordinance is based on.

Mayor Wood clarified that they were making it a provision to comply with state law. Mark Wolff stated that was correct.

Public comment invited. None were made. There was no Council comment.

Motion: Councilmember Wynn made a motion for Initiation of a Text Amendment to Article 12.7, Flood Damage Prevention, and Article 13.11, Variance, of the Unified Development Code (UDC). Councilmember Diamond seconded. First reading of the amendment will be placed on the Mayor and City Council agenda for 11/10/2014. The motion carried by the following vote:

In Favor: 6

9. Approval of an amendment to the City of Roswell Code of Ordinances, Article 10.15, Mobile Food Vendors to add Mobile Retail Vendors. (First Reading)

Presented by Alice Wakefield, Community Development Director

Community Development Director Alice Wakefield presented this item stating that this is the first reading of an amendment to the City of Roswell Code of Ordinances to allow for mobile retail vending. The proposal is to treat these vendors similarly to what they do for mobile food vendors. This will deal with private properties. One will not be able to sell from the trunk of his car. It has to be a legitimate mobile vehicle that the vendor would use. They would have to obtain a permit from the City of Roswell. This is the first reading and staff's recommendation is approval.

Alice Wakefield would like to say that if the first reading is approved, staff will come back at the second reading to provide a resolution to set the fee for the permit.

Mayor Wood asked if there were any questions.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO AMEND CHAPTER 10 OF THE CITY OF ROSWELL CODE OF ORDINANCES REGARDING LICENSING AND REGULATION OF MOBILE FOOD AND RETAIL VENDORS stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

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

10.15.1 - Definitions.

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

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

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

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

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

F. Mobile retail vendor shall mean any business selling tangible items other than food, to include, but not limited to, clothing, jewelry and other fashion accessories from a motorized vehicle such as a truck or from a towed vehicle that may be moved from location to location. Sales of any tangible item from an automobile, to include, but not be limited to "trunk sales," are prohibited. A mobile retail vendor may be operated by a brick-and-mortar business, but must possess and pay for the applicable mobile retail vendor license, separately from the occupational license fee required for its permanent location.

10.15.2 - License required.

For mobile food vendor:

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

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

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

1. Name of the Mobile Food Vendor
2. Make, model, and license plate number of vending unit
3. Owner's contact information
4. Operator's contact information
5. Type of vendor (street vending unit or sidewalk vending unit)

6. Copy of approved permit from the Fulton County Health Department
7. List of operating locations and times
8. Signatures from property owners indicating consent for the use of their property
9. Signature of applicant indicating agreement to the listed requirements

For mobile retail vendor:

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

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

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

1. Name of the Mobile Retail Vendor
2. Make, model, and license plate number of vending unit
3. Owner's contact information
4. Operator's contact information
5. List of operating locations and times
6. Signatures from property owners indicating consent for the use of their property
7. Signature of applicant indicating agreement to the listed requirements

10.15.3 - Prohibited conduct and requirements.

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

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

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

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

E. The license under which a mobile food vendor or mobile retail vendor is operating must be firmly attached and visible on the mobile food vendor or mobile retail vendor or pushcart at all times.

F. Any driver of a mobile food or retail vendor motorized vehicle must possess a valid Georgia driver's license.

G. Except for ice cream trucks, mobile food vendors are allowed only in commercial zoning districts. Mobile retail vendors shall be allowed in residential districts, but only upon private property owned by either a homeowners association or a condominium association, and only after gaining written permission from the governing entity of the homeowner's association or the condominium association, which written permission must be prominently displayed upon the vehicle from which sales are made.

H. Mobile food or retail vendors shall not be located within 15 feet of any street intersection or pedestrian crosswalk or 10 feet of any driveway.

I. No sale or offer for sale shall be made by any mobile food or retail vendor between 9:00 pm and 6:30 am unless such sale is in conjunction with a City approved special event or film production permit.

J. Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

K. No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile food vendor unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the mobile food vendor licensee.

L. The mobile food vendor shall comply with all state, federal and local health and safety regulations and requirements and shall obtain and maintain any and all licenses required by any other health, organization or governmental organization having jurisdiction over this subject matter.

M. The following safety regulations shall apply to any and all vehicles operating under this article or used for mobile retail food establishments or for mobile retail vending:

1. Every vehicle shall be equipped with a reverse gear signal alarm with a sound distinguishable from the surrounding noise level.

