



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

Monday, October 25, 2010

7:00 PM

City Hall

WELCOME

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

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; Police Chief Ed Williams; Fire Chief Ricky Spencer; Environmental/Public Works Director Stuart Moring; Transportation Director Steve Acenbrak; Director of Community Development Alice Wakefield; Strategic Planning and Budgeting Director Keith Lee; Transportation Deputy Director David Low; Environmental/Public Works Deputy Director Yvonne Douglas; Deputy Director of Community Development Clyde Stricklin; Water Resources Engineer Alice Champagne; Transportation Planning Manager Chris Chovan; Economic Development Manager William Keir; Grants Manager Danny Blitch; Community Development Program Coordinator Stefanie Dye; Transportation Accounting Specialist Karen Bernard; Administrator of Park Services Jeff Pruitt; Strategic Planner/Budget Analyst Denise Brown; Web Developer/Graphic Designer Ben Frye; Building Operations Technician Tim Thompson; and City Clerk Sue Creel

Pledge of Allegiance - Boy Scouts from Northbrook United Methodist Church from Den 3 & 8: William Bratcher, Sam Colvin, Daniel Ely, Matthew Ely, Warren Jacobson, Nolan Ledbetter, Caleb Lins, Chance Long, Jake Lucciola, Wesley Lucciola, Michael Ely, Jake Moody, Joe Pederson, Trevor Standish, and Seth Youngstrom

CONSENT AGENDA

- 1. Approval of September 27, 2010 Council Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on October 11, 2010) and approval of October 11, 2010**

Council Brief Minutes.

Administration and Finance

Councilmember Price asked to extract the second portion of item #1 from the Consent Agenda. City Attorney David Davidson noted the law requires the brief minutes be approved at the next Mayor and Council Meeting.

Mayor Wood asked Councilmember Price if her concern regarded the wording of the re-zoning item. Councilmember Price replied that she did not feel the stated motion was accurately reported. Mayor Wood asked Council's options if they did not approve the minutes. Mr. Davidson replied they could approve the minutes by accepting one part of the minutes.

Councilmember Orlans commented that Council could still approve the minutes with an amendment, and the minutes could be clarified at the final reading of the minutes.

Mayor Wood stated that item #1 was being pulled from the Consent Agenda for discussion, and Council would be voting on items 2-5. Mayor Wood asked Councilmember Price to state her concerns about item #1 of the Consent Agenda. Councilmember Price stated she wanted to substitute the motion in the October 11, 2010 Council Brief Minutes (regarding RZ10-07) for what was presented on the overhead as follows:

- 1. That the owner/developer shall be required to review the possibility of inter-parcel access with the Bank of North Georgia. If the bank agrees, the owner/developer shall be required to grant an easement for inter-parcel access to the property currently owned by the Bank of North Georgia, not to exceed the width of three (3) parking spaces, provided the City of Roswell reduces the minimum parking requirement by the equivalent number of spaces.*
- 2. The existing ground sign must come into total compliance with the existing sign regulations within 180 days of the approval by the Mayor and Council.*
- 3. No liquor or retail package store will be allowed on this site.*

Mayor Wood asked if the Council Brief could be revised. Mr. Davidson replied yes.

Mayor Wood stated this would approve the Council Brief Minutes with the change.

A motion was made by Council Member Jerry Orlans, seconded by Council Member Nancy Diamond, that the September 27, 2010 Council Meeting Minutes be approved. The motion carried by the following vote:

In Favor: 6

A motion was made by Council Member Betty Price, seconded by Council Member Nancy Diamond, that the October 11, 2010 Council Brief Minutes be approved with changes to the wording of the motion of RZ10-07. The motion carried by the following vote: Council Member Price, Council Member Diamond, Council Member Wynn, and Council Member Dippolito voted in favor of the motion. Council Member Orlans and Council Member Igleheart abstained from voting as they were not in attendance at the October 11, 2010 Council Meeting.

