

**CITY OF ACWORTH, GEORGIA
BRIEFING OF THE MAYOR AND BOARD OF ALDERMEN
6:30 P.M. – CONFERENCE ROOM ONE
REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN
7:00 P.M. – COUNCIL CHAMBERS
THURSDAY, AUGUST 5, 2010**

Present: Mayor Tommy Allegood, Aldermen Tim Houston, Butch Price, Tim Richardson, and Bob Weatherford, City Manager Brian Bulthuis, Assistant City Manager Brandon Douglas, Deputy City Attorney Gregg Litchfield, and City Clerk Regina Russell

1. CALL TO ORDER

Mayor Allegood called the meeting to order at 7:04 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Alderman Houston gave the Invocation and Boy Scout Troop 703 led the Pledge of Allegiance.

3. PRESENTATIONS

A. Recognition of Outgoing Commission/Board Members: Sallie Loy HPC and Brigita Rowe – DDA

Mayor Allegood, along with Aldermen Pugliese and Price, recognized outgoing commission/board members. Alderman Price, Historic Preservation Commission Liaison, recognized Sallie Loy for her 10 years of service (2001 – 2010) on the HPC. Ms. Loy commented that Acworth was a beautiful community with beautiful people, and that the Council and commissions worked together as a team. Ms. Loy thanked the Council for the opportunity to serve. Alderman Pugliese, Downtown Development District Liaison, recognized Brigita Rowe for 10 years of service (2001 – 2010) on the DDA. Ms. Rowe was not in attendance; however, was commended for her loyalty to the DDA. Mayor Allegood commended Ms. Loy and Ms. Rowe for their ten years of dedicated service, as well as the many other citizens who donate their time and efforts to make the Acworth the community it is today.

B. Recognition of the Acworth 150th Celebration Citizen subcommittee who wrote the Acworth 150th Commemorative Book “Remembering Acworth, Fact, Fun, and Trivia.”

Mayor Allegood, along with Alderman Price, recognized the authors of the Acworth 150th Commemorative Book “Remembering Acworth, Fact, Fun, and Trivia.” Among those recognized were Acworth residents Shirley Walker, Abbie Parks, and Alderman Butch Price. The commemorative book was published to preserve Acworth’s historic facts from the early 50’s, 60’s, and 70’s. Alderman Price commented on the process and activities that were involved for completing the book. Mrs. Parks advised that the book has a lot of fun facts and stories from previous decades. Mrs. Walker advised that she was appreciative of the opportunity to write about what she knew about growing up in Acworth. Mrs. Walker acknowledged Nancy Maxwell for her assistance in verifying many of the facts and stories in the book. Mayor Allegood commented that with a combination of Mrs. Parks 16 years, Mrs. Walker’s 75 years, and Alderman Price’s 47

years of residency in Acworth, totals approximately 150 years of the book's facts and stories. The Acworth 150th Commemorative Book "Remembering Acworth, Fact, Fun, and Trivia" is available for sale at local bookstores, downtown shops, and City Hall.

C. Proclamation for Recognition of 2010 Black Historic Homecoming Celebration Day

Mayor Allegood acknowledged Ms. Beverly Patton for presentation of the proclamation in recognition of the 2010 Black Historic Homecoming Celebration Day. Ms. Payton advised on the series of upcoming events, as well as the 60th annual commemorative celebration taking place at Zion Hill Missionary Baptist Church on Sunday, August 8, 2010. Ms. Patton advised that the tradition of Black Historic Homecoming Celebration Day has been carried on from her grandmother, and Ed Gulf, who began the tradition in the 1950's. Ms. Payton is hopeful that the tradition will continue for generations to come.

D. Proclamation for Recognition of "Light Up Georgia" Month, August 2010

Mayor Allegood acknowledged members of the AT&T Georgia Pioneers Northwest Metro Council who were present to receive a proclamation for recognition for the month of August as "Light Up Georgia" Month in the City of Acworth. Among the members present for the presentation were President Nancy Stoeppelwerth, Publicity Chairman Eddie Hindman, and Manager Melba Osburn and husband Guy of the Barrington Square Apartments in Acworth. Ms. Stoeppelwerth commented on the program of volunteers that affect local communities in partnership with AT&T who visit low-income senior centers and housing developments to either install or distribute over 2,000 florescent light bulbs and provide tenants with energy savings information with use of bulbs. On August 18 at 2:30 p.m., members of the Northwest metro Council will be visiting the Barrington Square Apartments, 4700 Baker Grove Road, in Acworth to install and/or distribute CFL bulbs. Mayor Allegood invited members of the Council to attend in the upcoming event.

