

CITY OF JOHNS CREEK**COUNCIL MEETING**

April 21, 2014 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a monthly meeting on Monday, April 21, 2014. 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-Leonard Zaprowski
- Post 2-Brad Raffensperger
- Post 3-Cori Davenport
- Post 4-Vacant
- Post 5-Kelly Stewart Mayor Pro Tem
- Post 6-Vacant
- Mayor Mike Bodker

STAFF PRESENT:

- City Clerk Joan Jones
- Acting City Manager Monte Vavra
- City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by Eagle Scouts Robert Paden Herring and Andrew Michael Jaeger of Troop 629 and Shubham N. Kadam of Troop 3143.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and thanked all for attending. The Mayor announced this year's *Relay for Life* event, to fund Cancer research will be held at Taylor Road Middle School on Friday, May 2, beginning at 6:00 p.m. and continue until 6:00 am on Saturday. He commented this is the fifth consecutive year there has been a City of Johns Creek Team and asked the audience for their support of the City's team. The Mayor also mentioned the Johns Creek Veterans Association is hosting a Memorial Day Picnic on the newly installed entrance plaza of the Veterans Memorial Walk at Newtown Park on May 18. The picnic, which is free and open to the public, kicks off at 11 a.m. and ends at 2 p.m. He also mentioned those who would like to purchase memorial pavers and have them installed in time for the official opening of the Memorial on Veteran's Day weekend, must submit an order before July 4. The Mayor's other announcements included the Major League Baseball Pitch, Hit and Run Championship, open to all boys and girls from the age of 7 to 14 will kick off in Ocee Park on April 26, with registration beginning at 9:00am' the SouthEastern Lacrosse Conference Championships, will be returning to Johns Creek for the 10th year in a row, April 25-27 and feature a 15-game marathon with the region's top college clubs and he said the summer months will include *Movies in the Park*, the Farmers Market and the highly-anticipated summer concerts being planned for the new Amphitheatre being constructed at Newtown Park. He invited everyone to visit the City's website for more information on these events as well as other city news.

MINUTES: Council Member Raffensperger motioned, seconded by Council Member Zaprowski to approve the March 24, 2014 Work Session Summary and Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Stewart motioned, seconded by Council Member Raffensperger to amend the meeting agenda to add to the change New Business item #7 Consideration of Resolution 2014-04-18 to appoint a Council Member to the City of Johns Creek Convention and Visitors Bureau and an **EXECUTIVE SESSION** to discuss one (1) Personnel, one (1) Land and one (1) Legal Matter. There being no discussion, the motion passed unanimously and the amended agenda was approved.

City Clerk Jones read the procedure for offering public comments.

PUBLIC COMMENT: Mr. Thomas Radford addressed Council and introduced himself as a candidate for Council seat Post 4. Mr. Radford commented on his family values and his professional and personal experiences which make him qualified to serve in the post. Mr. Mark Endres addressed Council and commented on the purposed of the CDBG, saying it is an entitlement program and he reviewed the process and the purpose of the program citing the federal law which created the program.

CONSENT AGENDA: Council Member Raffensperger motioned, seconded by Council Member Davenport to approve the Consent Agenda which included Privileged Resolutions for Eagle Scouts William Nolan Rausch, Robert Paden Herring and Andrew Michael Jaeger of Troop 629 and Shubham N. Kadam of Troop 3143. There being no discussion, the motion passed unanimously. **(ACTION ITEM)**

ANNOUNCEMENTS: City Clerk Jones announced the following upcoming meetings:

- Wednesday, April 30th@7:00pm CDBG Action Plan Work Shop
- Monday, May 5th @5:00pm Work Session followed by a 7:00pm Council Meeting

Mayor Bodker congratulated Council Member Zaprowski on being featured in this month's issue of *County Line Magazine*, noting the magazine will be featuring articles on other members of Council in the coming months. The Mayor also announced the *Google Get your Business On-line Challenge*, partnering with the local Chamber to encourage local businesses to invest in websites and get on line, mentioning that online visibility can help local businesses grow, which can create new jobs in the City. Google is offering an on-line build your own website service as well as free hosting for a year as part of the challenge. The Mayor asked Council if there were any objections to joining the Chamber on this challenge and get the word out to the business community; there were none. The Mayor mentioned City Communications staff will send out a press release regarding the *Google Challenge*.