In Favor: 4

Abstain: 2

- 2. **Approval of a Resolution to revise the Human Resources Policies and Procedures Manual Section 1.19, Work Period, and Section 7.1, Establishment of the Work Period.**
Administration and Finance
Approved
Enactment No: RES 2010-10-50
- 3. **Approval for the Mayor and/or City Administrator to sign eighteen (18) standby trades contracts to provide construction, renovation, maintenance and repair services in City facilities.**
Administration and Finance
Approved
- 4. **Approval of a Resolution to accept the Bureau of Justice Assistance State Criminal Alien Assistance Program FY2010 (SCAAP) grant and to authorize expenditures in the amount of \$38,944 and approval of Budget Amendment 3226G1-10-25-10.**
Public Safety
Approved
Enactment No: RES 2010-10-51
- 5. **Approval of a Resolution to accept a FFY 2010 Bulletproof Vest Partnership Grant Award from the U.S. Department of Justice in the amount of \$9,000 and approval of Budget Amendment 3223G6-10-25-10 establishing the budget for this project.**
Public Safety
Approved
Enactment No: RES 2010-10-52

Approval of the Consent Agenda

A motion was made by Council Member Wynn, seconded by Council Member Orleans, to approve the Consent Agenda (items 2-5). The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Reading of a Proclamation for Administration and Finance Appreciation Week.**

Mayor Wood stated the week of October 25, 2010 through October 29, 2010 will be recognized as Administration and Finance Appreciation Week. The Proclamation states that the Mission Statement for the Administration Department is providing result-oriented communication, service and innovation to our customers. The Administration Department currently operates with 75 employees. The Mission Statement of the Finance Department is provide excellent and accurate service to our customers, financial stewardship for the City's resources and professional services to City Departments. The Finance Department currently operates with 25 employees.

Finance Director Julia Luke explained to the audience that the Finance Department keeps track of all money that comes into and goes out from the City, tracks all assets owned by the City, and handles the drawdowns for grants that the City receives. She noted to verify that all transactions are accurately recorded, an external auditor audits the Annual Financial Report.

Deputy City Administrator Michael Fischer explained to the audience that the Administration Department includes the City Attorney, Grants, Court Services, Information Technology, Building Operations, Community Relations, City Clerk, Human Resources, and Strategic Planning and Budgeting. Mayor Wood asked the number of full-time employees, how much the City spends every year, and the value of the City's assets. Mr. Fischer replied over 600 employees. Ms. Luke replied the City normally spends from \$90 million to \$100 million each year and has over \$200 million in assets.

2. **Approval of nomination to the Historic Preservation Commission.**

Mayor Wood asked for a motion of the nomination of Mary Ann Pepper to serve on the Historic Preservation Commission.

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

In Favor: 6

3. **Approval of nomination to the Design Review Board.**

Mayor Wood asked for a motion of the nomination of Tom Flowers to the Design Review Board.

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

In Favor: 6

Public Safety - Councilmember Nancy Diamond

4. **Approval of a Resolution to accept a 2010 Community Giving Sponsorship grant award from Target Corporation in the amount of \$5,000 and approval of Budget Amendment 3220G1-10-25-10.**

Presented by Ed Williams, Police Chief

Police Chief Ed Williams announced that Target Corporation offered the City a \$5,000 grant. The grant will purchase a FLIR (Forward Looking Infra-Red) system, which will help officers find suspects in buildings or in the woods at night by reading the heat signature of a person. He introduced Rick Freese and Brett Graddy from Target Corporation. Mayor Wood expressed thanks to Target for the grant.

A motion was made by Council Member Nancy Diamond, seconded by Council Member Jerry Orleans, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Environmental / Public Works Department - Councilmember Becky Wynn

5. **Approval for the Mayor and/or City Administrator to sign a contract with O'Brien & Gere for Energy Assurance Planning Consultant service for the City's Local Energy Assurance Program in an amount not to exceed \$94,000.**

Presented by Stuart Moring, Director

Councilmember Wynn stated that because new information had been received, she recommended deferral of this item until the November 8, 2010 Mayor and Council Meeting to allow time for staff to review the information.