Mayor Allegood acknowledged Boy Scout Troop 703 who was present to earn their Communications Merit Badge.

4. PUBLIC COMMENT

There was none.

5. CONSENT AGENDA

- A. Approval of July 15, 2010 Regular Meeting Minutes.**
- B. Approval of the Georgia Main Street Program Memorandum of Understanding and authorize the Mayor to sign.**
- C. Approval of a draft 2010 annual update to the Comprehensive Plan's Short-Term Work Program (STWP) and Capital Improvement Element (CIE) and authorization for Mayor to sign transmittal resolution.**
- D. Approval of Proclamation for Parks and Recreation Month, July 2010.**
- E. Approval for the Cobb County Radio Control Modeler's Club to use South Shore Park for their 2010/2011 Float Fly Days.**
- F. Approval to declare technology related items as surplus and sell to the highest bidder, utilizing online advertising services.**

- G. Approval of issue Change Order #10 (C.O.) to Lewallen Construction Company, Senator Russell Avenue Project (APWD #0010) to revise compactor enclosure structure to accommodate multiple conflicting site conditions at a cost of \$4,408.29.**
- H. Approval of issue Change Order #11 (C.O.) to Lewallen Construction Company, Senator Russell Avenue Project (APWD #0010) for the removal of approximately 40' of 15" abandoned concrete storm water pipe from Senator Russell Avenue. Pipe was buried in the middle of roadway and interfered with new utilities at a cost of \$898.33.**
- I. Approval of issue Change Order #12 to Lewallen Construction Company, (APWD#0010) to reinforce sub grade with a fiber grid stabilization material at a cost of \$1,985.07.**
- J. Approval of issue Change Order #13 (C.O. #13) to Lewallen Construction Company, Senator Russell Avenue Project (APWD #0010) to increase width of sidewalk behind merchants buildings along SRA at a cost of \$6,176.81**
- K. Approval to issue Change Order #14 (C.O. #14) to Lewallen Construction Company, Senator Russell Avenue Project (APWD #0010) for additional gravel aggregate base (GAB) along Senator Russell Avenue at a cost of \$1,717.72**
- L. Approval to issue Change Order #17 (C.O. #17) to Lewallen Construction Company, Senator Russell Avenue Project (APWD #0010) to place new sidewalk and driveway at 4531 Lemon Street at a cost of \$3,788.57**
- M. Approval to authorize transfer of funds in the amount of \$6,023.93 to the Cobb County Department of Transportation (CDOT) to perform structural maintenance and repairs to the Proctor Creek Bridge at South Main Street.**
- N. Approval of Ordinance No. 2010-19 to rezone approximately 12.6 acres from R-2 (single family residential) to OP (Office Professional) for the properties are located at 3571, 3581, 3591, 3601, 3611, 3621, 3631, 3641, 3651, 3659, 3663, 3671, 3675 and 3679 McPhail Dr., and 3720 Lakeview Drive.**
- O. Approval of Stipulation Letter SL2010-07 for True Life Church Fellowship, Inc. Special Land Use Permit request to allow for a religious institution located at 4494 Acworth Industrial Drive, Suite 103. The property is zoned LI (Light Industrial).**

Mayor Allegood presented Consent Agenda Items "A-O." Alderman Pugliese moved for approval of Consent Agenda Items "A-O." Alderman Richardson seconded. Mayor Allegood asked if there was any discussion from the Board. There was none. The motion approved unanimously (5:0).

6. DISCUSSION

- A. Consideration for approval of Stipulation Letter SL 2010-08 for conceptual site plan approval to allow for the construction of a 4,997 square foot Racetrac Petroleum store for the property located at 5001 Cherokee Street and is currently zoned C-2**

(Community Retail Commercial).

Mayor Allegood presented the item and called on the applicant for discussion. Attorney Joel Larkin of Sam, Larkin, & Huff, advised that he was not prepared to make a presentation for the site plan, as he was under the impression from discussions with staff that there were no questions on the matter. Mr. Larkin further advised on the proposal for the subject development on a portion of the five acre tract on Glade Road/Cherokee Drive and Highway 92 for a state-of-the-art Racetrac gas station and convenience store. Further discussion held. Mr. Larkin advised that the site plan complied with all the City's requirements for zoning as are applicable to the property, pending discussion for a variance/waiver for signage. Further discussion held. Mayor Allegood called on staff for discussion. Community Development Director Christine Dobbs advised on previous meeting discussion at Monday's Public Hearing/Work Session for the subject development and that the site plan met the code and standard stipulations of the zoning ordinance and that staff recommended approval. Mayor Allegood asked if there were any comments from the Board. There were none.