2. Every vehicle shall be equipped with two rear-vision mirrors, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle.

N. The mobile food vendor may sell food and non-alcoholic beverage items only.

10.15.4 - Indemnity.

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

10.15.5 - Revocation and suspension.

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

10.15.6 - Fee.

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

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

Mayor Wood asked for a motion.

Motion: Councilmember Wynn made a motion for Approval of an amendment to the City of Roswell Code of Ordinances, Article 10.15, Mobile Food Vendors to add Mobile Retail Vendors on First Reading. Councilmember Dippolito seconded.

Public comment invited. None were made. Mayor Wood asked for Council comment.

Council Comment:

Councilmember Price stated that on page 2 under F the words "but not limited to" she is trying to think to herself what problems they could get into by having completely unlimited items for sale at this retail mobile unit because it is describing clothing, jewelry and other fashion accessories and she does not know if Council's intent was to limit it to those things or they felt that was too restrictive.

Alice Wakefield stated that she believes the intent of that particular sentence is to imply that the sales from a trunk sale, from the trunk of one's car would be prohibited. She thinks it says not limited to because that gives staff the latitude to make a call if there is some other type of vehicle that someone tries to sell from.

Councilmember Price stated that she thought it meant to types of items being sold. Wakefield stated that it says sales and any tangible items from an automobile to include but not limited to...trunk sales are prohibited. The back seat of a car for example is prohibited. Councilmember Price stated that she was looking at a different way to include but not limited to. She is looking at the one on the second line where it is describing the types of things being sold. They define them sort of narrowly but then they say it is not limited to those things.

Mayor Wood stated tangible items. Alice Wakefield stated that it could be clothing, jewelry, shoes, purses, it suggests retail sales. It could be model trains. Councilmember Price clarified that they are basically saying anything. She guessed what her point is, is why are they saying anything if they are saying one can sell anything. Mayor Wood stated that they are saying tangible items. One cannot sell stocks and bonds out of a truck. But Councilmember Price clarified that they could sell children's toys, children's clothes. One could sell anything.

Mayor Wood stated that City Attorney David Davidson would like to give the Council some direction here. David Davidson stated that he thinks he can address some of the Council's concerns maybe by saying that one cannot sell anything that is not already allowed under Roswell's Ordinances. That would prohibit the sale of adult novelty items and such. Mayor Wood clarified that it would have to be limited to things that one could sell at a retail store. Mr. Davidson stated that was correct, within the City. So he could add that language to the second reading.

Mayor Wood thanked Councilmember Price for bringing that point up. Mayor Wood asked if there were any other questions or comments. Hearing none he stated that they have a motion and a second. He asked for any further discussion. Hearing none Mayor Wood called the question for the first reading.

Motion: Councilmember Wynn made a motion for Approval of an amendment to the City of Roswell Code of Ordinances, Article 10.15, Mobile Food Vendors to add Mobile Retail Vendors on First Reading and be placed on the Mayor and City Council agenda for 10/13/2014. Councilmember Dippolito seconded. Councilmembers, Wynn, Dippolito, Diamond, Price and Igleheart voted in favor. Councilmember Orlans opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

10.

Amendment to the Tree Planting Replacement Master Plan for 2004 to 2015 and approval of Budget Amendment 24571401-09-10-2014 in the amount of \$40,000.

Presented by Alice Wakefield, Community Development Director

Community Development Director Alice Wakefield presented this item stating that this is a request to amend the tree curb planting and replacement master plan to add two additional sites at the request of the Environmental and Public Works Department. The first being the storm water, wetlands best management practices for the Roswell Area Park for an amount of \$20,000 and the second being the water treatment bio-retention area in the amount of \$20,000.

Mayor Wood called for a motion.

Motion: Councilmember Wynn made a motion to approve the Amendment to the Tree Planting Replacement Master Plan for 2004 to 2015 and approval of Budget Amendment 24571401-09-10-2014 in the amount of \$40,000. Councilmember Igleheart second.

Public comment invited. None were made. Mayor Wood asked for discussion by Council.

Council Comment:

Councilmember Diamond stated to Alice Wakefield on No. 18, the SR92 median Bent Grass to Crabapple is listed as a project list that is completed. Those either died in that time frame or she missed something. Can they put them back? Alice Wakefield stated that staff will go back and re-evaluate those.

