

**CITY OF JOHNS CREEK
COUNCIL MEETING MINUTES
July 14, 2008
7:00pm**

The City of Johns Creek Mayor and Council held a Council Meeting on Monday, July 14, 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 Gregory Santoro and Daniel Siedschlag of Troop 2000.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting; he thanked Pastor Fallicer for the Invocation and Eagle Scouts Siedschlag and Santoro for leading the pledge. Mayor Bodker thanked Kroger for the Johns Creek-July 18th Independence Cake; he wished Dunwoody citizens a peaceful vote. He congratulated the 67 Johns Creek youth who are training to represent Johns Creek in the upcoming Georgia State Swimming Championship in Augusta at the end of July. He announced the city will be receiving \$2.8 million dollars as part of the SSD funds and thanked the North Fulton Legislators and Fulton County Commissioner Riley on their help on behalf of the city. He congratulated Brandon Beach of the Greater North Fulton Chamber of Commerce on his election to the Georgia Department of Transportation Board and the newly elected North Fulton Municipal Association Board Members Chairman, Jere Wood of Roswell, Vice Chair, Eva Galambos of Sandy Springs and Secretary Joe Lockwood of Milton. More importantly he thanked the Citizens Advisory Committee, the Transportation Sub-Committee and the Green Plan Sub-Committee and the citizens who participated in the many workshops to help create the Comprehensive Plan (Community Agenda). The Neighborhood Infrastructure Bank information will be presented at the upcoming July 28th Work Session.

Council Member Miller on behalf of the council congratulated Mayor Bodker on being elected as Chairman of the Metro Atlanta Mayors Association which represents sixty-six

(66) cities and ten (10) counties in the metro area and on his election to the Georgia Metropolitan Association District Board.

MINUTES: Council Member Figueroa made a motion to approve the minutes for the June 16th 2008 Public Hearings (11:30am and 6:00pm), June 16th 2008 Work Session Summaries and the June 16th 2008 Meeting Minutes. Council Member Richardson seconded. Council Member Miller amended the motion to include correction to the 6:00pm Public Hearing minutes to change the current millage rate from 4.64 to read 4.614. Council Member Figueroa seconded. The amended motion carried unanimously. The motion to approve the minutes as presented and now amended carried unanimously.

AGENDA APPROVAL: Mayor Bodker requested the IGA for Animal Control be placed on the Consent Agenda as item #3. Council Member McCabe made a motion to approve the agenda with the amendment to add under the Consent Agenda- Consider Approval of Intergovernmental Agreement Amendment with Fulton County for Animal Control (Resolution 2008-07-46). Council Member Hausmann seconded the motion. The motion carried unanimously. The Agenda was amended and approved.

PUBLIC COMMENT: Mayor Bodker clarified the three opportunities for public comment at tonight's meeting. City Clerk Jones read the Public Comment guidelines. David Kornbluh asked for clarification on the Comprehensive Plan, explaining on tonight's rezoning case there is reference to the comprehensive plan that has not been adopted. Does the comprehensive plan need to be considered in upcoming zoning cases?

No other Public Comments.

CONSENT AGENDA: Council Member McCabe made a motion to approve the Consent Agenda Items which include ***Resolution 2008-07-43*** to approve new 2008 Alcohol Beverage Licenses; ***Action Item***-Approval of Privileged Resolutions for Eagle Scouts Daniel Siedschlag and Gregory Santoro; and ***Resolution 2008-07-46*** to approve the Intergovernmental Agreement with Fulton County for Animal Control. Council Member Richardson seconded the motion to approve the Consent Agenda. The motion carried unanimously.

ANNOUNCEMENTS: City Clerk read the following Privileged Resolutions for Eagle Scouts Daniel Siedschlag and Gregory Santoro of Troop 2000:

The City of Johns Creek recognizes Daniel Siedschlag of Troop 2000 on obtaining the rank of Eagle Scout. Eagle Scout Siedschlag completed his community service project which was to plan and manage various activities for a Child Safety Fair. Whereas Eagle Scout Siedschlag's project introduced children on ways to enhance their safety, it also enhances the values scouting has on our community. The Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Daniel Siedschlag.

