



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Administration and Finance & Recreation and Parks Committee

City Administrator Kay Love
Mayor Jere Wood
Council Member Rich Dippolito
Council Member Lori Henry
Council Member Kent Igleheart
Council Member Jerry Orlans
Council Member Betty Price
Council Member Becky Wynn

Tuesday, December 8, 2009

5:00 PM

Room 220

Meeting was called to order at 5:08 p.m.

CALL TO ORDER/ROLL CALL

Present: 5 - Mayor Jere Wood; Council Member Rich Dippolito; Council Member Lori Henry; Council Member Jerry Orlans and Council Member Kent Igleheart
Absent: 2 - Council Member Betty Price and Council Member Becky Wynn

Staff present: Kay Love – City Administrator; Michael Fischer – Deputy City Administrator; Julia Luke – Finance Director; Joe Glover – Director of Recreation and Parks; Police Chief Ed Williams; Fire Chief Ricky Spencer; Bob Hulseley – Assistant City Attorney; Danny Blitch – Grants Manager; Julie Brechbill – Community Relations Manager; Mike Erwin – Strategic Planning and Budgeting; Brad Townsend – Planning and Zoning Director; Diane Whitfield – Human Resources Director; and Marlee Press, Executive Assistant to Council.

Minutes of the November 9, 2009 committee meeting were approved.

Addendum to the Agenda

- *Kay Love requested that two proposed addendum items be added to the agenda. They are "Consideration to allow Elected Officials to participate in Committee meetings via telephone." This was initiated by Councilmember Betty Price who was not able to be at the committee meeting and wanted to participate in the meeting via telephone. There is no provision in the committee ordinance regarding this. There is a provision related to Council meetings whereby electronic participation is not allowed in the Council meeting to vote. This item needs to be handled first so in the event committee wanted to allow it, the phone call to Councilmember Price would be made. The other item was the "Discussion of implementing a hiring freeze in the current fiscal year" which was added at the request of Mayor Wood.*

Committee approved adding these items to the agenda.

Administration

1. Consideration to allow Elected Officials to participate in Committee meetings via telephone

- *Councilman Orleans said they have set precedent at the Council meetings. He said he sees no problem to listening in but the elected official should not be allowed to vote. He said they need to address the policy. Mayor said there is no existing policy regarding committee meetings and no votes are taken in committee meetings other than to advance the items forward.*
- *Kay Love said it was asked that if the Councilmember is on the telephone would that be counted as present.*
- *Mayor said he supports reviewing the policy. As far as listening in, he supports that and he thinks if you are on the telephone, and since there is not a policy, you get credit for being here.*
- *Councilman Dippolito said there is value in being physically at these meetings. He said it diminishes the whole point of coming together to discuss. He doesn't think it works in this type of environment.*
- *Councilwoman Henry said there is merit in being present at the meeting. She is fine with someone listening in but you if you cannot attend the meeting, you are absent.*
- *Mayor suggested that if you are listening in, you do not vote but you get credit for attendance. Councilwoman Henry said everyone knows the obligations when they run and she understands that people are going to be absent. Anybody fully expects that they are going to be absent now and again.*
- *Councilman Orleans said the consensus is to allow an elected official to listen but not participate. Mayor also requested to bring this back to committee when they have everyone present. Councilwoman Price was called so she could listen in.*

A motion was made by Mayor Jere Wood, seconded by Council Member Rich Dippolito, that an elected official can listen to the meeting via telephone but not participate. The motion carried by the following vote:

In Favor: 4 - Mayor Wood; Council Member Dippolito; Council Member Henry and Council Member Orleans

2.