REPORTS AND PRESENTATIONS: IT Manager Jason Woolums provided an update on the RFQ for re-broadcasting of Council Meeting. He reported to Council the initial RFQ solicited bids for hardware and hosting, and did not produce a viable, cost efficient option. A new RFQ will be solicited for hardware only, which may offer better options. Council Member Zaprowski wanted to ensure that the system selected would accommodate holding Council Meetings at alternate locations and Mr. Woolums said it would.

Council Member Raffensperger presented the following Privileged Resolution recognizing Eagle Scout Robert Paden Herring of Troop 629:

The City of Johns Creek recognizes Robert Paden Herring of Troop 629 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Herring's community service project included the design and completion of a Disc Golf kiosk at East Roswell Park; and Whereas the kiosk provides a new and more versatile space for information such as a course map, it also reflects the growing sport of Disc Golf within the community and provides convenience for those citizens who are new to the sport; and Whereas Eagle Scout's Herring and his team contributed over 170 hours to this project, it will stand as a constant reminder of the many contributions the scouting programs makes to the community and the positive impact they have on the lives of its citizens. Now, the Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout Robert Paden Herring and wish him well in all his future endeavors.

Mayor Bodker presented the following Privileged Resolution recognizing Eagle Scout Andrew Michael Jaeger of Troop 629:

The City of Johns Creek recognizes Andrew Michael Jaeger of Troop 629 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Jaeger completed his community service project by designing and coordinating the installation of shelves for a fourth grade classroom at State Bridge Crossing Elementary School; and Whereas this project took approximately 150 hours, Eagle Scout Jaeger acted as the project manager and supervised the installation of the shelving; and Whereas the shelves will provide extra storage and ease of access for the students and allow for better organization in the classroom, they will also facilitate a smoother transition between classes; and Whereas Eagle Scout Jaeger has spent many hours of dedication and discipline earning the various badges, he has demonstrated a commitment to the Scouting Program and stands as an example of how scouting can make a difference not only in his life, but in the community. Now, therefore the Mayor and Council of the City of Johns Creek hereby congratulate and applaud Eagle Scout Andrew Michael Jaeger and wish him well in all his future endeavors.

Council Member Zaprowski presented the following Privileged Resolution recognizing Eagle Scout Shubham Nishikant Kadam of Troop 3143:

The City of Johns Creek recognizes Shubham Nishikant Kadam of Troop 3143 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Kadam completed his community service project by assembling twelve, four-foot long clothes racks for The Drake House Closet; a homeless shelter whose mission is to provide services for single mothers with minor children; and Whereas, The Drake House Closet will be able to increase their display area with these new clothes rack, making for a more manageable and useful space, the skills that Eagle Scout Kadam used in raising the funds, constructing the racks and being involved in his community project are just a small part of the leadership skills the scouting program helps to develop in the young men of today. For his many hours of dedication and commitment to this project and the Scouting Program, the Mayor and Council of the City of Johns Creek hereby congratulate and applaud Eagle Scout Shubham Nishikant Kadam and wish him well in all his future endeavors.

Council Member Stewart read the following Privileged Resolution recognizing Eagle Scout William Nolan Rausch of Troop 3143:

The City of Johns Creek recognizes William Nolan Rausch of Troop 629 on obtaining the rank of Eagle Scout. Whereas Eagle Scout Rausch completed his community service project by designing and constructing a much needed storage shed for The Drake House; and Whereas The Drake House provides short term crisis housing for homeless single mothers and their children, this new shed not only provides extra storage for goods and supplies which will help to service families in need for years to come, this project also reflects how the Scouting Program provides opportunities to become involved in the community and how one person can make a difference; and Whereas Eagle Scout Rausch contributed many service hours to this project, the skills he has obtained along the way will stay with him throughout his life. Now, the Mayor and Council of the City of Johns Creek hereby recognize and applaud Eagle Scout William Nolan Rausch and wish him well in all his future endeavors.

OLD BUSINESS: No Old Business.

NEW BUSINESS:

PUBLIC HEARING ON 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DRAFT ACTION PLAN AND CITIZEN PARTICIPATION PLAN:

Chief of Staff Patty Hansen reported and read a memo submitted to Council summarizing the April 17 public hearing held on the 2014 CDBG Action Plan and consideration of changes to the Citizen Participation Plan. Ms. Hansen mentioned staff recommends holding one public hearing prior to drafting the documents, a 30-day comment period, and a second public hearing on the final document prior to adoption. There being no questions from Council at this time, Mayor Bodker opened the Public Hearing on the 2014 Draft Action Plan and Proposed Changes to the City of Johns Creek Citizen Participation Plan and asked for all those wishing to speak.