The City of Johns Creek recognizes Gregory Santoro of Troop 2000 on obtaining the rank of Eagle Scout. Eagle Scout Santoro completed his community service project which was constructing and installing eight (8) picnic benches for Holy Redeemer Catholic School. Whereas Eagle Scout Santoro has demonstrated his leadership skills which impact his community, the Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Gregory Santoro.

City Clerk Jones read the following Public Meeting schedule:

Tuesday	July 15 @ 3:00pm	CVB-Taylor Conference Room
	@ 3:00pm	RPAC Sub Committee- Council Chambers Conference Room
	@7:00pm	BZA-Council Chambers
Tuesday	July 22 @5:00pm	RPAC-Taylor Conference Room
Monday	July 28 @5:00pm	Work Session-Taylor Conf. Room
	@7:00pm	Council Meeting-Council Chambers

No further announcements.

REPORTS AND PRESENTATIONS: Public Works Director Hildebrandt presented information regarding the Transportation Concept Design for Intersection Improvements. STP Projects Jones Bridge at Waters Road; Jones Bridge at Buice Road; Jones Bridge at Morton Road; Bell Road at Rogers Bridge Road; and the HPP funded projects on Bell Road at Rogers Circle; State Route 120 Abbotts Bridge Road at Boles Road; Bell Road at Boles Road; the Johns Creek Greenway Segment 1 and Segment 2 was outlined. He outlined the staff's priority for Road Improvement Projects. City Engineer Cindy Jenkins outlined funding options for these projects and the possibility of reallocating federal funds to cover the project cost. Discussion was held on the Haynes Bridge/Old Alabama project and a cost estimate will be presented on the 28th. In addition, the Short Term Work Program was reviewed, specifically the correlation with the community agenda.

OLD BUSINESS: No Old Business.

NEW BUSINESS

PROJECT FRAMEWORK AGREEMENT: Engineer Cindy Jenkins reviewed the need to amend the May 2007 Ten Project Framework Agreement by reallocating the city's portion of the HPP funds; \$100,000 will be reallocated federal funds from the Greenway Segment 2 project with no additional funding required by the city. She presented additional wording in the Amendment to read "*Whereas, after the Agreement was entered, the City determined that a greater amount of funding was required for the Transportation Master Plan project than was originally estimated.*" Council Member Johnson made a motion to approve Resolution 2008-07-44 to amend the IGA with GDOT for Transportation Facility Improvements to the Transportation Master Plan Project with the additional wording to the Amendment as presented by City Engineer Jenkins. Council Member McCabe seconded. The motion carried unanimously. (***Resolution 2008-07-44***)

RZ08-007 IVY FALLS: The First Read of Ordinance 2008-07-15 to amend the Zoning Map for Rezoning Case 08-007-Ivy Falls-DWP Ivy Falls, LLC the 10400 Block of Medlock Bridge Road and 5900 Block of Wilson Road-1st District, 1st Section, Land Lot 325-O-1 Conditional-change in conditions to allow a building height increase and an increase in density was read by City Clerk Jones.

COMPREHENSIVE PLAN (Community Agenda): David Tedder of Carter Burgess outlined to council the development of the Comprehensive Plan came from the Citizen Advisory Committee and sub-committees, the public participation, interviews with stake holders and council along with staff involvement. This is an evolving document that includes the Land Use Plan, the Transportation Plan, the Green Plan and Short Term Work Program. He introduced Keri Stevens and Michelle Alexander from Pond & Company who gave a power point presentation on the Community Agenda as one of the components of the Comprehensive Plan. They explained the Short Term Work Plan is a five year structure, prioritized by year and the cost that may be associated with each project and is part of the city's budget process.

