

**CITY OF JOHNS CREEK
COUNCIL MEETING
April 28 2008
7:00pm**

The City of Johns Creek Mayor and Council held a Council Meeting on Monday, April 28, 2008. The meeting was held at 7:00pm in the City Hall Council Chambers located at 12000 Findley Road, Suite 300 in Johns Creek, Georgia.

COUNCIL PRESENT: Post 1-Randall Johnson
Post 2-Dan McCabe
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5-Liz Hausmann
Post 6-Bev Miller
Mayor Michael Bodker

STAFF PRESENT: William Riley, City Attorney
John Kachmar, City Manager
Joan Jones, City Clerk
Patty Hansen, Chief of Staff

PLEDGE OF ALLEGIANCE: Led by Mayor Bodker.

OPENING REMARKS: Mayor Bodker thanked everyone for attending the Police Department Open House and gave special recognition and appreciation to Rosemary Taylor. He congratulated Chief Densmore on a smooth launch. In addition, Mayor Bodker congratulated the Comprehensive Plan Citizen Advisory Committee, both the Green Plan and Transportation Sub-Committee and staff on a well attended and informative Comprehensive Plan Open House. He announced Autrey Mill Nature Preserve will be have their Spring Celebration on May 17th and encouraged everyone to attend the festivities. Mayor Bodker read an email he received complimenting the responsiveness and availability of the city staff. In addition, he announced the upcoming Town Hall Meeting on May 7th at 7:00pm. Speaker Pro Tem Burkhalter and Fulton County School Superintendent Cindy Low will be in attendance.

MINUTES: Council Member Figueroa made a motion to accept and approve the April 14, 2008 Work Session Summary and the April 14, 2008 Council Meeting Minutes as submitted. Council Member McCabe seconded. The motion carried unanimously.

AGENDA APPROVAL: Mayor Bodker asked the council to consider amending the agenda by including a discussion of one (1) legal and one (1) real estate matter under Executive Session. Council Member Johnson made a motion to approve the agenda with the inclusion of Executive Session to discuss one legal and one land matter. Council Member Hausmann seconded the motion. The motion carried unanimously.

PUBLIC COMMENT: No Public Comments.

CONSENT AGENDA: City Clerk Jones read the following items to be considered on the Consent Agenda:

- Resolution to Approve new 2008 Alcohol Beverage License (*Resolution 2008-04-27*)
- Approval of the purchase of Additional Police Vehicles (7)
- Approval of Privileged Resolutions for Eagle Scouts Ben Cecil, Matt Cecil, Caleb, Elder and Ryan McLynn of Troop 2000 (*Action Item*)

Council Member McCabe made a motion to approve the Consent Agenda. Council Member Hausmann seconded. The motion carried unanimously.

ANNOUNCEMENTS: City Clerk Jones announced a tentative meeting of the Transportation Sub Committee for Thursday, May 1, 2008 at 7:00pm. Once confirmed it will be posted on the city website.

REPORTS & PRESENTATIONS: No Reports

OLD BUSINESS

REZONING CASE 08-003: The Second Read of Ordinance 2008-04-06 to amend the City of Johns Creek Zoning Map for RZ-08-003-JL Abbotts, LLC at 6280 Abbotts Bridge Road from C-1 Conditional to C-1 Conditional for a change in conditions to allow a restaurant was held. Planning and Zoning Administrator Justin Kirouac outlined this request to allow for a restaurant at 6280 Abbotts Bridge Road and he reviewed both the Staff Recommendations and Planning Commission recommendations.

City Clerk Jones read the Zoning Procedure Hearing statement.

Mayor Bodker opened the Public Hearing for this rezoning request.

Attorney Wendy Butler represented the applicant, J&L Abbotts, LLC and presented information about the current usage on the property and explained the original application requested a liquor store but that part of the request has been withdrawn. In addition, Mrs. Butler stated the proposed 1500 sq. ft. coffee shop has been reviewed by the JCCA, the surrounding HOA and they support this request. Mrs. Butler asked to save the remaining time for rebuttal and for those speaking in support of this

Jon Payne, representing the JCCA, addressed council voicing the JCCA support of this rezoning with the caveat the council consider the hours of the coffee shop and outdoor seating and to require opaque slats in the fencing to provide privacy for the adjoining Reserve of Foxdale Subdivision.

Mark Strickland, Business Owner, President of Standard View Homeowners Association and President of Abbotts Bridge Common Business Association which ties into this

complex presented council with information on how this coffee shop idea came from Northview High School students. As Johns Creek resident, he voiced his support.

Mayor Bodker called for any opposition to this rezoning request. There being no opposition, he closed the Public Hearing for Rezoning Request 08-003 and asked council for any questions or discussions. Council Member Figueroa asked for confirmation there is not a liquor store included in this rezoning request. Mrs. Butler did confirm there will not be a liquor store. Discussion was held on the various conditions recommended by both Staff and Planning Commission.