Mr. Mark Endres addressed Council and said this is an entitlement program, a welfare and wealth distribution program. He added by participating in the program, the City is providing an incentive for more low income individuals to move to the City because they will be able to receive services and the City was founded because it did not like the way money was being spent and it is now taking money it does not need. He said the federal government is in debt due in part to these programs and the City is contributing to the debt by taking money to help the poor when there are enough wealthy private individuals in the community who can help the poor, and he asked Council to consider not supporting these programs so people can keep more of their tax dollars that go to support these programs; Ms. Barbara Duffy from North Fulton Charities commented and thanked Council for their support of her organization, noting that last year North Fulton Charities was able to provide assistance to over 250 families in Johns Creek with the CDBG funds awarded. Ms. Duffy added that this year alone they have provided support to about 100 families, at a cost of about \$27K, and she asked that Council continue to support the program. As there was no one else wishing to speak, Mayor Bodker closed the public hearing. Council discussed the pending agreement to partner with Fulton County and the timeline for taking action and adopting the Action Plan. Council Member Stewart suggested there be further discussion of the Action Plan at the May 5th Council Work Session.

BARNWELL ROAD SIDEWALK ENHANCEMENT & INTERSECTION IMPROVEMENTS:

City Traffic Engineer Cindy Jenkins provided an overview of the contract to provide conceptual designs for sidewalk and intersection improvements on Barnwell Road from Holcomb Bridge to Jones Bridge. The project will enhance use of the area with additional bike lanes and increase pedestrian connectivity with the Barnwell Elementary School. She reported Requests for Qualifications were solicited and ten proposals were received. The staff interviewed the top three candidates and recommended the project be awarded to DPE. She reviewed the cost and there was Council discussion on modes of transportation and improved safety. There being no further discussion, Council Member Raffensperger motioned, seconded by Council Member Zaprowski to Approve the Action Item Authorizing a \$250,000 Contract with Development Planning and Engineering (DPE) for the project design services for the Barnwell Road Sidewalk Enhancement and Intersection Improvements. Council Member Zaprowski commented with concurrence from Mayor Bodker that this project is needed in the area. There being no further discussion, the motion passed unanimously. **(ACTION ITEM)**

ABBOTTS BRIDGE ROAD (SR120) -PARSONS ROAD (WEST) TO MEDLOCK BRIDGE RD IMPROVEMENTS:

Traffic Engineer Jenkins reviewed the schedule of improvement projects proposed for Abbots Bridge Road (SR120). This phase will include bike lanes, culvert extensions, intersection improvements and safety enhancements. She reported Requests for Qualifications were solicited and nine proposals were received. The staff interviewed the top three candidates and recommended the project be awarded to Wolverton & Associates. Council Member Raffensperger motioned, seconded by Council Member Stewart to Approve the Action Item Authorizing a \$650,000 Contract with Wolverton & Associates for the conceptual design of improvements on Abbots Bridge Road (SR120) from Parsons Road (West) to Medlock Bridge Road. Council Member Raffensperger with the concurrence of Mayor Bodker commented on the positive impact the improvements will have on this intersection. There being no further discussion the motion passed unanimously.

REZONING CASE RZ 14-008 5100 BLOCK OF OLD ALABAMA:

A Public Hearing and consideration of Ordinance 2014-04-18 to amend the City of Johns Creek Zoning Map for RZ-14-008 - Dean Gardens - Lennar Georgia, Inc. – 5100 Block of Old Alabama Road from CUP Conditional to CUP Conditional to allow a 70 Unit Single-Family detached subdivision was held.

Deputy Director of Community Development Justin Kirouac presented and reviewed the request to rezone approximately 60 acres of the Dean Gardens property to develop a 70-unit single family subdivision at about 1.2 units per acre. He noted the property is located within Character Area 5 – River Estates and the Dean Gardens property itself is designated as a transitional area. He reported the proposal is consistent with the surrounding developments in the area and would be consistent with uses permitted in the Comprehensive Plan and therefore staff recommended approval with conditions. After holding a public hearing, the Planning Commission also recommended approval with conditions.