Rod Wilburn of Carter Burgess reviewed with council the proposed Transportation Master Plan. This transportation plan works with the community agenda program, growth patterns and land use of the entire northern region was considered when this plan was developed. Alternate ways of connection with intersection and activity nodes were considered, but the committee always had safety as a top priority and to maintain the character of the areas. Traffic flow, speeds, alternate modes of transportation, traffic expansion and traveler behavior was presented as part of the power point.

Dr. Bill Drummond of Georgia Tech presented information on the proposed Green Plan. He outlined the proposal of having riverfront parks, soccer lacrosse fields, improvement of Shakerag Park and a community center or natatorium. The Green Plan shows the protection area and flood plain area of the Chattahoochee, the recommendation of citizens forming a land trust as a conservation tool and a natural greenway development at the northern end of Abbots Bridge and possible greenways along the river. The plan shows the development of inter connective greenways in North Fulton to join the existing parks in Duluth, Alpharetta, Roswell, etc.

David Tedder reviewed how the Short Term Work Program along with time and money can help implement the projects involved in the Community Agenda. Assistant Community Development Director Susan Cannon presented the Staff Recommendation. ARC & DCA recommendations are included in the package, along with a revised copy of the Short Term Work Program. She reviewed the Planning Commission recommendations.

Mayor Bodker opened the Public Hearing for the Comprehensive Plan. There will be a three minute time limit per speaker.

Bill Magyar read a resolution from Stone Haven Home Owners Association to keep Parsons Road a two lane, and supporting the widening of Abbots Bridge Road to four lane road.

Merv Brown from St Ives Home Owner Association asked council to keep Parsons Road two lane and Abbots Bridge a four lane road, to keep the original 2030 plan.

Ellen Lark, Parsons Run Home Owners Association expressed her appreciation to the council for their time and reiterated what has been said already. She explained Parsons Run has thru eminent domain lost property for the widening of Abbots Bridge Road, has spent monies for front entrances and thanked council for going back to the original plan.

Jim Warren complimented the staff and committees on their work on the Comprehensive Plan. 1100 of 1900 acres of Tech Park is within the city, the Future Land Use has divided the park into two areas, Area 9 and the Activity Node in Character Area 7 as it relates to Tech Park. He asked the area above Bell Road (Activity Node Area 9) be coded Blue, as it will help with identification and visually delineate Tech Park.

Alex Hunter lives on 10 acres on Parsons Road, zoned AG-1 and requested council take into consideration the potential impact of a third lane on Parsons Road would be dramatic, both in safety and traffic in the community.

Bob Frame voiced concern on the council's opportunity to look again at the decisions they make tonight, as this plan may be the most important decision they make and not sacrifice the quality of the plan because of a timeframe.

Jim Forrester reiterated what has been said about Parsons Road being kept a two lane road.

John Parsons stated his support on maintaining Parsons Road a two lane, the Abbots Bridge expansion is justified as it will meet the commercial traffic in the area.

Quinton Sanders everything has been said that he wanted to say.

Chuck Steiner's written comment stated that Perimeter Church intends to participate in the planning for and implementation of the 2030 Comprehensive Plan, the desire to be an interested and active partner with the city and a good citizen in the plan.

Aileen Meyer's requested (by written statement) council to reconsider improvements to the intersections of Jones Bridge at Sargent, Jones Bridge at Douglas and the widening of Jones Bridge due to the increase of new students from the neighborhoods off Douglas Road and Sargent Road. Pedestrian Connectivity may be an option. The rezoning for the new high school will increase traffic and the bottleneck that occurs on Jones Bridge and Sargent Road. Student safety and commuter traffic flow is the main issue and she request the council reprioritize the Jones Bridge widening to reduce school related congestion.

Bob Wiesenberg thanked council for their time and effort asked council to support staff recommendation to maintain Parsons Road two lane.