Consideration of an amendment to Chapter 3, Alcoholic Beverages, of the City of Roswell Code of Ordinances

- *The first amendment to the Alcohol Code is seating requirements. The ordinance presently requires a minimum of 60 seats at tables for a full pouring license. Bob Hulsey said the city was not aware that several of the establishments on Canton Street don't have the 60 seats but do have Full Pouring licenses. In order to bring everyone into compliance and make it more consistent, staff was seeking guidance on having that requirement be 40 seats which is the same for Beer and Wine Licenses. The change to Section 3.7.3 (b) would read "All restaurants must have a seating capacity, at tables, of at least forty (40) persons."*
- *Bob Hulsey said the reasoning behind having the number of tables which was passed by Council was to make sure that we don't have bars. Kay Love said it is typical in other cities for there to be a number of chairs and tables required.*
- *Mr. Clark from the restaurant Nine was present to speak on this issue. He said they were asked to reduce outside seating to be compliant with the state. He said throughout this campaign of coming into compliance, their neighbors have been able to continue to serve outside but his restaurant has been restricted to their area. He also kept a Beer and Wine License to be compliant while others have benefited greatly from the Full Alcohol License and are not in compliance. His restaurant stayed compliant and many of the other restaurants have not. He said Community Development staff said they have to have 60 seats of tables to have a full pouring license and that they could not count the outside seating.*
- *Councilman Orlans said this brings up a good point. The city has created what he thinks is a nice area on Canton Street. If they don't keep some balance, it could get out of control.*
- *Mayor said Mr. Clark has raised two questions – one was fill over and the second was the bar district. He doesn't think anybody here wants it to become a bar district. The question is if 40 seats is compatible with the restaurants. He said if the restaurants are getting outside of where they are supposed to be, that is a different issue and that is something the city should be enforcing.*
- *Mayor said one of the reasons Council chose to go with licenses for these areas was if someone was not in compliance, the restaurant is given fair warning and if they continue to violate it, their license can be revoked by Council. Mr. Hulsey said that language is in the license but there needs to be a formal complaint made on that establishment. Chief Williams said the problem with this is if there is a complaint that a restaurant is violating the restaurant, the officer would have to witness the complaint. Chief proposes an Open Container Law instead. He said it is easier to deal with as far as policing the problem on the street.*
- *Mayor Wood requested that staff look into an Open Container Ordinance. He wants Legal and Public Safety to look into it and make a recommendation. Committee agreed to bring it back.*
- *Mayor said the two steps he can support right now are the Open Container Law and the Graduated program. This would notify the people that the city is going to be looking closely at the sidewalk license and if a violation occurs, they will get a warning and if that violation continues it will be brought to Council.*
- *Councilman Orlans said there are 7 restaurants on the list that don't comply but he doesn't know how many have a Full License or just have a Beer and Wine license. Bob Hulsey said they will get that information for the next committee meeting.*
- *Kay Love said she requests that staff be allowed to go back and gather the information, recheck some numbers and in conjunction with that come forward with some recommendations including the Open Container ordinance for the January committee meeting. Kay Love said staff will get together and coordinate what is presently in the code, what is in the building code ordinance, the issues with the alcohol, what the sidewalk cafe is and come back with some more specific*

information. She added that staff needs to communicate with these restaurants on Canton Street what their responsibilities are.

- There were other changes to the Ordinance which included: 1) Distance from churches, schools, etc. (Exhibit A); 2) Age requirements (Exhibit B); and 3) Fingerprinting and background check requirements (Exhibit C)

The Ordinance to Amend Chapter 3, Alcoholic Beverages, of the Code of Ordinances was deferred to the Administration and Finance & Recreation and Parks Committee on 1/5/2010.

3.