Alderman Weatherford moved approval of Stipulation Letter SL2010-08 for conceptual site plan approval to allow for the construction of a 4,997 square foot Racetrac petroleum store for the property located at 5001 Cherokee Street and is currently zoned C-2 (Community Retail Commercial). Alderman Price seconded. Mayor Allegood confirmed if stipulations were being provided in the stipulation letter. City Manager Brian Bulthuis confirmed. Mayor Allegood asked if there were any questions from the Board. Mr. Bulthuis inquired with Mr. Larkin if he was the representative for the Racetrac or the property owner. Mr. Larkin advised for both for purposes of the variance application. Mr. Bulthuis inquired Mr. Larkin if the property owner was aware that if the variance is denied, that tract one would have no monument signage (if the site plan is approved with the signage on the Racetrac portion). Mr. Larkin advised that if so, the property owner and Racetrac would have to come to some type of alternative agreement as how signage would be handled if the deal goes forward. Further discussion held. Mr. Bulthuis inquired if the signage should be removed from the request for site plan approval. Further discussion held. Mr. Larkin advised that Racetrac had no intention in moving forward on its development without resolving signage issues for all three tracts. Further discussion held with review of the site plan. The motion approved unanimously (5:0).

B. Consideration for approval of Stipulation Letter SL2010-06 to allow a variance request for additional monument signage for a new Racetrac development for property located at the northwest corner of Lake Acworth Drive and Cherokee Street.

Mayor Allegood presented the item and called on the applicant for discussion. Attorney Joel Larkin of Sam, Larkin, & Huff, advised that he had not seen the subject stipulation letter. Further discussion held. Mr. Larkin advised that he was working with the applicant and Racetrac to sort out the signage issues. Further discussion held. Mr. Larkin advised that to his knowledge, the property has been actively marketed since 2002 and that Racetrac was the first to bring plans for the parcel for development at the corner lot, leaving the property on both sides for future development. Mr. Larkin advised that in lieu of a stipulation being placed on zoning allowing one monument sign to be shared between users on each road frontage, they were requesting that one

monument sign for each of the three parcels as previously and unanimously recommended by the Planning Commission. Mr. Larkin advised that current stipulations had a height limitation of 20 feet and that Racetrac proposed the height to be reduced to 15 feet as a type of accommodation for the request. Further discussion held. Mr. Larkin advised that he was not clear as to what the City wanted from the applicant, but was providing several proposals. Further discussion held with review of the site plan. Mr. Larkin advised that he was not certain about questions for the height of the sign (shorter or smaller), which they have and could build. Mr. Larkin advised that the sign ordinance advised that the sign fits in with the character of the area that is built, as different signs are appropriate for different areas. Further discussion held. Mr. Larkin advised on other neighboring signs in the area of the "gateway sign district," in the Highway 92 and Highway 75 high-rise districts. Further discussion held. Mr. Larkin advised that it appeared anything goes and that there were two-twenty feet signs everywhere; however, they submitted fifteen (15) feet for consideration. Further discussion held.

Mayor Allegood called on staff for discussion. Community Development Director Christine Dobbs advised that other than what was presented at Monday night's meeting, additional information had been submitted as requested by Alderman Richardson reference the past sign ordinance, as well as photos of current Racetrac signs and supporting documents. City Manager Brian Bulthuis inquired with Ms. Dobbs about the sign district on Highway 41 and if there were different regulations. Ms. Dobbs advised yes, and that the Cobb Parkway/Highway 41 District had a twenty-five (25) feet height restriction for signs. Further discussion held on photos of signs submitted by the applicant, of which the majority were built prior to the sign ordinance, with the exception of the Rite Aid sign, which was built in 2002 at the same time as the property across the street.

Alderman Richardson advised that although the sign district had public input drawn from what the community wanted to see for future development for each of the districts as set aside in the sign district, and unless the City began making changes at some point, it would never see change take affect. Alderman Richardson advised that he wanted to offer a compromise to allow a fifteen (15) feet sign on the Racetrac property and revert to the ten (10) feet sign on the other two properties. Further discussion held.