David Kornbluh thanked council for their appointment to the citizen committee, he commented on the Comprehensive Plan posted on the website, he commended the Planning Commission on their hard work and asked council to support these recommendations. He asked council to consider additional citizen committees; he voiced concern on the Old Alabama corridor the Rivers Estate, specifically the transitional area in the river, mixed use and what it means.

Dagmar Sands addressed council regarding page 13 and 14 of the Comp. Plan, Medlock Bridge, McGinnis Ferry Road, Hwy 141, Abbotts Bridge and Medlock and the scale 4-6 stories, 5-12 units to be modified to between 5-20 units. She looks forward to a good plan for commercial development so residents will spend their money in Johns Creek not in Forsyth or Gwinnett.

Dave Caro of Glenn Hurst on Parsons Road clarified to please keep Parsons Road two lane.

Mayor Bodker called for any other public comment. There being no further public comment, Mayor Bodker closed the Public Hearing.

Mayor Bodker thanked everyone for their comments and called for a five minute recess.

Council Member McCabe motioned to approve the Executive Summary of the Comprehensive Plan. Council Member Richardson seconded. Council Member Hausmann amended motion to replace “Vision” in Executive Summary to reflect the City Vision per Planning Commission’s recommendation #4. Council Member Miller seconded. The motion carried unanimously. Mayor Bodker called for a vote on the original motion to approve the Executive Summary now amended. The motion carried unanimously.

Council Member Miller motioned, seconded by Council Member Hausmann to approve the Comprehensive Plan with the following Planning Commission recommendations #1, #2, #3 - Maintain the character of Old Alabama Road between Jones Bridge Road and Buice Road (maintain two lanes) #4 (was clarified as in the previously approved Executive Summary just approved by council) and #11 and with the Staff Recommendations with the following changes:

1. Delete all references to In Law Suites in all character references.
2. In all places where document references “church” change the wording to “places of worship”.
3. In Character Area 1, pg 10, Residential – Scale should read Maximum 2-3 stories at nodes and 2-3 stories based on existing housing stock and residential regulations; accessory buildings should be compatible in scale, design and materials to the primary residence.

4. In Character Area 3, change Character Area designation to River East.
5. In Character Area 4, pg 16, Residential Scale should read Maximum 2-3 stories maximum height; accessory buildings to scale, design and materials compatible to the primary structures
6. In Character Area 5, pg 18, Residential Scale should read 2-3 stories based on existing housing stock and residential regulations; accessory buildings should be compatible in scale, design and materials to the primary residence. #10
7. In Character Area 5, pg 18, under Intent, delete the sentence "Further, the Dean Gardens Estate has also been identified as a transitional area for possible mixed residential and/or public uses."
8. In Character Area 5, add to Design and Transportation Considerations "The city supports the new two lane improvement Plan derived from the GDOT/Mulkey Public Planning Process"
9. In Character Area 6, pg 20 under Residential-Scale should read Maximum 2-3 stories maximum height; accessory buildings to scale, design and materials compatible to the primary structures
10. In Character Area 8, pg 24 Residential-Scale should read 2-3 stories based on existing housing stock and residential regulations; accessory buildings should be compatible in scale, design and materials to the primary residence.
11. In Character Area 9, Medlock Bridge Road Corridor Scale change to read "High intensity uses, 4 story building height 5-8 units per acre except as noted for the activity nodes within this Character Area."
12. In Character Area 9, Abbots/Medlock Bridge Road-Scale change to read "4-6 story building height with appropriate architectural and site design, (increasing to the maximum of 6 stories from Bell Road north to McGinnis Ferry Road.)"
13. In Character Area 9-Abbots/Medlock Activity Node (pg 30) Residential to read "5-12 units per acre".

Discussion was held on Transitional Area properties, labeling all big tracts of land as transitional, how this plan should be considered in future zoning cases for character area descriptions and to determine the intent of the area. Council Member Hausmann amended the motion, seconded by Council Member Richardson to pull out #7 referencing Dean Gardens to vote on this as a separate issue. The motion carried 6-1- with Council Member Richardson opposing.