Consideration of the de-annexation of the Country Inn & Suites located at 2950 Mansell Road

- The Country Inn and Suites has requested to be de-annexed out of the City of Roswell and has requested to be annexed into the City of Alpharetta. The City of Alpharetta has given approval of its intent to annex this property should the City of Roswell de-annex it. Fulton County has given approval to move forward with this action.
- The Country Inn and Suites said it would benefit them more to go to Alpharetta since they still have a Alpharetta mailing address. Mayor added that Alpharetta is not offering anything in trade.
- Councilman Orlans asked if anyone from staff sat down with the people at Country Inn to discuss their thoughts and issues and address them if possible. Kay Love said the RCVB has been working with them. They have done a lot of marketing for them and have worked with their marketing people. They still believe that having an Alpharetta address is not helping being in Roswell and they still are not satisfied. Councilman Orlans added that they are getting the best of both worlds. They are getting marketing help from Roswell and because of their address in Alpharetta, they are getting help from that direction.

A motion was made by Mayor Jere Wood, seconded by Council Member Jerry Orlans, that the request by Country Inn & Suites to be de-annexed out of Roswell be denied. The motion carried by the following vote:

In Favor: 5 - Mayor Wood; Council Member Dippolito; Council Member Henry; Council Member Orlans and Council Member Igleheart

4. Consideration of Martin Lakes' Tree Planting Partnership Application

- *The Martin Lakes Community Landscape Committee has submitted an application for a Tree Restoration project. The total cost for the project is \$3,160 with a 50/50 split. The city's cost would be \$1,580.*
- *Danny Blitch said they submitted this on an old form and it doesn't meet the criteria that was put forth back in March 2009. Danny said he made a request when it came in that they put it on the correct form but Martin Lakes requested that they not be made to put this on the new form.*
- *Kay Love said this came in last February originally, before staff was able to change the guidelines. It never moved forward. That application was accepted by staff but not processed because of the guidelines going on. Technically it came in before the guidelines changed. Mayor said if it complied then, this application should be approved.*
- *Councilwoman Henry had a question not about the form but the spirit and intent of the master tree planting partnership. This is clearly on private property and you would be trespassing in this area if you did not live there. She thought that the city restricted it to entranceways on public rights-of way. Danny Blitch confirmed that it was restricted to publicly accessible and publicly owned. Councilwoman Henry said it didn't comply then and no matter what form the application was put on, it never complied. It is still not on public property.*

The Martin Lakes' Tree Planting Partnership application was denied because the application did not comply when originally submitted in February and doesn't comply presently with the planting being on public property.

Opposed: 5 - Mayor Wood; Council Member Dippolito; Council Member Henry; Council Member Orleans and Council Member Igleheart

5. Status Report of American Recovery and Reinvestment Act of 2009 Stimulus Funding

Danny Blitch will continue keeping the committee updated monthly on different grant possibilities.

6. Discussion of the Prioritization of Capital Projects

- *Councilwoman Henry requested that this be put on the conveyor belt particularly in light of the Mayor requesting a mid-year budget review. It is something they have pushed for quite some time. She would like to see the new Council take the projects that are in the hopper, prioritize them with the money at hand so that anytime that money is shifted by Council vote, not by ordinance, a decision has to be made that Council pull the money out of one project to fund another project. She said it brings it down to the level where you are prioritizing rather than spending the same money theoretically over and over again.*
- *Kay Love said one of the things they have done in the budget process, is they have given Council homework about prioritizing. They never quite perfected that because they have had projects in various stages and all the ones they wanted to work on because they didn't know the end result and possible funding sources.*
- *Mayor asked Kay Love if he can achieve that by presenting a Capital Budget to Council based upon staff recommendation. Staff could prioritize projects, allocate all of the projects that they have money for. The projects that were not allocated could be put on the reserve list. They don't have to disappear but they would be unfunded. Council can revise the list as they wish.*

Committee discussed prioritizing capital projects. Committee agreed that the Mayor can present a Capital Budget to Council based upon staff recommendation.