A motion was made by Council Member Becky Wynn, seconded by Council Member Rich Dippolito, that this Item be Deferred and placed on the Mayor and City Council agenda for 11/8/2010. The motion carried by the following vote:

In Favor: 6

Transportation Department - Councilmember Rich Dippolito

6. **Approval of a Resolution to adopt the North Fulton Comprehensive Transportation Plan.**

Presented by Steve Acenbrak, Director

Transportation Director Steve Acenbrak stated the North Fulton Comprehensive Transportation Plan is completed. He stated all six (6) of the North Fulton cities had gotten together to discuss their transportation plans. Their focus was on high-level issues such as cross level jurisdiction and regional connectivity. The total of this effort was \$1.25 million, which the City of Roswell contributed \$67,191. The projects had been broken down into tier 1, 2, and 3 projects. Tier 1 projects are of large

regional significance that the ARC is already considering in their funding; tier 2 will be considered for funding under the new HB277; and tier 3 are considered longer term projects. Mr. Acenbrak noted it is required that all six (6) cities adopt the plan.

Mayor Wood asked Mr. Acenbrak to summarize the tier 1 projects within the city limits of Roswell. Mr. Acenbrak replied they include the Big Creek Greenway Connection, which is a bridge to cross over GA 400, but not access 400, between Exits 7 and 8, north of Holcomb Bridge Road and south of Mansell Road. Another is the east/west bicycle and pedestrian facility, which is part of the Roswell loop. Another is the Houze and Rucker Road intersection project for road improvements. Another is State Route 9 to eliminate the reversible lane and add another lane to improve economic viability and mobility in the historic area.

Councilmember Dippolito asked the projected dollar amount for tier 1 and the timeline of the projects. Transportation Planning Manager Chris Chovan replied that the tiers had been broken out equally. Tier 1 and 2 are estimated to be \$500 million each and split with all six (6) jurisdictions. Tier 3 is the "catch all" of projects that did not make the cut higher up and does not have a dollar amount. The timeframes depend upon the specific project. This will lay the foundation for the projects to come into ARC's plan and staging them appropriately for when financing, sponsorship, or matching funds are available. Councilmember Dippolito asked about financing on getting the projects done. Mr. Chovan replied that tier 1 is based upon what North Fulton County historically has gotten through the ARC, RTP, and TIP processes, which is roughly \$500 million. Tier 2 projects are based on conservative estimates of HP277, the T-SPLOSTS. Councilmember Dippolito said there seems to be a plan for North Fulton with potential funding for several projects and should be able to see some progress in the near future. Mr. Chovan agreed, saying ARC is developing their plan 2040 for the Atlanta Region and is looking to incorporate the tier 1 projects into that plan.

Mayor Wood asked where citizens could find more information about this. Mr. Acenbrak stated it is on the ARC website. Mayor Wood stated he supported this program.

Public Comment:

Jemille Williams, 155 Spring Drive, Roswell, expressed concern of what she had read about Alpharetta looking at doing a 17-foot wide median with 8-foot sidewalks, which represents an increase of 23-feet on Highway 9 and the possibility of that width coming down into Roswell. She was concerned about the 21-foot increase of South Atlanta Street, which cannot be sustained in regards to flooding, saying the old trees and national forest property needs to be kept for storm water absorption. She does not support widening the road for a median, saying a median does not increase capacity and the widening in Alpharetta will make a bottleneck in Roswell. She was told GDOT will pay for the maintenance, and says everyone is a Georgian and they will still be paying this extra money and does not feel it is fiscally conservative. She felt Roswell would lose many landmarks with the widening, and urged that it not get to the development stage. She suggested widening by only one lane.

Mayor Wood thanked Ms. Williams for sharing her concerns and explained that what Alpharetta is seeking is not what the City plans. The City has a much more limited plan that citizens and businesses can live with and not be disruptive and be a safer plan. He encourages Ms. Williams to attend the meetings and discuss her concerns.

