



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes - Final Mayor and City Council

Mayor Jere Wood
Council Member Nancy Diamond
Council Member Rich Dippolito
Council Member Kent Igleheart
Council Member Jerry Orleans
Council Member Betty Price
Council Member Becky Wynn

Wednesday, February 17, 2010

7:30 PM

City Hall

WELCOME

Present: 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orleans, Council Member Betty Price, and Council Member Becky Wynn

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Transportation Director Steve Acenbrak; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Transportation Deputy Director David Low; Transportation Engineer Muhammad Rauf; Transportation Planner Andrew Antweiler; Community Relations Manager Julie Brechbill; Building Operations Technician Doug Heieren; and City Clerk Sue Creel.

Mayor Jere Wood called the meeting to order and welcomed everyone present.

Pledge of Allegiance - Lee Fleck

CONSENT AGENDA

1. **Approval of February 1, 2010 Regular Meeting Minutes (detailed Minutes to replace Council Brief Minutes adopted on February 8, 2010) and approval of February 8, 2010 Council Brief Minutes.**
Administration and Finance
Approved
2. **Approval of a Resolution to apply for a State Homeland Security Grant for fire hydrant vulnerability protection in an amount not to exceed \$1,000,000.**
Public Works

Approved

Enactment No: RES 2010-02-08

- 3. **Approval for the Mayor and/or City Administrator to sign a contract with Lakeshore Engineering, LLC for the purchase of a replacement Sludge Collector System in an amount of \$69,960.**

Public Works

Approved

- 4. **Approval for the Mayor and/or City Administrator to sign a contract with Blankinship Sand Co., LLC for raw water intake dredging services at the Water Plant in an amount not to exceed \$58,500.**

Public Works

Approved

- 5. **Approval of a Resolution to apply for the 2010 Preserve America Implementation Projects Grant in the amount of \$75,300.**

Recreation, Parks, Historic and Cultural Affairs

Approved

Enactment No: RES 2010-02-09

- 6. **Approval for the Mayor and/or City Administrator to sign a contract with Hasley Recreation and Design, Inc. (Miracle) for the construction of a new playground at Garrard Landing Park in the amount of \$124,500.**

Recreation, Parks, Historic and Cultural Affairs

Approved

Approval of the Consent Agenda

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, to Approve the Consent Agenda. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Transportation Department - Councilmember Rich Dippolito

1. **Recognition of the Transportation Department being selected by the Georgia Institute of Transportation Engineers (GAITE) as the recipient of the 2009 Agency Achievement Award.**

Presented by Steve Acenbrak

Councilmember Dippolito stated he has been the liaison to the Transportation Department for the past 45 days, and feels the city has the best Transportation Department in the state.

Transportation Director Steve Acenbrak acknowledged Scott Mohler, director of the transportation department of URS Corporation and past president of ITE. Mr. Mohler stated the Georgia Section of ITE, Institute of Transportation Engineers, is a non-profit organization of transportation professionals, which provides professional and educational networking and leadership growth opportunities to members. Mr. Mohler presented the Georgia Section Agency Achievement Award stating this honor is bestowed upon one governmental or quasi-governmental agency in the State of Georgia that has distinguished itself through its initiatives related to improvements in the field of transportation. Mr. Mohler thanked the City of Roswell for their participation for the past year. Mr. Acenbrak stated this has been a team effort and thanked Mayor and Council, staff, department heads, and citizens. Mr. Mohler presented Transportation Deputy Director David Low with the Award of Special Recognition. He also presented Transportation Planner Andrew Antweiler with a plaque for participating in and graduating from the Mentoring Program.

City Attorney's Report

2. **Approval of an Ordinance to Amend Section 2.1.1 of the Code of Ordinances to change Council meeting dates and times.**

(First Reading)

City Attorney David Davidson stated this Ordinance would reduce the number of Council Meetings from three (3) per month to two (2) per month, except for the 5th Monday, and change the time of the meetings from 7:30 p.m. to 7:00 p.m. Zoning and land use matters will be scheduled for the third Monday of each month; however, the meeting will not be limited simply to zoning and land use matters. Mr. Davidson read "This is an Ordinance to Amend the Code of Ordinances of the City of Roswell Section 2.1.1 Council Meeting Times, Dates, and Quorum. The Ordinance amends the first paragraph of Section 2.1.1 of the Code of Ordinances by deleting the first paragraph in its entirety and replacing it with a new first paragraph of Section 2.1.1. The remainder of Section 2.1.1 shall continue in force as before.