7. FY10 Monthly Budget Status Report

- *This is the fourth month of the fiscal year. The City has currently collected less revenue than this time last year and is slightly behind of the projected amounts for FY 2010. Sales tax is currently just under target. The city is currently meeting expectations both for revenue and expenditures.*
- *Overall City revenues are at expectations for the fixed expenditure type revenues, such as the General Fund, Solid Waste and Water and Sewer and are holding their own. More discretionary revenues such as Participant Recreation and Hotel/Motel are falling a little below this time last year.*
- *Overall, we are right at budget. In prior years, we have had more revenue coming in than we budgeted and a lot less expenditures than we budgeted. This year we are much closer to our budget numbers on both revenues and expenditures. Staff will continue to monitor.*

8. Discussion of implementing a hiring freeze in the current fiscal year

- *There are several positions on the list for Public Safety to be filled – Detention Supervisor, 2 Detention officers and a Police Officer. There is a 1 Deputy Court Clerk in Administration, 2 positions in Environmental (Utility Locator and Administrative Asst), Recreation and Parks has a Crew Leader and there are 4 positions in Transportation.*
- *Most of these positions are somewhere in the hiring process.*
- *Mayor said he would rather not hire people than furlough people. He said they need to be careful in filling positions until they are comfortable that they have the money to pay all of the positions.*
- *Kay Love said all of these positions are budgeted in the current year. Each department had a salary savings goal target. Some of them are managing that by leaving a position open longer than they normally would. The Transportation positions have been vacant for quite some time. That is partly due to their reorganization that got approved and funded.*
- *Kay Love said all these positions are needed but during the budget process upcoming, the departments will be relooking at how to be more efficient on where they can allocate resources and if positions are not needed, then to look at eliminating or re-allocating resources to other areas.*
- *Councilwoman Henry said she understands how staff is operating based on the last budget but this economy is changing. She said they are recognizing revenue shortfalls on a regular basis. Council needs to be very conservative. There is a mid year budget coming up. Other than critical services (Police officer, Detention Officer) she suggested holding off on hiring anyone.*
- *Mayor said he would support filling the Police Officer and the Detention officer positions. Kay Love said it is her recommendation to allow the Deputy Court Clerk position to be filled but tell them they may not have a job in July.*
- *Stu Moring said that the Administrative Asst. in Environmental/PW position plays the central role in compiling their budgets and does all the purchasing. He said it will be difficult if they don't fill the position until the end of January.*
- *Councilwoman Henry said they are not talking about cutting positions. They are talking about freezing for a month. If Stu Moring decides in January that he needs that position, he will need to make some decisions. Councilwoman Henry and Councilman Igleheart both wanted the positions to be put on hold until the mid-year budget review.*

The discussion of implementing a hiring freeze was deferred to the Community Development and Transportation Committee on 12/16/2009. Kay Love will have more information to Council in advance of this meeting.

Finance

9. Consideration to Award the Banking Service Contract to BB&T (Branch Banking & Trust)

- *At the November committee meeting, Councilman Orlans requested that the Evaluation Committee provide the three leading indicators for a bank's financial health for Synovus since it is the holding company for Bank of North Georgia.*
- *Kay Love said this cannot be deferred indefinitely. Julia Luke said it is costing the city money since the fees with Wachovia are much higher.*

Committee deferred the Banking Service Contract to the Community Development and Transportation Committee agenda on 12/16/2009 since Council Member Jerry Orlans had left the meeting before this item could be discussed.

*****Subsequent to this action, Council Member Jerry Orlans has requested to defer this item to the Administration and Finance and Recreation and Parks committee meeting on 1/5/2010. ******

In Favor: 3 - Mayor Wood; Council Member Henry and Council Member Igleheart

10. Investment Report

- *The city's investment portfolio dollar wise is higher than what it was last year. The interest rates are continually going down. We are now down below 2% of what we are averaging earning on our money. The fact that we can still have a surplus of cash that we can invest speaks well for the city.*
- *The Federal Reserve is now starting to hint that it will start raising rates. It is a few months out.*

Staff is constantly watching where the best rates are and will keep committee updated on a monthly basis.

Meeting adjourned at 6:57 p.m.