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 2010-10-54

**Administration and Finance Department - Councilmember Jerry
Orlans**

7. **Request for approval of Budget Amendment 1585-10-25-10 to increase the FY 11 Revenue budget by \$2,023,806 and increase the FY 11 Expenditure budget by \$2,028,117.**

Presented by Keith Lee, Director of Strategic Planning and Budgeting

Councilmember Orlans stated this approval of a Budget Amendment includes four components. The first one revolves around the citywide restructuring plan, which decreases the 2011 approved budget by \$236,000 with an annual impact of \$1 million. The second part is re-appropriating the remaining funds from 2010 going into 2011 budget. The third part is transferring capital projects. The fourth part is transferring approved grant projects.

Budget Director Keith Lee stated that part one is the 2010 mid-year restructuring. The overall budget is reduced by \$236,162 with a net reduction of eleven (11) positions and an annualized savings of \$1,001,539. The General Fund reduction is \$186,702, and the Water Fund reduction is \$49,460 for a total reduction of \$236,162.

City Administrator Kay Love stated the goals for restructuring was to look at functions and tasks that departments do and to eliminate any duplication or redundancies. They looked at each department and the current level of service, cross-training and streamlining processes throughout departments, and matching workload with full time employees. Phase 1 is the early retirement incentive program; Phase 2 is the 2012 budget process preparation, which is this mid-year budget adjustment; Phase 3 is the Enterprise Resource Planning Project; and Phase 4 is tweaking the changes made from Phases 1-3. She stated that the Phase 1 early retirement incentive program had 23 participants out of the 76 who were eligible and eliminated 10 positions. Phase 2, the 2012 budget preparation, is part of the mid-year budget adjustment and has a net reduction of eleven (11) positions and a \$1 million savings on an annual basis. The amount of \$236,162 is the impact to the current budget. To accommodate the net reduction, Council is being asked to approve a reduction of the current budget for salaries and benefits. Next year in the 2012 process, it will have an annual impact of salaries and benefits of a little over \$1 million. Phase III with the ERP, it is anticipated the opportunity for additional positions to be combined and/or eliminated. Ms. Love stated the positions eliminated by department as follows: Administration four (4) positions; Community Development two (2) positions; Finance one (1) position; Police one (1) position; Recreation and Parks one (1) position; Transportation one (1) position; and one (1) position from the Water Fund. Ms. Love confirmed for Mayor Wood that ten early retirement positions were eliminated, and another position has been eliminated. She said the total budget had 616 positions that was adopted for this fiscal year, and if approved as presented now, that number would be down to 605. Mayor Wood asked to reach that number required any termination of any employees other than volunteer termination for early retirement. Ms. Love replied that there will be a couple of positions considered as part of a reduction in force involved in this. She noted that during the 2011 budget process, there was a reduction as well.

Councilmember Price recalled that the budget was balanced in FY 2010, so this amendment does not show expenditure budget that is offset by the revenue budget.

She asked how the extra \$5,000 was reconciled. Mr. Lee replied that the budget is not out of balance. It is an accounting process that when funds are moved from one particular source into the Capital Projects Fund, the expenditure is counted twice and looks like the money is being spent twice when it is only spent once, but it has to be moved from one fund source to another.

Public Comment:

Lee Fleck, Martins Landing, asked if the documents are available on the City's website. Ms. Love replied that the documents are not posted, but he could be provided the documents. He questioned the logic of the early retirement saying in 2009, Council voted for a pay increase for all employees in the City of Roswell giving the reason that with other communities developing, they were worried about losing senior employees to other municipalities, but now they were giving them early retirement and losing senior knowledge. Ms. Love explained the reasons for the early retirement incentive program, and how it saved the City money. Mr. Fleck asked the average length of service of those who took early retirement. Ms. Love replied that she did not know the average but agreed with Mr. Fleck that the length was significant.

There was no further public comment.

Councilmember Price questioned the chart showing Community Development Department positions. Ms. Love recounted the positions shown on the chart. She stated there were 38 full time employees approved in the 2010/2011 budget for the Community Development Department.