Councilmember Wynn referred to City Administrator Kay Love's memo regarding the possibility of the meetings moving to the second and fourth Mondays and asked if there would be any implications on the dates of the Committee Meetings. Ms. Love explained that if the meetings stayed on the first and third Mondays, four (4) meetings would need to change due to holidays. No changes would be needed if the meetings

changed to the second and fourth Mondays. However, if the meetings changed to the second and fourth Mondays, the Committee Meetings would need reviewing, based on how they were established. The Committee Meetings currently are scheduled for the first Tuesday following the First Monday meeting, and the third Wednesday following the third Monday meeting. Councilmember Wynn asked if this would be a difficult move. Ms. Love replied no, just the timing of the effective date.

Mayor Wood asked if it mattered to staff if the meetings were the first and third or second and fourth Monday. Ms. Love replied that staff would accommodate Council's decision but that the least amount of change would be the first and third Mondays.

Councilmember Igleheart stated that looking at November and December, the fourth Monday would be the week of Thanksgiving and the week right after Christmas. He noted that when a holiday falls on a fifth Monday, that meeting is cancelled. He stated there would likely still be the need to move two meetings if the meetings are the second and fourth Mondays.

Councilmember Orlans stated the Monday meetings have always happened during the Thanksgiving week or Christmas week if it has fallen there, so those meetings have never been moved. Also some of the Committee Meetings have been going over 3 hours and suggested looking at breaking those from one to two. Regarding the Council meetings, he felt his amendment would be the least disruptive.

Councilmember Price asked which of the two meetings would be the Zoning meeting. Mayor Wood answered primarily the third Monday due to advertising requirements. He noted that it is his normal practice to put public hearings first on the agenda.

A motion was made by Council Member Becky Wynn, seconded by Council Member Nancy Diamond, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 3/1/2010.

Amendment to Motion: Councilmember Orlans moved to amend the motion to change the dates of the Council Meetings from the first and third Mondays to the second and fourth Mondays. Councilmember Wynn seconded the amended motion. Councilmembers Diamond, Wynn, and Orlans voted to approve the amended motion. Councilmembers Igleheart, Dippolito, and Price voted in opposition to the amended motion. Mayor Wood broke the tie by voting against the amendment. The amendment to the motion failed 3-4.

The original motion carried by the following vote: Councilmember Price, Councilmember Igleheart, Councilmember Wynn, Councilmember Dippolito, and Councilmember Diamond voted to approve the motion. Councilmember Orlans abstained.

In Favor: 5

Abstain: 1

3. **Approval of an Ordinance limiting the number of terms a person can serve on the Recreation Commission.
(First Reading)**

City Attorney David Davidson stated on February 1, 2010 Mayor and Council passed an Ordinance limiting the terms for the Board of Zoning Appeals, Design Review Board, Historic Preservation Commission, Planning Commission, and the Construction Board of Adjustment and Appeals. This Ordinance will limit the number

of terms a person can also serve on the Recreation Commission, which is a different section of the code. Mr. Davidson read, "This is an Ordinance to Amend Chapter 14.1.1 of the Code of Ordinances of the City of Roswell. The Ordinance amends Section 14.1.1 of the City of Roswell Code of Ordinances by striking in its entirety current Subsection A and substituting a new Subsection A. Section 14.1.1 is further amended by adding a new Subsection C.

Councilmember Dippolito asked the current length of term for the Recreation Commission. Mayor Wood replied five (5) years. Councilmember Dippolito asked if there was discussion of having this for three (3) or two (2) terms. Mayor Wood replied both have been discussed.

Councilmember Orlans asked if other Boards have been set for three (3) terms for a total of 9 years. Mayor Wood replied yes.

A motion was made by Council Member Becky Wynn, seconded by Council Member Nancy Diamond, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 3/1/2010. The motion carried by the following vote:

In Favor: 6

4.

Approval of an Amendment to Chapter 3, Alcoholic Beverages, of the City of Roswell Code of Ordinances.

(First Reading)

City Attorney David Davidson stated the changes to the Ordinance would include the distance from churches, schools, etc., for consumption on the premises, age requirements for servers, fingerprinting and background check requirements. Mr. Davidson read, "This is an Ordinance to Amend Chapter 3, Alcoholic Beverages of the Code of Ordinances of the City of Roswell. The Ordinance amends Chapter 3, Alcoholic Beverages, by deleting Chapter 3, Section 3.4.2, Distance from Churches, Schools, etc. in its entirety, and substituting a new Section 3.4.2 to read as shown in Exhibit "A." It further amends Chapter 3 by deleting Section 3.6.1, Age Requirements, Subsection C, in its entirety and substituting a new Subsection C to read as shown in Exhibit "B." Chapter 3 is further Amended by deleting Section 3.2.14, Application Investigation Consent, Subsection B, in its entirety and substituting a new Subsection B to read as shown in Exhibit "C."