Councilmember Price stated that she wanted to implore and this sort of piggy backs on what Councilmember Diamond just said. The medians of SR92 are particularly of concern to many people who call her regularly and wish that Roswell had a more attractive median on SR92. Councilmember Diamond appreciates that this is primarily replacement but it is also new trees is it not. Alice Wakefield stated that was correct. Councilmember Price stated that if they have any monies left in that fund or if they have any leeway in the location of said trees beyond what they have here, particularly No. 41 that they put as many new trees. No. 41 just says replacement on SR92.

Motion: Councilmember Wynn made a motion to approve the Amendment to the Tree Planting Replacement Master Plan for 2004 to 2015 and approval of Budget Amendment 24571401-09-10-2014 in the amount of \$40,000.

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

In Favor: 6

Transportation Department - Councilmember Nancy Diamond

11. Approval of a Resolution to submit a Local Maintenance & Improvement Grant (LMIG) Project List for FY2015 to the Georgia Department of Transportation (GDOT).

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item stating that annually the Georgia General Assembly allocates funds to municipalities. This year they have allocated \$120 million to the state of Georgia. Roswell's share based on the formula of population and center line miles was \$624,067.87. The City had applied and what they would like to recommend is two of their collector roads, Willeo Road, this section of Willeo Road between the Cobb County Road and Coleman Road and then Hardscrabble Road between King Road and Etris Road. The Willeo Road will basically be used for resurfacing and restriping. The Hardscrabble Road in this particular case, they are going to apply this funding to be the resurfacing component of their Hardscrabble Green Loop project. So that project is in right-of-way acquisition right now. He anticipates local let to be in May of next year. So they will use this LMIG money to rebuild that road with the wider bike lanes which is going to be part of the complete street that they are about to do. So, this is kind of a twofer. They are getting a lot of good mileage out of this LMIG money this year.

Councilmember Dippolito asked if it includes a left turn lane at the World Harvest Church. Steve Acenbrak stated that it does.

Public comment invited. There were none.

Motion: Councilmember Diamond made a motion for Approval of a Resolution to submit a Local Maintenance & Improvement Grant (LMIG) Project List for FY2015 to the Georgia Department of Transportation (GDOT). Councilmember Wynn seconded. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-09-46

12.

Approval for the Mayor and/or City Administrator to sign a contract with Vertical Earth for the construction of the Eves Road Complete Street Project in the amount of \$2,151,006.16 and Approval of Budget Amendment 31242101-09-10-14 in the amount of \$1,041,885.16.

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented the plans to Council and stated that this was a product of a lot of hard work. They had a combination in this case of a professional design company, Pond & Company who did the majority of this project and then the City's staff which did the connection to the city park. This is a bond project, a very popular bond project which will create Eves Road as a complete street between Eves Circle and Riverside Road. Steve presented a cross section which shows a travel lane in each direction, bike lanes, a sidewalk and a multi-use trail. There has been a lot of interest in this project from the public and as soon as the Council approves this, they will go after the contract documents. The construction will begin probably next month.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Price commented that the Recreation Commission is fully in support of this project.

Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a contract with Vertical Earth for the construction of the Eves Road Complete Street Project in the amount of \$2,151,006.16 and Approval of Budget Amendment 31242101-09-10-14 in the amount of \$1,041,885.16. Councilmember Price seconded.

Mayor Wood invited public comment.

Public Comment:

Jason Sabatino stated his home address as 735 Danbridge Way and said that he lives in Horseshoe Bend. He showed the estate section of Horseshoe Bend and the project and where the East Roswell Connector was going to be. He said he appreciates everyone's time listening to his comments. The concern that he has is not with the complete street project as a whole; in fact, many of his neighbors and himself are in full support of the project along Eves Road as outlined by staff. The concern they have is specifically with the East Roswell Connector as it is currently proposed and as a result of that they are asking that contract as it is currently in front of Council not be awarded.

The creation of this road is going to change the landscape of their park. This is a park that Sabatino's children use every day. This is the reason why they moved to this home was because of this park. There is no park currently in Roswell that Sabatino has been able to identify on this scale that has multiple access. So, this would be a change in how they give access to residents to their parks. On many occasions Sabatino has been at Roswell Area Park and wished he would have been willing to pay to get a back entrance to get out of that park especially on a weekend when there is a lot of use.