Council Member Richardson amended the motion, seconded by Council Member McCabe to add wording in Character Area 1, pg 11, under goals bullet #5 to read "*The single family neighborhoods likely to be impacted by commercially/higher density housing should use transitional land uses and buffering to avoid impacts upon existing single family neighborhoods; buffers should contain but are not limited to, a mixture of hardwoods, softwoods, and or an opaque fence with shrubs to contrast the height and bulk.*" The motion carried unanimously.

Council Member Miller amended the motion, seconded by Council Member Figueroa to change wording in the document that references --retaining existing lot sizes or lot sizes

should be maintained—to read “*Retain lot size appropriate to the character areas*”. The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member Richardson in Character Area 5, under Intent, the last sentence be changed to read “*Further the Dean Gardens Estate has also been identified as a transitional area.*” and under Appropriate Uses and Scale: Residential: Mixed Use Residential striking the (*Dean Garden Estate transitional*). The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member Miller to add in Character Area 10, pg 31 under Institutional Appropriate Uses and Scale “*Civic Use (TCC)*”. The motion carried unanimously.

Council Member Miller amended the motion, seconded by Council Member McCabe to delete in Character Area 11 under Intent the word “transitional” in the first sentence and add the wording “*transitional area*” in front of the wording “at Bell Road.”; taking out the word transitional before the word corridor. The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member Figueroa under Community Facilities and Services-Services–pg 40, to change Opportunity to read “*Investigate the most convenient locations for a new recycling center to serve Johns Creek*”. The motion carried unanimously.

Council Member Miller amended the motion, seconded by Council Member Hausmann to add a new bullet point under Natural and Cultural Resources (pg 50) to read “*support the existing fine arts organizations within Johns Creek and encourage the development of new organizations*”. The motion carried unanimously.

Council Member Richardson amended the motion, seconded by Council Member Hausmann to add wording to the beginning of bullet point 16 under Community Facilities, Services and Housing (pg 49) “*Survey the feasibility and investigate the need for*”...in front Construct a combination or freestanding community center and natatorium with a gymnasium. The motion carried unanimously.

Council Member Figueroa amended the motion, seconded by Council Member Richardson to add a bullet point under Transportation Policy, pg 47 to read “*Wherever possible interconnectivity shall be encouraged.*” The motion carried unanimously.

Council Member Richardson amended the motion, seconded by Council Member McCabe under pg 56 the Future Development Areas Implementation Measures Program-Explore citizen participation on boards and commissions: to delete “*Transportation Advisory Board and Tree Advisory Board and add Historic Preservation Commission.*” The motion carried 6-1 with Council Member Hausmann opposing.

Council Member Richardson amended the motion, seconded by Council Member Johnson to move the Short Term Work Program Transportation items T1, T2, T3, T4 and

the corresponding figures back one year to 2010 and to drop the wording “*and Parsons Road*” from item T25. The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member McCabe to change the word “widening” to “*improvement*” under T11 in the Short Term Work Program. The motion carried unanimously.

Council Member Miller amended the motion, seconded by Council Member Hausmann to move Economic Development item ED1 Develop Gateway Program to 2009 and implement Gateway Program in 2010, 2011 and 2012 in the Short Term Work Program. The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member Figueroa to move item ED5 to 2012 in the Short Term Work Program. The motion carried unanimously.

Council Member Richardson amended the motion, seconded by Council Member Figueroa under Land Use- LU2 to add wording at the end “*and corridor management and design standards for each of the character area.*” The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member Miller to move items LU4, LU5 and LU11 to 2010. The motion carried unanimously.

Council Member Miller amended the motion, seconded by Council Member Hausmann to move LU14 to 2009. The motion carried 4-3 with Council Members Miller, Hausmann, Johnson and Mayor Bodker voting for the motion with Council Members Figueroa, McCabe and Richardson opposing.