Alderman Houston advised that a fifteen (15) feet sign would be a good transition to get where they needed to be. Alderman Houston advised that he agreed for a smaller sign in the midst of larger ones; however, it would not catch the eye. Alderman Houston advised that he definitely wanted the business to be prosperous and did not see a problem with the signage.

Alderman Weatherford inquired with the City Manager about the two signs as proposed by the City and the applicant. Alderman Weatherford advised that the building and roof would match the architectural style of the sign proposed by Racetrac.

Alderman Pugliese inquired if Racetrac would consider building a sign at a total height of fifteen (15) feet. Mr. Larkin advised no and that they would be willing to place the All-America City logo on the brick area of the sign. Further discussion held.

Mr. Bulthuis inquired for point of clarification that they were other signs on Highway 92 that were taller than ten (10) feet, and that Cherokee County had a ten (10) feet sign ordinance, which staff was looking to match. Further discussion held. Alderman Houston advised that the area was developed and congested with signs. Further discussion held. Alderman Pugliese inquired about taller signs in the area. Mr. Bulthuis advised for keeping the integrity of the City ordinance the same as Cherokee County. Further discussion held. Mr. Larkin advised that they could build a ten (10) feet sign; however, it would not serve the community entrance.

Alderman Weatherford moved for approval of Stipulation Letter 2010-06 allowing a variance for a Racetrac Petroleum, amending Ordinance No. 2002-39, as it pertains to the signage restrictions, setting the size requirements of the three commercial parcels located at the northwest corner of Lake Acworth Drive and Cherokee Street. Each commercial parcel shall be allowed to have one monument sign per parcel at a height no greater than fifteen (15) feet, and further stipulate that the sign on parcel number two designated for Racetrac as previously presented in Work Session Monday night, and approval by both staff and the applicant, to be a fifteen (15) feet monument sign with matching brick, three (3) feet metal roof, that matches the (curt ledge) of the building. The total height to be no greater than eighteen (18) feet. All other provisions of the City of Acworth's current sign ordinance shall remain in effect as noted.

Alderman Pugliese requested to make a substitute motion. Mayor Allegood advised that they had a motion by Alderman Weatherford, as read and asked if there was a second. Alderman Price seconded the motion.

Alderman Pugliese made a substitute motion for approval of Stipulation Letter No. 2010-06 allowing the variance of Racetrac Petroleum amending ORD #2002-39 as it pertains to the signage restrictions setting the signage requirements for the three commercial parcels located at the northwest corner of Lake Acworth Drive and Cherokee Street. Each commercial parcel shall be allowed to have one monument sign per parcel at a height no greater than fifteen (15) feet. All other provisions of the City of Acworth's current sign ordinance shall remain in effect. Alderman Richardson seconded the motion. Mayor Allegood asked if there was any discussion from the Board.

Alderman Price inquired if the lid on the sign was the only difference between the two motions. Mr. Bulthuis advised that under Alderman Pugliese's motion, it would be 15 feet sign and Alderman Weatherford's motion would be a fifteen (15) feet sign with a three feet lid, and by ordinance, it would be an eighteen (18) feet sign. Alderman Pugliese advised that there would still be a lid, but the sign lowered approximately two and one-half feet for a total of fifteen (15) feet with a lid. Mr. Bulthuis further advised for an approximate three (3) feet lid. Mayor Allegood clarified the substitute motion, as seconded by Alderman Richardson. Mayor Allegood inquired if the All-America City logo would be added to the substitute motion. Alderman Weatherford advised that he called the motion. Mayor Allegood advised Alderman Weatherford that he was running the meeting. Further discussion held. Mayor Allegood asked Mr. Larkin if he would be in agreement with adding the All-America City logo to Alderman Pugliese's motion. Mr.

Larkin inquired for point of clarification that Alderman Weatherford's motion incorporated a sign elevation requiring the padded sign. Mayor Allegood clarified that Alderman Pugliese's motion was for fifteen (15) feet at the applicant's option, adding the All-America City logo. Mr. Larkin advised that the applicant was in favor of the logo. Mayor Allegood called for the vote for the substitute motion. The motion was voted (2:3) with Aldermen Pugliese and Richardson voting, "Aye" and Aldermen Weatherford, Price, and Houston voting, "Nay." Mayor Allegood advised that the substitute motion failed. Mayor Allegood advised for the original motion, adding the All-America City logo at the bottom of the sign.