When the City creates this road, they need to understand that they are going to be increasing access to the park. As a resident that backs up to the park, Sabatino has to deal with all kinds of activities that go on in the park. He deals with people driving through the park at all hours of the night making noise. He deals with people drinking back behind his house in the park. They have found drug paraphernalia in the park and other adult oriented paraphernalia in the park. Just to give one an example, his kids, they go out and they pick up trash in this park. When one increases traffic into this park, he needs to make sure that he has three sources available to maintain it.

Jason Sabatino stated that he just recently had a conversation with Mr. Pruitt regarding a fence in the park that he has been after the City for a year to fix because the Kudzu is not being maintained. If one can't fix a fence with a drop off, which by the way Sabatino has to tell Council it was just recently fixed after numerous requests. But if one can't fix a fence in the park, can't pick up the trash in the park, how are the neighbors going to be able to control what else is going to happen in this park? He has spoken with police officers that work in the park and they have told him that the crime and activities in the park are already at a level that they are unprepared to handle and this is Sabatino's back yard. He has small children. He has elementary school children on his street that backs up to this park. And they all use it every day.

When Sabatino first learned of this project, he believes it was Councilmember Orlans that commented in some of the meeting minutes that this project was initially brought up for emergency access. Sabatino is fully in support of Emergency access. He showed pictures of the park and the emergency access adjacent to the road that the City is looking to put in. He sees police officers on this road in their cars and on their motorcycles and park staff driving their trucks on these pathways every day. There is emergency access to this park.

Sabatino stated that they are going to have to restructure at least one hole of the golf course. They are going to be bringing additional traffic in and around the playground where a lot of children play. They are going to be bringing a lot of tennis balls and things into the road that kids are going to be chasing after. They have alternate options available that could be presented here. They could have an improved parking lot. They could have a roundabout for drop off to bring access in. Sabatino has tried to present these ideas to staff and has yet to be able to get a response other than that from Joe Glover that he would present it to the committee with no feedback.

The other thing that Sabatino wanted to point out is this he thinks is just in good faith and transparency of the City Council. There was a committee meeting which occurred on August 27th in which this matter was voted on to be brought here tonight. And the minutes from that meeting have not yet been published. Therefore, public review and comment and understanding of what was discussed in that meeting to bring this to this meeting tonight has not yet been disclosed to the public. Sabatino stated that he has requested that from the City and was told that it would not be available until after the next committee meeting in which those minutes could be

approved. There is a lot here and Sabatino really, honestly feels that the project as a whole is great. But there are a lot of residents who couldn't be here tonight. This is not a normal night for a Council meeting.

He feels like it is being crammed down their throats. He appreciates everything that the Council has done to make Roswell a wonderful place. He has lived here for over 15 years. He wouldn't live anywhere else. He loves Roswell, he supports what the Council is doing with it, but this particular piece of the project is bad. He appreciates the Council's consideration of having increased security, locking down the park at night, whatever they can do. If this project goes through as is to please make sure that this park is safe and shut down at night. They are tired of all of the activity in the park after hours and this is just going to make it worse.

Scott Walker stated his home address as 2290 Twelve Stones Drive and said he lives just across the street from East Roswell Park. As Jason Sabatino said, most of the neighbors are excited about the complete street project as a whole. They do have some very serious concerns about the impact of a through street going through that portion of the park crossing the existing walking trails, which are extremely heavily used in at least two places and will be coming very close to it in several others. There is a significant impact beyond just the six parking spots that are lost there in terms of the usability of the remaining three dozen parking spots that would essentially be backing onto a through street. If one is trying to get tennis equipment or just golf equipment or anything else out of the trunk of his car, he is standing in the right-of-way of that through street. Walker stated that he knows that there has been a lot of comment that they don't expect there to be an enormous amount of through traffic through there. He is very skeptical about that. He knows that a lot of his neighbors in Twelve Stones, while they don't necessarily look forward to having a through street have said yes, if it is there they will be using it as a way to get over to Eves Road from here without having to get out onto Holcomb Bridge Road. One of two things is true. Either there won't be much traffic which means there is not really a need for it, or there will be a lot of traffic and it is going to be a problem given the other uses of the park that are fairly well established. He has found it a little challenging to keep up with developments on this through the last several months. They definitely came out to the public meeting and he is extremely grateful to and appreciative of the transportation department's efforts to incorporate the feedback from that meeting into the planning process. He knows that when they first started looking at this it looked very different than this, and that is largely a response to those concerns that were expressed then. So, they are very happy that that has happened. It is just that it hasn't quite alleviated all of the concerns that the neighbors have about it and Walker thinks that there are several ways that it might be reconsidered including, as Sabatino mentioned, potentially making the access emergency only with bollards or some other mechanism that would allow for emergency services access, that would not have people driving through it anytime the park is in use.