Mayor Bodker opened the Public Hearing on Ordinance 2014-04-18 to amend the City of Johns Creek Zoning Map for RZ-14-008 - Dean Gardens - Lennar Georgia, Inc. – 5100 Block of Old Alabama Road from CUP Conditional to CUP Conditional to allow a 70 Unit Single-Family detached subdivision.

Mr. Don Rolander representing the applicant reviewed the rezoning request and the density of 1.2 units per acre and stated it is less density than any adjacent subdivisions, the homes will have a minimum of 2800 to 3000 sq. ft. of heated floor space, which exceeds that of adjacent subdivisions and about 30 acres or about 50% of the site will remain as green space which will be controlled by the HOA, there is only one entrance on Old Alabama. The applicant has met with members of the Riverfarm and Thornhill subdivision to address issues. He asked Council consider approval of the application subject to the Planning Commission conditions which included recommendations submitted by the Thornhill subdivision as well as the Public Works Department, and there are no objections to complying with all of the conditions. He reserved his remaining time for rebuttal.

Ms. Irene Saunders president of the Thornhill Subdivision also spoke in support of the project, stating the applicant has met with members of the HOA board along with several residents from the adjacent community to discuss the re zoning. Ms. Saunders stated the project is acceptable to her association with the staff and planning community recommended conditions and requested that Council consider amending several of the conditions. She submitted a list of possible amendments to conditions #s 6, 7, 16, 17 18, 19, and 20 which addressed, size of homes, exterior building materials, hours of construction, site cleanup, landscaping requirements, keeping the stone wall along Old Alabama, and addressing flooding issues on the property. Ms. Saunders also commented that although the community would have preferred the site be developed with a density of one unit per acre, this is a suitable compromise for developing the property.

As there was no one else wishing to speak in support of the application, Mayor Bodker called for all speaking in opposition. Ms. Betsy Kramer addressed Council and spoke in opposition, stating there is too much traffic issues on Old Alabama, adding 70 homes will create additional congestion issues and the City should not approve this project until the road construction on Old Alabama is completed; Mr. Stephen Newell addressed Council to share his opposition to the project, saying he is the closest neighbor, located in Thornhill, and the project and is not consistent with the one acre density of the homes in the adjacent communities; he said also he has lived here since 2009 and the traffic has gotten progressively worse with people using Thornhill as a cut-through, and provided photos of traffic conditions on Old Alabama. Mr. Newell asked that Council deny or postpone a decision on the project to allow the plans to be revised, reflecting one unit per acre, he also commented there was a proposal for more homes and a land survey determined much of the land was undevelopable so the number of homes was scaled back. Finally, Mr. Newell, requested, should Council approve the rezoning, a new condition added to provide for a 90 ft. undisturbed buffer between his home and the nearest property in the new development; this is reflected on the site plan, but it could change. In closing, he asked that Council deny the request; Jennifer Jensen addressed Council and provided displayed photos, which she says depicts how the project will impact the landscape of the area. She mentioned Dean Gardens is a natural habitat which will be gone forever, and made references on the possible impact of the development increasing traffic, creating congestion and drivers continuing to cut-through the Thornhill community, and the additional impacts on the schools and police and added the development is inconsistent with the one unit per acre for the community. and can cause diminishing property values in the area; Ms. Susan Sepaniak lives in the Carriage Homes and said this area floods and the homes are eroding and she is located just 300 ft. from the Gardens and just heard about the proposal in mid-March when she received the letter. Mr. Mark Browning has lived here for 29 years and said the project is fast tracked. *(at this time the clock expired on the public hearing and Council voted unanimously to to extend the time by 2 minutes for each side)*. Mr. Browning noted there was only one person at the Planning Commission who spoke in support of the project and about five who spoke against and mentioned there are more people at this meeting in opposition; he mentioned waterfront property is very desirable and should be valued and the City should preserve the area for a better quality development. As there was no more time for the opposition, the Mayor permitted the applicant to use his remaining time for rebuttal. Mr. Rolander said he had no objections with complying with the Thornhill Association to replace the stonewall, and he clarified the flooding issues and stated that the applicant will have the storm water drains designed to meet all federal, state, county and city flood plain requirements and reviewed all the mailings completed to notify the neighbors adding about seven meetings have been held with neighbors, and he reiterated this is a quality project and the development proposed is consistent with the density and even less than surrounding neighborhoods along the Old Alabama corridor. The applicant yielded the remaining time.