Alderman Weatherford advised for an amended motion to include a logo worked out with staff to add the All-America Acworth City logo to the monument sign. Mr. Larkin advised that they would build the sign and the City place the logo. Alderman Price seconded the motion. Mayor Allegood advised for the (amended) motion and the second, and if there was any discussion. Alderman Richardson inquired for point of clarification if the Racetrac chose not to build the decorative feature on top of the sign and that the sign would be limited to fifteen (15) feet, and would only be allowable at eighteen (18) feet with the decorative sign. Mr. Bulhuis clarified the motion as read per the plan submitted on Monday so that they would have to do the decorative sign. Alderman Weatherford advised that he read for a fifteen (15) feet monument, no greater than eighteen (18) feet in total with a three (3) feet cap. Alderman Richardson inquired with Alderman Weatherford if he would amend his motion to allow at the option of the Racetrac and let them decide what they wanted the sign to look like with the measurements. Alderman Weatherford advised that he did not have a problem with it, but thought they had decided and agreed to it. Mr. Larking concurred that they were in agreement. Further discussion held. Mayor Allegood asked if the Board was clear on the motion and for Alderman Weatherford to restate the motion.

Alderman Weatherford restated the (amended) motion for approval allowing a variance for Racetrac Petroleum, amending Ordinance No. 2002-39, as it pertains to the signage restrictions, setting the size requirements for the three commercial parcels located at the northwest corner of Lake Acworth Drive and Cherokee Street. Each commercial parcel shall be allowed to have one monument sign, per parcel at a height no greater than fifteen (15) feet, and further stipulate that the signage on parcel number two, which is designated as the Racetrac as previously presented at the Work Session Monday night, and approval by both staff and applicant to be a 15 foot monument sign both brick, to match the building and an option of three feet roof metal sign matching the building. The total height to be no greater than 18 feet, and to work with staff to add a possible logo of our choosing somewhere on the monument sign. Mayor Allegood advised that City Attorney Gregg Litchfield advised him to add "the other provisions of the City of Acworth's current sign ordinance shall remain in effect." Alderman Price inquired if the Board was originally back at the same motion as previously made with the option of the roof. Mayor Allegood concurred. Alderman Price advised to Mr. Larkin and the group for the record that he personally liked the roof and the idea of Acworth having its own unique Racetrac sign and that the applicant had the option to build or not build the roof, and that the City did not really want to give that option, but would do so if the applicant leaned in that direction. Mayor Allegood asked if there was further discussion from the Board. There was none. Mayor Allegood called for the motion and further clarified that

Alderman Price has previously seconded the (amended) motion. Mr. Litchfield asked Mr. Larkin if they were in agreement. Mr. Larkin advised yes. The motion approved unanimously (5:0).

7. CITY MANAGER COMMENTS

City Manager Brian Bulthuis advised on the Women's Sprint Triathlon to take place this weekend in downtown Acworth.

8. BOARD MEMBER COMMENTS

Alderman Richardson commented about different issues seen in the media with other cities changing their meeting and committee format and the way business is conducted. Alderman Richardson recommended that Mayor Allegood appoint a committee to look at ways that the City may need to change the way they do business and if it needs to make its meetings open to the public, have committee meetings in public, doing away with the briefings in the conference room before public meetings, and have everything in the open as with other cities. Alderman Richardson advised that he would like the Council to look into the matter as a committee prior to the next meeting for possible changes.

Alderman Weatherford advised that he was in agreement with Alderman Richardson's recommendation and that it was great idea. Alderman Weatherford further advised that periodically, the Council needs to revisit the way they conduct procedures, as there may be a better way. Alderman Weatherford recognized Chief Michael Wilkie on behalf of the Acworth Police Department for winning the top award for the State of Georgia for the best, number one All-America Police Department in the State of Georgia, which took place at the Chief's conference. Alderman Weatherford commented on the honor for Public Safety Week in October and that a committee is formed every year for selections and promotions, which he has served on for the past five years. Alderman Weatherford further advised that the committee selects the Officer of the Year Award for valor, merit, and various other awards for all the great public service agencies of Cobb County. Alderman Weatherford advised that Chief Wilkie was chosen as the chair of the committee this year, which is a great honor.

9. MAYOR'S COMMENTS

There was none.

10. PUBLIC COMMENT

There was none.

10. ADJOURNMENT

Alderman Price moved for adjournment. Alderman Weatherford seconded. The motion approved unanimously. Mayor Allegood adjourned the Regular Meeting at 8:08 p.m.

Thomas W. Allegood, Mayor

Regina R. Russell, City Clerk