Scott Walker stated that he definitely has concerns about the crosswalk intersection point at the corner of the tennis courts. As one may or may not be aware, the retaining wall that runs along there is relatively high and that is going to have to be cut. As Walker understands it from looking at the engineering plans and everything, the grade there from that crosswalk point where he understands there is to be a speed table, one has to go up hill considerably there and there is going to have to be a fairly significant cut in that bank there in order to allow that grade to be something manageable from a flat crosswalk with a speed table. And in order to do that, it is really going to either have to be leveled considerably up the hill, or it is going to be fairly blind for drivers coming down there and walkers coming across that crosswalk. He is very worried about how that is going to play out in practical terms because those trails are extremely heavily used.

Walker stated that he just has a lot of things that he is not quite satisfied about. As Jason Sabatino made reference to this development and as some of the Council may not be aware, Walker has been very involved in that over the years. Most of the concerns this golf community had were addressed completely by the relocation of the route. They would have to move one hole as Sabatino mentioned but they identified with the help of the park staff a contingency plan for that. So by and large, from that standpoint they are okay with the plan but as a resident of the area, somebody whose kids like Sabatino's use the park extensively and sees all of the activity there, Walker is very, very reluctant to say that that is going to be a workable, good, long term solution that can't be handled differently.

There was no further public comment. The public hearing was closed.

Mayor Wood stated there is a motion and a second and asked for further Council discussion.

Council Comment:

Councilmember Igleheart stated that he basically said the same thing for a while but to go on with these two guys' comments, he does understand that there are positives to this. There is certainly the connectivity side and no question it would make it easier for people to get in and out at times. But he thinks it still takes away from the park that they have now and they are so proud about green space and walkability and all, and yet they are trying to make it where cars can go everywhere. The way this has moved forward, the bond never contemplated any of this in terms of watch it take a step back. He thinks the Council all agrees that the whole part on Eves Road is fine. But the bond never talked about this as an option along the way and granted there are other funds beside the bond going toward this. But he wonders what that reaction would have been had they told people this is what they were going to do. And along the process, first they talked about just a little through lane for emergency access. Then it became a two lane road with a gate. And then it suddenly became an open road that anybody can go in at any time. He totally opposes that.

But since he knows he is going to lose that, Councilmember Igleheart would like to suggest that perhaps in response to some of the comments and concerns that they look at putting a gate here at the entrance along Eves Road at closing time, so that it can be closed at either dusk or whatever time it may be because they don't have somebody around the park anyway that could do that. And then at least they could maybe deal with one element of afterhours and people going through there all of the time. I might be a small thing they could do.

Steve Acenbrak stated that he thought that was reasonable. He doesn't see any reason why after it is built and they monitor it, to work with the Recreation Commission and Department and if it turns out that they would like a gate to close at night, he certainly thinks they would work with them.

Councilmember Igleheart stated that he thinks that could be one element that at least addresses a little bit to get help for the neighbors that live right behind there and the cars would be driving in and out. Granted there is the other side as well, but hopefully that could help cut down on some of that. He stated that he would like to suggest that Council make that as an amendment to the project.

Councilmember Orlans stated that he basically had the same comments and bringing Parks and Rec up and talk about the idea of closing this park and these through roads at dark when the park is supposed to close. He would like that looked into by the Recreation Commission, Parks and Recreation Department and Transportation

Department.

Steve Acenbrak stated that he will certainly work with them. Councilmember Orlans suggested that maybe it is something they should look at for all of the City's parks. He does not know, but definitely this one.

Mayor Wood stated that he certainly believes it is within the realm of the Recreation Board to decide whether or not parks should be gated at night. If the City is going to gate parks, they need to gate...closing one gate and leaving one gate open is like locking one door and leaving the other door open. It is not going to have a whole lot of impact, folks. If they are going to gate one park they need to look at gating all of their parks and it is a much broader decision than this. So, if the Recreation Commission and the Parks Department believes that the City should gate its parks at night, Mayor Wood stated that he is open to that. He supports this because of connectivity. He supports for the same reason that Mr. Sabatino is against it because it creates greater access to Roswell's parks. Mayor Wood believes that as a public park they are trying to encourage people to have access to that park. So, Mayor Wood does support this.