Mayor Wood asked how the changes of distances differ from current law. Mr. Davidson replied currently it is a straight line from the front door to the other property line, and this only affects consumption on the restaurant's premises. Mayor Wood asked if the Ordinance would increase the distance of what is currently in place. Mr. Davidson replied it would increase the distance about 90% of the time. Mayor Wood asked if this would create any problems for any existing businesses. Mr. Davidson replied no, it should benefit them. Mayor Wood asked if any current businesses would lose their licenses due to this new Ordinance. Mr. Davidson replied no.

Councilmember Dippolito asked if this would make the City consistent with State law. Mr. Davidson replied yes. Mr. Davidson confirmed for Councilmember Dippolito that this would not be any stricter than what State law requires.

A motion was made by Council Member Nancy Diamond, seconded by Council Member Kent Igleheart, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 3/1/2010. The motion carried by the following vote:

In Favor: 6

ADDENDUM

Mayor's Report

1.

Approval of a Resolution in Opposition to House Bill 903.

Mayor Wood stated Representative Wendell Willard had asked Roswell to support Sandy Springs in opposition to House Bill 903. City Attorney David Davidson stated House Bill 903 would extend the time period for the hotel/motel tax used to support the funding of the Georgia Dome or its successor, whoever it is at the time. When the bill was originally enacted to allow the hotel/motel tax to be collected, Sandy Springs, Johns Creek, Milton, and Chattahoochee Hills, were at that time in unincorporated Fulton County. State Law says that 39% of the 7% hotel/motel tax collected goes to the Georgia Dome Authorities. The current bonds run out December 31, 2020. This new House Bill would allow the Georgia Dome Authorities to issue more bonds for a commitment until 2050.

Councilmember Dippolito asked if the Resolution pertains to the Georgia Dome or its successor if they move the operations to a different facility or just anything at the current location. Mr. Davidson replied the new law reads, "Their successor that has a contract with a NFL Team," so it could be a new area within Fulton County.

Mayor Wood encouraged Council to support the cities.

Councilmember Orlans stated being able to have development for sports and other activities helps the overall metropolitan area and brings in more sales tax for everyone. He understood supporting sister cities, but thought more information is needed showing the facts about with or without this tax. He asked the pros and cons whether this is instituted or not instituted, such as the financial standpoint from how it affects the dome, how it affects the sales tax from what the dome brings in, and if there is no ability for them to get bonds does it deteriorate and go away. Mayor Wood stated if there was a Georgia Dome proposed in North Fulton County, which would benefit Milton, Johns Creek, and Sandy Springs, there could be additional legislation at that time to support that project. He agreed there are many unanswered questions of what could happen in 2050, but said those should be addressed then. Councilmember Orlans asked if currently this went until 2020. Mr. Davidson replied yes. Councilmember Orlans asked if this Bill is to extend it to 2050. Mr. Davidson replied yes. Councilmember Orlans said this originally only applied to Fulton County. He asked if anyone outside of Fulton County supported this. Mr. Davidson replied not to his knowledge.

Councilmember Wynn asked if the 39% was going towards paying off the bond. Mr. Davidson replied that according to Representative Willard, yes. Councilmember Wynn said it is not for maintenance, operation, etc., and the bonds are paid in full in 2020. Mr. Davidson responded yes, they are required to have a contract with the Dome authority.

Councilmember Dippolito asked when the cities incorporated they understood they were to pay this tax until 2020, but there was no obligation beyond 2020. Mr. Davidson replied that is his understanding. Councilmember Dippolito asked if this is just the State imposing additional tax on these cities. Mayor Wood responded that is the opinion of the cities.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Becky Wynn, that this Item be Approved. The motion carried by the

following vote:

In Favor: 6

Enactment No: RES 2010-02-10

City Attorney's Report

- 2. **Approval of a Resolution requesting a Local Act of the General Assembly to Authorize the City of Roswell to Exercise Redevelopment Powers under the Georgia Redevelopment Powers Law.**

City Attorney David Davidson stated this Resolution requests the State Legislature to change the City's Charter to allow the City to have a special election and let the citizens decide if the City should have redevelopment powers. He noted that when the City has previously asked for this, a time limit was placed on it for a special election. This time it is requested not to have a time limit on it for a special election.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Enactment No: RES 2010-02-11

- 3. **Recommendation for closure to discuss personnel.**

A motion was made by Council Member Becky Wynn, seconded by Council Member Rich Dippolito, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Adjournment - 8:15 p.m.