During discussion, Council Member Zaprowski wanted to ensure the legal mailing requirements were met and Mr. Kirouac reviewed the process indicating it was; Council Member Raffensperger inquired on the Thornhill community's vote on the project, and Ms. Saunders commented the board of directors had the authority to make a decision for the community and there was a vote in support of the project with one abstention; Council Member Stewart had additional questions regarding notification of the homeowners directly affected by the project and Ms. Saunders reviewed the process and noted there was a property dispute with many of those homeowners and the applicant deeded some property over to those homeowners to resolve the matter and as Mr. Newell was one of those owners, the Mayor asked if he wanted to comment. Mr. Newell said the Board chose to approve the project because they were concerned about having a less desirable proposal and did not to want to fight with the developer, mentioning his wife was the absenting vote and she subsequently resigned from the board over their decision to approve this project.

There was discussion on whether this plan complied with the comp plan, and Mr. Kirouac reviewed the allowable use saying the transitional zoning use on this parcel would permit the development; There was further discussion on the traffic, with it noted the additional traffic would not be excessive. Mr. Kirouac also responded to comments on school impact and the erosion issues commenting the impact on the schools is not more than that of the other Subdivisions and the erosion is a long standing issue which will not be exacerbated by this project. Mayor Bodker asked for the clarification on the sidewalk requirements and the reference to the 90 ft. setback requirements for the property. Mr. Kirouac reviewed the city standards for sidewalks and clarified the various setbacks stated in the conditions. Council Member Raffensperger asked for clarification on the additional side yard and rear set back requirements and contemplated reducing the number of homes from 70 to 58. There was further discussion on the type of homes in the adjacent communities, which include larger homes with some townhomes and the applicant stated this is not the type of market they are targeting. There was further discussion on the type of development suitable for the area and the rationale for staff's approval. Mr. Kirouac commented staff's decision was based on the comprehensive plan; the layout of the property, and the transitional use applied to the land and said this development plan complied with the Comprehensive plan and makes the property economically viable. As Council was still contemplating a motion, Mayor Bodker called for a five minute recess. Following the recess Mayor Bodker called the meeting back to order.

Council Member Raffensperger asked for clarification on modifying the setbacks for the side yards and asked what about the city standard; Mr. Kirouac commented the city average is about 7.5 ft. for side yards.

Council Member Zaprowski motioned, seconded by Council Member Davenport to approve Ordinance 2014-04-18 for RZ-14-008 subject to the Planning Commission Recommendations as follows:

1. *Limit the use of the property to a single-family detached subdivision at a maximum of 70 dwelling units.*
2. *Minimum lot size shall be 11,000 square feet.*
3. *The minimum lot standards are as follows:*
 - a. *Minimum front yard setback = 20 feet*
 - b. *Minimum side yard setback = 5 feet; Minimum side corner setback = 15 feet*
 - c. *Minimum rear yard setback = 20 feet*
 - d. *Minimum lot width = 85 feet*
 - e. *Minimum building separation = 15 feet*
4. *Provide a 50-foot perimeter setback around the entire property.*
5. *The site shall be developed in general accordance with the site plan received by the City of Johns Creek Community Development Department, dated March 17, 2014, with changes to meet the conditions of zoning.*
6. *The minimum heated floor area per dwelling shall be 2,800 square feet for a maximum of 35 homes. The balance of the homes shall have a minimum dwelling size of 3,000 square feet.*
7. *Building elevations shall be constructed of primarily brick or stone on the front façade. Sides and rear shall contain at least 50 percent brick or stone with the balance being the same, wood shake or fiber-cement siding; final approval will be subject to the review and approval of the Community Development Director. Building elevation material shall be the same on all four sides and consist primarily of brick, stone or stucco.*
8. *If entrance walls are removed, an ornamental wall/fence shall be provided along the entire property frontage along Old Alabama Road. Wall/fence shall be constructed with 6-foot high brick and/or stacked stone columns at a maximum of 50 feet apart. Final wall/fence design and location shall be subject to review and approval of the Community Development Department Director.*
9. *Developer shall repair the existing fences adjacent to the development's east and west property lines; these fences shall be maintained by the mandatory Homeowners' Association.*
10. *Open space shall be provided as shown on the site plan as referenced in condition 4, and be at least 30 acres.*
RZ-14-008 (JPG)
11. *Owner/Developer shall provide no more than one (1) full access driveway from Old Alabama Road. Driveway location subject to the review and approval of the Director of Public Works.*
12. *Owner/Developer shall dedicate at no cost to the City of Johns Creek along the entire frontage on Old Alabama Road a minimum of forty (40) feet from the centerline of the road and such additional right-of-way as may be required for GDOT PI #752660, and such additional right-of-way as may be required to provide at least 11 feet of right-of-way from back of curb or one (1) foot from edge of sidewalk whichever is greater, of all abutting road improvements prior to the issuance of a Land Disturbance Permit as approved by the City of Johns Creek Director of Public Works.*
13. *Owner/Developer shall provide deceleration lane at the project entrance on Old Alabama Road or as may be required by the City of Johns Creek Director of Public Works.*
14. *Owner/Developer shall install curb and gutter and 5-foot sidewalk along the frontage of Old Alabama Road.*
15. *Owner/Developer shall provide internal sidewalk connectivity or as approved by the Director of Public Works.*
16. *Hours of construction shall be Monday-Friday 7:00 am to 7:00 pm, Saturday 8:00 am to 5:00 pm with no work on Sunday or holidays.*
17. *Removal of landscape debris along the back end of property between both Thornhill and Carriage Homes at River Farms riverfront will be done prior to issuance of the first building permit.*