Councilmember Igleheart stated that on that side, he agrees with the Mayor overall, but this is a new road that has not always been there. It is something that is creating an impact on people who live right there who have and bought properties based on that. He thinks the Council has some responsibility to try to deal with that impact. It is different from a gate on all parks that has always been there or have been there for a long time.

Mayor Wood stated that when he was a boy the only parks they had was Woodstock Park and Waller Park. So every park in Roswell other than Woodstock and Waller is a new park in Mayor Wood's mind. He added that it is all one's perspective of what is new and what is old.

Councilmember Diamond stated that she was not going anywhere on that part, but she has spent a lot of time in this park. She does not live by it but she has driven there and in it. She used to say she needed a condo there because she was there constantly. She is a little surprised that the Fouts Road folks would not be jumping up and down for this. She finds that every time that she dumped out onto Fouts Road and clogged up that intersection to Holcomb Bridge Road for two or three lights, to get out to turn left and then turn around and turn left, they were on Eves Road anyway. All of the folks coming from the west side are on Eves Road anyway. She guessed that the bigger thing is the wear and tear...to use that as a cut through would not be practical in her mind because those speed bumps are as high as anything she has ever seen in her whole life. They just about tore up her car just going back and forth there. She is not saying that they are wrong, she is just saying that she is surprised by that because she would think it would alleviate the Twelve Stones traffic in a huge way and not to mention the traffic that it takes off of Holcomb Bridge Road and they hear a lot of the time, and particular in this area, that they need to be doing something to alleviate traffic that is on Holcomb Bridge Road and this is traffic that is going to be on Eves Road anyway.

Councilmember Diamond stated that she does have a question about and she does not know if this is for the Police Chief Rusty Grant or for Morgan Rogers because it is park police. But she has a concern about any comments that any of Roswell's officers perceivably made about being unprepared to handle crime in the area and she would be interested to hear someone's official take on that because that seems to be the root of, that is the root of Councilmember Diamond's concern anywhere.

Roswell Police Chief Rusty Grant stated that several months ago Councilmember Orlans asked him to pull the numbers for the crime stats for East Roswell Park and he did that for about a two-year period and the greatest number of calls for service in East Roswell Park were answering the false alarm at the Rec building there. The most common call that they had occur there was breaking into cars. That was maybe 10 over two years and there was a drug arrest. Other than that it was a very, very low crime rate within the park. Chief Grant would anticipate that if the assumption is correct, that more people will be coming into the park and one can expect the crime rate to increase. But Chief does not think it would be anything significant. It is very low right now.

Councilmember Diamond asked Chief Grant if he feels like Roswell has adequate staff to handle that or do they need to step that up. Does he think there is any concern on their officers' part that they are not supported enough to police that area? Chief Rusty Grant stated that sometimes officers say things off the cuff like, they experienced in an email today where they say things not realizing that they are going to be taken verbatim for what they say. But the numbers don't support what those officers said in the instance of East Roswell Park.

Councilmember Diamond stated that she does not know who she is asking this to, but as far as closing the park, would that be a Rec Commission call as far as closing the entrances or is that within the Council's purview?

Mayor Wood stated that the Rec Commission sets the policy and the hours. He would hope that they would consult with the Council before they took that action. But again, Mayor Wood sees that as a Rec Commission, a Parks operational decision.

Councilmember Diamond asked if that is something the Council can bring up or is it? Mayor Wood stated that the Council can suggest it to the Commission, the Commission could suggest it to the Council. Mayor Wood thinks it is within the authority of the Parks Department to close it if they think it is appropriate, one or all entrances. He just believes that if one closes one entrance and leaves one open he is not really accomplishing a lot. Like locking the back door and leaving the front door open. He is not sure that discourages anybody from coming in.

Councilmember Orlans stated that going back to the original point; the intent was for both sides of the park to be closed. He thinks from what he has seen over the years that by Council bringing it up tonight as an issue that the Commission will address it. He knows that Councilmember Price, he is sure will take it to them and Morgan Rogers is present in the audience and he is sure Rogers will take this to them.