Mr. Lee stated that the second component is to utilize \$93,269 of unspent funds from FY10 related to various items in the Operating Budget. The third component is where the double accounting gets into play; the first three items total \$173,806 and will be moved from those various funds into the Capital Projects Funds, so they will be counted twice, and as a result of the double counting and the addition of the other two counted once, it becomes a total expenditure of \$371,010. Mayor Wood asked if the funding is from Reserve Accounts. Mr. Lee replied yes from Fund Balance and are capital projects. The fourth component is related to grants. He confirmed for Mayor Wood that these were grants that came in after approval of the budget, and they are now recognizing the grants received and the expenditure. He noted the contract with Sandy Springs was approved after approval of the budget of \$50,000 for the pedestrian bridge across the Chattahoochee. That is why the expenditures are less than the revenues, because the full expenditure of the project has already been recognized, and that comes to \$1,850,000 in revenue and \$1,800,000 in expenditures. Mr. Lee also noted that the \$400,000 for the HPP Funds will need approval by Resolution tonight. He confirmed for Mayor Wood that the \$400,000 is money received from the Federal Government saying \$1.8 million is coming from the Federal Government, and \$50,000 from the City of Sandy Springs.

Councilmember Igleheart stated this is the major change discussed during the budget process, which has resulted in substantial savings this year, but major savings next year going forward.

A motion was made by Council Member Jerry Orlans, seconded by Council Member Kent Igleheart, that this Item be Approved. The motion carried by the following vote: Council Member Orlans, Council Member Igleheart, Council Member Wynn, Council Member Dippolito, and Council Member Diamond voted in favor of the motion. Council Member Price voted against the motion.

In Favor: 5

Opposed: 1

Enactment No: RES 2010-10-55

City Attorney's Report

8. **Approval of a Resolution to purchase property at 15 Oxbo Road.**

City Attorney David Davidson stated at a Special Called Meeting on October 20, 2010, Council approved moving forward with attempting to purchase property at 15 Oxbo Road and exchanging .88 acres with the current property owner at Oxbo Road. This Resolution was for approval to move forward with the closing, with the fair market price of \$700,000, plus .88 acres currently owned by the City, and as described as attached in the Resolution. Mayor Wood asked how this acquisition was being funded. Mr. Davidson replied that a Community Development Block Grant will pay \$500,000 of the purchase and the remaining funds will come from the General Fund. Mayor Wood asked what would happen to the \$500,000 if Council did not approve the Resolution. Mr. Davidson replied that the City would lose the grant noting that it had to be spent by the end of October.

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

In Favor: 6

Enactment No: RES 2010-10-56

9. **Approval of a five-year lease agreement between Tower Cloud, Inc., and the City of Roswell for location upon City property, Hightower Water Tank.**

Mr. Davidson stated the applicant, Tower Cloud, Inc., would like to present information regarding the lease agreement. Mayor Wood asked if this is for new equipment on the water tank. The applicant replied yes saying it is for a microwave dish, approximately 26" in diameter and weighing less than 55 pounds including the mounting apparatus. He noted the standard antennas on the water tank typically weigh 1500-2000 pounds. The dish allows voice, data, and video traffic to be transmitted back to a wireless carrier's mobile switching center, which allows the interaction and proliferation of the 4G next level platform of wireless services and technology. Mayor Wood asked how that differs from cellular service. The applicant replied it enables the cell phone companies who have antennas on the water tank to transport data and signaling from cell phones, computers, etc. to the tower and is transported currently by copper cable. The applicant stated that Tower Cloud is not a wireless carrier or a cell phone company; it provides the service with the advance technology that allows wireless carriers to provide services. He confirmed for Mayor Wood that it replaces the copper cable, and they want to change the copper cable for transmitting to a dish, which is a transmitter.