Council Member Richardson made a motion to approve Ordinance 2008-04-06 approving the Rezoning Case 08-003 for 6280 Abbotts Bridge Road subject to the following conditions:

- 1) Retail, service commercial, and/or office and accessory uses, including all exterior food and beverage service areas, at a maximum gross square footage of 15,120. A 1,500 square foot coffee/smoothie/sandwich shop selling non-alcoholic beverages, but excluding cell towers, check-cashing businesses, convenience stores with/without gas pumps, liquor stores, billboards, service stations, billiard/pool halls, automotive repair stores, commercial amusements, gun clubs, and massage parlors. Excluding heating by grilling or frying equipment.
- 2) The site shall be developed in general conformance with the site-plan received by the Community Development on January 2, 2008.
- 3) Access shall be limited to one right-in/right-out along Abbotts Bridge Road.
- 4) Inter-parcel access must be provided to adjacent properties
- 5) A drive thru is not permitted.
- 6) Hours of operation shall be limited to 6:00am- 10:00pm
- 7) The existing fence along the rear property line between the subject property and the self-storage facility shall be screened with a screen or slats for visual screening of the rear of the building from residential units in the Reserve at Foxdale.

Council Member Johnson seconded the motion. Under discussion Council Member McCabe voiced concern about such restrictions for commercial uses, if it limits the usage of the property later on and that if the business closes, there will be vacant buildings later or this property would have to come back for a different rezoning. Planning and Zoning Administrator Kirouac explained this is a policy discussion council will need to consider.

Mayor Bodker called for a vote on the original motion. Upon further discussion Council Member Miller made a motion to amend the motion to state that a drive-thru is not permitted. Council Member Figueroa seconded the amendment. The amended motion carried 5-2 with Council Members Miller, Hausmann, Figueroa, Johnson and Mayor Bodker voting in favor of the amendment; with Council Members Richardson and McCabe voting against the amendment.

There being no further discussion, Mayor Bodker called for a vote on the original motion. The motion carried 5-2 with Council Members Miller, Hausmann, Figueroa, Johnson and Mayor Bodker voting in favor of the amendment; with Council Members Richardson and McCabe voting against the motion. (*Ordinance 2008-04-06*)

Mayor Bodker recognized quickly recognized Chief Densmore and asked him to stand and be recognized on a successful police launch.

IGA with IRWIN COUNTY: Court Clerk Tony Day reviewed this Intergovernmental Agreement with Irwin County for Detention Center Services. This IGA will be renewed automatically, with council having the option to make any changes in the future. Council Member McCabe made a motion to approve Resolution 2008-04-28 authorizing the Intergovernmental Agreement with Irwin County for Detention Services. Council Member Richardson seconded. The motion carried unanimously. (*Resolution 2008-04-28*)

NEW BUSINESS:

BUDGET AMENDMENT: The First Read of the Ordinance to amend the Fiscal Year 2008 Budget for the General Fund appropriating expenditures (\$30,000 for Thermal Imaging Cameras) and adopting the revised anticipated revenues for the General Fund was held.

CHAPTER 10 AMENDMENT: The First Read of the Ordinance to amend Chapter 10: Taxes, Article 2, Section 6 by identifying with more particularity the Official Code of Georgia Annotated Code section providing for the expenditure or revenue collected from the imposition, assessment and levying of the Hotel and Motel Tax was held.

GEORGIA OFFICE OF HIGHWAY SAFETY GRANT: Chief of Staff Hansen had previously presented information regarding this grant to council at the work session. Council Member McCabe made a motion to approve the submittal of this GOHS Grant. Council Member Figueroa seconded. The motion carried unanimously. (*ACTION ITEM*)

NO OTHER BUSINESS: Council Member Miller thanked Mayor Bodker and Council for participating in teaching Government at the River Trail Middle School in conjunction with Georgia Cities Week. Council reviewed the May 5th Agendas.

PUBLIC COMMENT: Major Thompson addressed council and complimented the Mayor, Council and Staff on the Police Open House. In addition, he asked council to consider a cap on property reappraisals.

EXECUTIVE SESSION: Council Member Miller made a motion to go into Executive Session to discuss one (1) legal matter and one (1) real estate matter. Council Member Johnson seconded. The motion carried unanimously.

Council Member McCabe made a motion to come out of Executive Session and resume Regular Session. Council Member Richardson seconded. The motion carried unanimously and Regular Session resumed.

There being no further business, Council Member Figueroa made a motion to adjourn. Council Member Richardson seconded. The motion carried unanimously and the meeting was adjourned.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan Jones, City Clerk