Councilmember Price stated that she has made note of it and she will bring it to the Commission and see if they have any response or suggestion of where they might go on that score. In response to Jason Sabatino, Councilmember Price hates to think that anyone thinks that this has been a project that has rapidly gone through. If anything she feels like this is one of the slowest things the Council has done because they had so many changes and iterations of the drawing to accommodate the different comments that they have received because this was in the works well before she was on the transportation committee, which was more than two years ago. So it has been quite a long time and she has seen so many different drawings of this and so many different public comments about it. It is pretty exhausted in the possibilities as it comes to its current form. And certainly that is not the issue tonight anyway. The issue tonight is simply approving a contract to move forward. Councilmember Price thinks that in some ways, the Council has already determined what they are going to do, although one never really does it until the money goes out. She sort of feels like the Council's discussion tonight is the financial aspect and not necessarily the project

itself, although certainly if there are specific things that the Council hasn't addressed or didn't come up in those multiple meetings. They certainly want to make sure they don't make any mistakes. She thinks they have that option of putting in bollards at some point if there is too much traffic or what have you to deal with it at that point. But she thinks that most people who look at this feel that this is a prudent course and she hopes that the Council goes on this course with obviously the opportunity to scale back if they need to.

Councilmember Igleheart stated that he will say that there is one portion that the Council is concerned about. It has come about very quickly and certainly the open road part of it. He does not recall ever having a real discussion of this in a Council meeting. It has been in Committee discussion all the way. No offense, but in all due respect, the times the discussion is being brought up after certain decisions have been made have happened many times. This is one of those that just comes along when the topic is being discussed.

Councilmember Dippolito thanked Mayor Wood. He remembers working on this as liaison, which was a long time ago. So he always thought this complete street program was a great project. He really liked the connectivity that it provides between the river, the school and the park. They kind of hit everything all in one shot and one project, so he thinks it does a fabulous job. He supports connectivity so he is very comfortable with the connection to the park. He thinks the impact will be significantly less than some of the concerns that have been voiced. He thinks the number of street miles will be greatly reduced. He knows that living on the far side of the Roswell Area Park, his car would probably have 30,000 less miles on it if he was able to drive into the north side of Roswell Area Park instead of driving all the way down to the other side and back in and through the whole park to get to the building.

Mayor Wood said the Council will be responding to any calls and he suggested that one take his concerns to the Rec Commission. Councilmember Price stated that she would be happy to send Jason Sabatino an email. She knows he has sent her several in the past. Actually she was copied on them and she is always available by telephone. She is happy to talk with Sabatino at any time. The next Committee meeting is the fourth Thursday of the month, September 25th at 6 p.m.

Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a contract with Vertical Earth for the construction of the Eves Road Complete Street Project in the amount of \$2,151,006.16 and Approval of Budget Amendment 31242101-09-10-14 in the amount of \$1,041,885.16. Councilmember Price seconded. Councilmembers Diamond, Price, Wynn, Dippolito and Orlans voted in favor. Councilmember Igleheart opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

13.

Approval for the Mayor and/or City Administrator to sign a contract with Vertical Earth for the SR 140 from SR 400 Northbound Ramps to Old Alabama Road project in the amount of \$1,040,472.64.

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item stating that the Council will recall that RDOT did a Holcomb Bridge Road at SR 400 corridor study seven years ago. It created a list of short, medium and long-term projects and this is one of

the projects that was created. Steve Acenbrak wanted the Council to see the completed set of plans because this is a product of a lot of work. What they are doing here is very subtle but very important. The northbound ramp from SR 400 is currently a single lane and it is going to be two lanes. There is a signal at the ramp of the intersection now but it is basically a pedestrian signal for people to cross across. That is going to be a full stop and go to a traffic signal. They call these the valves. What will happen here is that a combination of the new signal and the road geometry will eliminate what has been commonly referred to as a trap lane, which is cars that are heading east bound on SR 400 merging with the cars that are coming northbound and the ones that want to go east are merging and weaving with the ones that want to turn north on Old Alabama because that is the primary desire line. So what they are going to have is a combination of median improvements, lane improvements and a signal which will in effect do two things: If one is going eastbound on Holcomb Bridge Road the northbound traffic will be stopped. So one will have free flow to either continue east or turn north on Old Alabama. Then those vehicles will be stopped and the ones on the ramp will be allowed to go freely to either east or north. This is going to eliminate that whole merging and weaving situation from a combination of basically the signal and some positive guidance created by the median improvements.

Also, because of these median improvements, the westbound left turn lane will be extended through the intersection which will have increased safety and increased mobility. Interestingly enough, the valves actually increase the mobility in this area and then one is going to have some increased storage and a lot more positive guidance. So one will not have those people at the last minute in the lane that realize, "Oh my gosh! I am in this left turn lane and I want to go left." Or "I wanted to turn left on Old Alabama but I am in the wrong lanes."