Council Member Raffensperger motioned to amend the main motion, seconded by Council Member Stewart, to amend condition #3 as follows:

3. *The minimum lot standards are as follows:*
 - a. *Minimum front yard setback = 20 feet*
 - b. *Minimum side yard setback = 10 feet; Minimum side corner setback = 15 feet*
 - c. *Minimum rear yard setback = 20 feet*

- d. Minimum lot width = 85 feet
- e. Minimum building separation = 15 feet

There being no discussion, the motion passed unanimously and the main motion was amended. Council Member Stewart motioned, seconded by Council Member Raffensperger to amend the main motion to amend condition #1 as follows:

1. *Limit the use of the property to a single-family detached subdivision at a maximum of 58 dwelling units.*

During discussion, Mayor Bodker noted he is unable to support the motion based on staff's comment on their recommendation for approval, and Comprehensive Plan. The motion failed, 2 to 3, with Council Members Stewart and Raffensperger voting in support of the motion and Mayor Bodker and Council Members Zaprowski and Davenport voting in opposition. Council Member Stewart motioned to amend the main motion to add condition **#18 add internal sidewalk on one side of the street**, this motion died for lack of a second. Council Member Stewart motioned, seconded by Council Member Raffensperger to amend the main motion to amend condition to #4 as follows:

4. *Provide a 50-foot perimeter setback around the entire property and no lot shall be closer than the approved site plan submitted.*

There being no discussion the motion passed unanimously and the main motion was amended.

During additional discussion, Council Member Stewart addressed the Thornhill conditions proposed, and Mayor Bodker reviewed the Planning Commission conditions in which all issues raised were covered and/or where city regulations would apply.

Council Member Stewart motioned, seconded by Council Member Raffensperger to amend the main motion to amend condition #8 and add a condition #18 as follows:

8. *If entrance walls are removed, an ornamental wall shall be provided along the entire property frontage along Old Alabama Road. The wall shall be constructed with stacked stone. Final wall design and location shall be subject to review and approval of the Community Development Department Director.*

18. *Prior to the issuance of a land disturbance permit, a Stormwater Management Report shall be submitted. All drainage areas leaving the site must address detention and water quality independently. In addition to standard requirements, the report shall address water quality and quantity requirements for the northeast corner of the property that drains into Thornhill Subdivision. All storm drainage infrastructure, water quality, and flood control measures shall be compliant with all Federal, State, County, City and MRPA laws, rules, regulations and guidelines.*

There being no discussion the motion passed unanimously and the main motion was amended.

Council Member Raffensperger motioned, seconded by Council Member Stewart to amend the main motion, amending condition #6 as follows:

6. *The minimum heated floor area per dwelling shall be 2,800 square feet for a maximum of 15 homes. The balance of the homes shall have a minimum dwelling size of 3,000 square feet.*

There being no discussion the motion passed 3 to 2 with Council Members Raffensperger, Stewart and Zaprowski voting in support of the motion and Mayor Bodker and Council Member Davenport opposing the motion. The main motion was amended.