Council Member Miller amended the motion, seconded by Council Member Richardson under LU15 to add the words “*evaluate the methods to*”. The motion carried 6-0 with Council Member McCabe being out of the room at the time of the vote.

Council Member Richardson made a motion, seconded by Council Member McCabe to amend C12 under Community Facilities and Service to change to read as “*Review the existing feasibility study to convert the historic school to a community center*” and to move it to 2009. The motion carried unanimously.

Council Member Richardson amended the motion, seconded by Council Member Figueroa to add a new item C13 under Community Facilities the addition previously added -Conduct a survey the feasibility of constructing of freestanding community center and natatorium with a gymnasium to *make the implementation date 2010*. The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member McCabe to move Population items P2 and P4 in the Short Term Work Program to 2010 and to do

these in conjunction with one another. The motion carried 6-1 with Council Member Figueroa opposing.

Council Member Richardson amended the motion, seconded by Council Member Hausmann to include placing Population item P1 in the Short Term Work Program in the years 2009, 2011, 2012 and 2013. The motion carried unanimously.

Council Member Hausmann amended the motion, seconded by Council Member Figueroa to move Housing item H1 in the Short Term Work Program from 2009 to 2012. The motion carried unanimously.

Council Member McCabe amended the motion, seconded by Council Member Figueroa to move Green Plan items G-1 to 2012, item G2 to 2013 and remove G-3 from the Short Term Work Program. The motion carried 5-2 with Council Members Hausmann and Miller opposing

Council Member Richardson amended the motion, seconded by Council Member Figueroa to remove Green item G4 from Short Term Work Program. The motion carried 5-2 with Council Members Hausmann and Miller opposing.

Discussion was held on the Phase 1 and Phase 2 of Shakerag Park.

Council Member McCabe amended the motion, seconded by Council Member Figueroa to move item G11 to 2013, remove items G12, G13, G14 from the Short Term Work Program, placing item G15 to 2013 and remove items G16 and G17 from the program. The motion fails 3-4 with Council Member Johnson, Figueroa, and McCabe voting in favor of the motion with Council Members Hausmann, Miller, Richardson and Mayor Bodker opposing the motion.

Council Member Richardson amended the motion, seconded by Council Member Figueroa to add item G18 in the Short Term Work Program “*investigate connectivity to existing parks and neighboring jurisdiction in Sub Area 2 in the year 2010*”. The motion carried unanimously.

Council Member Hausmann motioned, seconded by Council Member Richardson to approve the Short Term Work Program as amended. The motion carried unanimously.

Council Member Figueroa amended the motion, seconded by Council Member Hausmann to make all maps consistent with the plan as adopted. The motion carried unanimously.

Mayor Bodker reviewed the original motion as made by Council Member Miller regarding the Comprehensive Plan and called for a vote. The motion carried unanimously.

Council Member McCabe motioned, seconded by Council Member Hausmann to adopt the Comprehensive Plan for the City of Johns Creek 2009-2030 (Community Agenda) as amended. The motion carried unanimously.

TRANSMITTAL AUTHORIZATION: Council Member Figueroa made a motion to approve Resolution 2008-07-45 to provide Transmittal Authorization of the Comprehensive Plan (Community Agenda) to the Atlanta Regional Commission and the State of Georgia Department of Community Affairs for required review. Council Member Johnson seconded. The motion carried unanimously. (*Resolution 2008-07-45*)

OTHER BUSINESS: Council Member Hausmann made a motion to cancel the July 21, 2008 Work Session. Council Member Johnson seconded. The motion carried unanimously.

PUBLIC COMMENT: No Public Comments.

Mayor Bodker complimented the staff and consultants on their hard work. He thanked everyone for attending.

EXECUTIVE SESSION: No Executive Session held.

ADJOURNMENT: There being no further business, Council Member Richardson made a motion to adjourn. Council Member Hausmann seconded. The motion carried unanimously.

Approved:

Michael E. Bodker, Mayor

Attest:

Joan C. Jones, City Clerk