Councilmember Wynn asked why this was a rush and had not gone to Committee first. Mr. Davidson replied that Council had in the past approved a basic lease that normally did not need discussion. This item is a change to the basic lease, and Mr. Davidson had informed the applicant that any changes to the lease would need to go to Committee. The applicant had asked to have it put on the Mayor and Council

Agenda because of a time crunch. The applicant replied they have three customers in Metro Atlanta – Verizon, Sprint and Metro PCS - who are hard pressed to offer their 4G technology in the Metro Atlanta area. The applicant explained the water tank is strategic serving 28,000 Roswell residents covering an area geographically of 14 square miles. The applicant stated they are seeking to hook up service on the tower, and within six (6) months take the dish down replacing it with a fiber optic cable. Mayor Wood asked the length of lease they are seeking. The applicant replied six (6) months. Mayor Wood asked if that is the change they are seeking. Mr. Davidson replied they are also looking for a change in the price they would have to pay. Mayor Wood confirmed the applicant wants a six (6) month lease, and asked how much they are willing to pay. The applicant replied \$1,000 a month for the six (6) month lease. Mayor Wood saying \$6,000 is what Tower Cloud is offering, asked what the normal lease rate is. Mr. Davidson replied \$2,500 per month. Mayor Wood stated there are two options: defer and bring this to Committee, or the applicant accept it for \$15,000. He did not think Council was prepared to make a decision on reducing the rate tonight.

Councilmember Orlans asked if the changes to the contract is the time of the lease being six (6) months and the price Tower Cloud wants to pay. Mr. Davidson replied that and after six (6) months, they would have a small cabinet on the site and would not be on the water tank. He confirmed for Councilmember Orlans that Tower Cloud would still be using the facility and the site. Councilmember Orlans asked if it would be a new contract after the six (6) months. Mr. Davidson replied it could be written into this contract. Councilmember Orlans stated the applicant had described how central this tower is and usually the more important something is, the more someone pays for it. Also, the applicant had mentioned the weight of the other antennas, but he said the City had never considered weight. It was more the service is available and what the price in the market would carry. Councilmember Orlans did not see why Council would reduce the leasing cost of such a strategic spot.

The applicant asked if there could be an agreement tonight for \$2,500 a month for six (6) months. Mayor Wood replied that he thought Council could make that decision tonight, but any more modifications to the contract would have to be re-negotiated.

Councilmember Igleheart supported moving forward with a six (6) month lease at the normal rate. He stated that Council was not dealing with the space as much as the access. He thought it great that it was a smaller dish, but that was not Council's issue.

Councilmember Diamond asked how this would be powered and if there are any provisions for backup power. The applicant replied by electric power, and portable generators for backup.

The applicant further explained their equipment. They reiterated that because of minimal impact on the water tank why they thought they should have a reduced rental fee.

Mayor Wood stated tonight Tower Cloud had two choices: expedite this by paying the current rate; or give Council more time to consider their argument. The applicant responded that they are seeking to go on the tower for six (6) months on a short-term basis, then bring the fiber optics in and lease the 4x4-ground space. He said if they can do that under the \$2,500 per month, they were willing to concede to that. Mayor Wood encouraged Tower Cloud to come back at a Committee meeting when they and staff are ready to make a recommendation to present the longer-term lease following up on the six (6) month lease.

Public Comment:

John Paul von Neumann, 160 Terramont Court, stated 4G service is already available in the area and was confused that the applicant was proposing to bring 4G to the area. He asked Council to consider that negotiating on short-term propositions usually meant the price goes up, which is standard business practice.

A motion was made by Council Member Jerry Orlans, seconded by Council Member Kent Igleheart, that this item be approved for a 6-month lease agreement.

Councilmember Orlans confirmed for Councilmember Wynn that his motion was a 6-month lease at \$2500 per month. Councilmember Orlans further confirmed for Councilmember Dippolito that the motion is the lease agreement prepared by the City Attorney with the only exception being changing the term to six (6) months.

The motion carried by the following vote:

In Favor: 6

10.

Recommendation for closure to discuss litigation and personnel.

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

In Favor: 6

Adjournment:

After no further business, the Regular Meeting adjourned at 8:30 p.m. for a Work Session on Fund Balance and Partnership for Community Center.