That will be eliminated and this is a project that is funded by the Georgia Department of Transportation. It is not a bond project, but it is one of the ones that came out of the Holcomb Bridge Road Corridor Study. The feedback is that study is producing million dollar projects.

Council Comment:

Councilmember Orlans stated that he was assuming that this light is coordinated with the one on the other side of SR 400. Steve Acenbrak stated that it is part of the ATMS project which is part of their backbones. Councilmember Orlans asked Steve if it was part of the ATMS or they will be coordinated together for sure. Acenbrak stated that was correct and added that they will be coordinated with the westbound through lane as well.

Motion: Councilmember Diamond made a motion for Approval for the Mayor and/or City Administrator to sign a contract with Vertical Earth for the SR 140 from SR 400 Northbound Ramps to Old Alabama Road project in the amount of \$1,040,472.64. Councilmember Wynn seconded. The motion carried by the following vote:

In Favor: 6

14. **Approval of a Resolution to sign a Construction Agreement with Georgia Department of Transportation (GDOT) for the SR 140 from SR 400 Northbound Ramps to Old Alabama Road project in the amount of \$1,045,903.11 and approval of Budget Amendment 22142200-09-10-2014 in the amount of \$148,878.11.**

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item stating this is the same project and this is to accept the grant that says that GDOT is paying for this and the City is letting the project to construction and overseeing the construction. They are also waiving their ability. They originally said that they wanted to charge Roswell for the construction oversight and now RDOT is going to do the construction oversight.

Mayor Wood stated that he, Councilmember Diamond and Steve Acenbrak had a great meeting with GDOT last week. They met with Dan Moody representing the GDOT Board. Harry Geisinger, Toby Carr, Chief Engineer Russell McMurray and Deputy Commissioner Todd Long were also there so they had all of the big dogs. They were quite pleased when the Chief Engineer of the GDOT described the Gateway South Atlanta Street project as a signature project. Steve Acenbrak covered it briefly and they said they wanted to talk more about it. It is such a great project. So they had some very positive feedback from GDOT, they worked out some issues, so things are going very well between Roswell and GDOT working on all of the projects just mentioned and other projects. The City is confident that when the time comes, there will be funding for South Atlanta Street.

Motion: Councilmember Diamond made a motion for Approval of a Resolution to sign a Construction Agreement with Georgia Department of Transportation (GDOT) for the SR 140 from SR 400 Northbound Ramps to Old Alabama Road project in the amount of \$1,045,903.11 and approval of Budget Amendment 22142200-09-10-2014 in the amount of \$148,848.11. Councilmember Dippolito seconded. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-09-47

City Attorney's Report

- 15. Approval of Resolution authorizing the Mayor and/or City Administrator to sign all necessary documents for an exchange of City property for property of equal or less value according to certified appraisals for Fire Station #4, to accept such appraisals and to abandon certain described property while maintaining a permanent right-of-way easement.**

City Attorney David Davidson requested to remove Item #15 from the Agenda because there are some legal issues that still need to be worked out.

Mayor Wood asked for clarification if this is getting close. Mr. Davidson stated that it was. Mayor Wood said Roswell will have a fire station one day. David Davidson stated that he should be able to bring it back to the next meeting.

Councilmember Orlans stated that they are missing a few tweaks on the legal contract. Instead of the approval of the resolution and the contract tonight he would make a motion to move forward with the swapping of the property and for the contract to be refined and brought forward at their next Council meeting.

Mayor Wood asked for further Council discussion. There was none. He said this is not a final approval, it is a moving forward approval and it will come back to Council

Motion: Councilmember Orlans made a motion to defer Approval of a

Resolution authorizing the Mayor and/or City Administrator to sign all necessary documents for an exchange of City property for property of equal or less value according to certified appraisals for Fire Station #4, to accept such appraisals and to abandon certain described property while maintaining a permanent right-of-way easement and this item be placed on the Mayor and City Council agenda for 9/22/2014. Councilmember Igleheart seconded. The motion carried by the following vote:

In Favor: 6

Enactment No:

16.

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

Motion: Councilmember Wynn moved for closure. Councilmember Price seconded. The motion carried by the following vote:

In Favor: 6

Adjournment

Meeting adjourned at 9:53 p.m.