

CITY OF JOHNS CREEK
COUNCIL MEETING
November 7, 2011 @ 7:00pm

The Mayor and Council of the City of Johns Creek held a monthly meeting on Monday, November 7, 2011. 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- **Absent**
Post 3-Karen Richardson
Post 4-Ivan Figueroa
Post 5-Kelly Stewart
Post 6-Bev Miller
Mayor Mike Bodker

STAFF PRESENT: City Clerk Joan Jones
City Manager Kachmar
City Attorney Bill Riley

PLEDGE OF ALLEGIANCE: Led by the Webelos of Den Pack 9, Troop 1491.

OPENING REMARKS: Mayor Bodker welcomed everyone to the meeting and reminded all tomorrow was Election Day. He congratulated Mayor Pro Tem Miller and Council Member Figueroa on being reelected, as they ran unopposed, and wished all the candidates good luck. The Mayor invited all to attend the next Town Hall meeting this Thursday on the Mount Pisgah North Campus, Building S to discuss the Transportation Investment Act. He invited citizens to submit questions in advance by e-mailing him. In closing, Mayor Bodker congratulated both Chattahoochee and Johns Creek High School for advancing in the state playoffs and he wished neighboring schools Alpharetta and Milton good luck. Mayor Bodker wished the United States Marines Happy 206th Birthday this November 10th.

MINUTES: Council Member Richardson motioned, seconded by Council Member Miller to approve the October 24, 2011 Work Session Summary and Council Meeting Minutes as presented. There being no discussion, the motion passed unanimously.

MEETING AGENDA APPROVED: Council Member Johnson motioned, seconded by Council Member Stewart to approve the meeting agenda as presented. There being no discussion, the motion passed unanimously and the agenda was approved.

PUBLIC COMMENT: No Public Comment

CONSENT AGENDA: Council Member Figueroa motioned, seconded by Council Member Richardson to approve the Consent Agenda, which included- ***ACTION ITEM***--Consideration to Approve and Authorize the Letter of Engagement for Maudlin & Jenkins to Perform 2011 Audit for the City of Johns Creek. There being no discussion, the motion passed unanimously and the Consent Agenda was approved.

ANNOUNCEMENTS: City Clerk Jones announced the following upcoming meetings:

- *Friday, 11/11— City Hall Offices Closed in observance of Veterans' Day*

- *Tuesday, 11/15 @9:00am—CVB Meeting and @7:00pm—BZA Meeting*
- *Thursday and Friday, 11/24 and 11/25—City Hall Offices Closed for Thanksgiving Holiday*
- *Monday, 11/28 @5:00pm—Work Session; @6:30pm—Tree & Driedel Lighting followed by the 7:00pm— City Council Meeting*

REPORTS & PRESENTATIONS: Communications Manager Grant Hickey introduced Teresa Lee, Director of Southern Region of the National Association of Government Websites who presented the Mayor and Council with the Pinnacle Award for Website Design for 2011. Mayor Bodker and the City Council accepted the award on behalf of the City and congratulated Webmaster Sue Pearlman for her great work. Mayor Bodker thanked Ms. Lee and Mr. Bill Gillespie, Mayor of Prattville (Alabama) for their presentation and attendance.

OLD BUSINESS:

REZONING CASE SUP-11-002 & VS 11-002 GOOD NEWS ATLANTA CHURCH:

Planning and Zoning Administrator Justin Kirouac presented on Ordinance 2011-10-23 to amend the Zoning Map SUP-11-002 and VS-11-002-1 –GOOD NEWS ATLANTA CHURCH – 10800 Block of Bell Road and 11000 Block of Rogers Circle – AG-1 (Existing Zoning) – to Allow a Church expansion with a concurrent variance to reduce the 100 foot setback from adjoining AG-1 District used for Single Family to 37 foot. He informed Council a public hearing was previously held November 7, 2011 on this item, no additional public hearing is required. He noted Council had tabled the item because of concerns the site plan does not adequately reflect the planned construction and use of the site. The applicant has submitted a revised site plan for Council’s review.

Council Member Miller asked Mr. Kirouac if the current site plan is consistent with the zoning. Mr. Kirouac responded the plans reflected a slight encroachment on the 100 ft. required set back, additional parking lot encroachment is reflected in the front yard parking area and although the Planning Commission and staff recommended no outdoor recreation; the site plan shows a swimming pool. Council discussed the site plans and asked the applicant representative Mr. Justin Park questions to clarify the structures, encroachments and the swimming pool on the site plan.

Mr. Park outlined the planned use for the site, explaining there is a desire to have outdoor recreation as part of the master plan for the church. He noted he did not realize the swimming pool would be an issue and explained that the city staff had suggested he submit a plan for future development of the site. The church leaders proceeded to create a plan which incorporated their desired uses for the area. Council discussed the discrepancies on the site plan, expressing concerns the plan did not accurately reflect the uses for the site and did not provide a clear idea of post construction and what it would look like.

Council Member Miller motioned, seconded by Council Member Johnson to deny Ordinance 2011-10-23 based on the following finding of facts; 1) although the site is suitable for church use, building C on the site plan reflects encroachment on the required 100 ft. setback; 2) the parking lot encroaches into the front yard setback and 3) a swimming pool is reflected on the site plan although outdoor recreation is not recommended for church use,. There being no further discussion, the motion passed unanimously. (*ORDINANCE 2011-10-23*)

NEW BUSINESS:

RZ-11-007 AND VC 11-007-01–6300 BLOCK OF HOSPITAL PARKWAY: Information on Ordinance 2011-11-25 for Zoning Case RZ-11-007 and VC 11-007-01– 6300 Block of Hospital Parkway– O-I Conditional to A-L Conditional – Allow a 124 unit retirement community with a

concurrent variance to reduce the parking from 155 to 79 spaces was given by Planning and Zoning Administrator Justin Kirouac. He presented the applicant's information and reported the Planning Commission held their public hearing, both Staff and Planning Commission recommended approval with conditions. However the applicant has asked for a deferral until the December 12, 2011 Council Meeting to work out issues with Tech Park.

Council Member Richardson motioned, seconded by Council Member Figueroa to defer Ordinance 2011-11-25 for RZ Case 11-007 until the December 12th Council Meeting. There being no discussion, the motion passed unanimously. No Public Hearing was held.

OTHER BUSINESS: City Manager Kachmar reported to Council an application was submitted to the Department of Justice for \$12,144 (half the costs of 32 bullet proof vests). In addition, \$72,000 CDBG funds have equally been awarded to Spruill Oaks and Robert E Fulton Library for the purchase of ADA equipment.

PUBLIC COMMENT: Mike Chancey addressed Council and voiced grievances on actions taken by Council on a recent zoning case. In addition, he stated his objection to actions taken by staff to retrieve originals documents provided to him by Council Member Richardson. He asked for an apology.

MAYOR'S COMMENT: The Mayor thanked everyone for attending and again congratulated Sue Pearlman and the Communications team on winning the Pinnacle Award. He reminded everyone to vote tomorrow and thanked all the Webelos from Den 9 for their attendance and participation tonight.

EXECUTIVE SESSION: No Executive Session

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

Approved by:

Attested by:

Michael E. Bodker, Mayor

Joan C. Jones, City Clerk