There being no further discussion, Mayor Bodker called the question on the main motion and reviewed all the conditions. The motion passed 3 to 2 with Mayor Bodker and Council Members Zaprowski and Davenport supporting the motion and Council Members Stewart and Raffensperger opposing the motion. **(ORDINANCE 2014-04-18)**

FULTON COUNTY BOARD OF EDUCATION PERPETUAL EASEMENT: Communications Manager Grant Hickey reviewed the agreement for a perpetual Easement with Fulton County Board of Education to permit access to property recently acquired by the City. Council Member Stewart motioned, seconded by Council Member Raffensperger to approve Resolution 2014-04-16 for a Perpetual Easement between Fulton County Board of Education and the City of Johns Creek. There being no discussion, the motion passed unanimously. **(RESOLUTION 2014-04-16)**

INTELLIGENT TRANSPORTATION SYSTEM PHASE 4: Traffic Engineer Tom Udell provided an update on the PFA with GDOT for implementation of Phase 4 of the ITS system which includes Geometric Design, Flashing Yellow Arrow (FYA) Deployment, and updating the ITS Master Plan. Council Member Davenport motioned, seconded by Council Member Raffensperger to approve Resolution 2014-04-17 approving a Georgia Department of Transportation Project Framework Agreement for Intelligent Transportation System Phase 4. There being no discussion, the motion passed unanimously. **(RESOLUTION 2014-04-17)**

APPOINT COUNCIL MEMBER TO CVB: Mayor Bodker noted the CVB bylaws were amended to have a Council Member serve on the Board and he nominated Council Member Cori Davenport. Council Member Raffensperger motioned, seconded by Council Member Zaprowski to approve resolution 2014-04-18 approving the appointment of Council Member Cori Davenport to the board of the Convention and Visitors Bureau. During discussion, Council Member Zaprowski commented as the City funds help to support the CVB, he is pleased to have a member of Council sit on the board, Mayor Bodker concurred, noting the Finance Manager Monte Vavra also serves on the Board, and Council Member Stewart thanked Council Member Davenport for agreeing to serve. There being no further discussion, the motion passed unanimously. **(RESOLUTION 2014-04-18)**

OTHER BUSINESS: No Other Business.

PUBLIC COMMENT: Mr. Mark Endres commented on the rezoning case and suggested Council considers how conditions such as setbacks could affect the viability of a project. He said his property backs up to the Dean Gardens but he did not comment as he did not want to impact the owner's property rights and noted this property is in disrepair and the home on the site is deteriorating. He referenced other rezoning projects recently approved by Council which he contends have not been developed and he attributed this to restrictions imposed by Council; Mr. Mark Browning commented on a recent rezoning on Buice Road and noted although the density of the project was reduced, there is a demand for the homes being developed because they are attractive and said Council should continue to focus on density when considering rezoning as this will impact the types of homes built in the community; Jennifer Jensen addressed Council and commented on the deteriorating home on the Dean Gardens property and said code enforcement violations should be issued and the conditions of the site should be addressed.

MAYOR'S COMMENT: The Mayor thanked everyone for attending and mentioned that during tonight's Council there was an announcement on the forming of a Zoning Review Taskforce. The Signage Taskforce has concluded and submitted its recommendations. The Mayor noted the zoning process was implemented eight years ago and it is prudent to periodically review policies in place. The Zoning Review Task Force will include two Council Members- Zaprowski and Raffensperger; a member from the Planning Commission and BZA; a member from the Johns Creek Chamber and the Johns Creek Advantage and a member of the JCCA Member. The Mayor thanked the public for their participation and working with the applicant and suggested taking the JCCA Zoning 101 Class. In closing the Mayor said he was excited about the new things happening in the City this summer, most notably the amphitheater in Newtown Park, and all the road improvement projects underway. The Mayor asked that citizens continue to share their opinions with Council.

EXECUTIVE SESSION: Council Member Stewart motioned, seconded by Council Member Davenport to hold an Executive Session to discuss one (1) land, one (1) legal matter, and one (1) personnel matter. There being no discussion, an Executive Session was held.

Council Member Zaprowski motioned, seconded by Council Member Davenport to come out of Executive Session and resume the regular session.

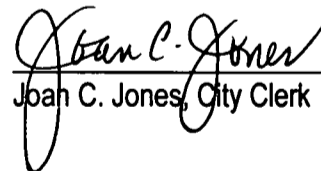
ADJOURNMENT: There being no further business, Council Member Stewart motioned to adjourn the meeting, seconded by Council Member Zaprowski. The motion carried unanimously and the meeting was adjourned.

Approved by:



Michael E. Bodker, Mayor

Attested:



Joan C. Jones, City Clerk

