



# 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*

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Monday, December 21, 2009

7:30 PM

City Hall

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### **WELCOME - Mayor Jere Wood called the meeting to order and welcomed everyone present.**

**Present:** 7 - Mayor Jere Wood, Council Member Rich Dippolito, Council Member Lori Henry, 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; Finance Director Julia Luke; Environmental/Public Works Director Stuart Moring; Transportation Director Steve Acenbrak; Director of Community Development Alice Wakefield; Planning and Zoning Director Brad Townsend; Human Resources Director Diane Whitfield; Environmental Programs Manager/Executive Director of Keep Roswell Beautiful Janet Liberman; Transportation Deputy Director David Low; GIS Manager Scott Huffman; Community Relations Manager Julie Brechbill; Accounting Manager Wendy Johnson; Purchasing Manager Richard Brownlee; Buyer Mary Overstreet; Buyer Charise Glass; Buyer Jerry Anderson; Building Operations Technician Gene Casey; and City Clerk Sue Creel.*

### **Pledge of Allegiance - Cub Scout Webelos 1 Den from Pack 845: Andrew Baker, Andrew Daughtry, Alec Poblenz, Kyle Dury, and James Robertson**

### **CONSENT AGENDA**

1. **Approval of November 30, 2009 Special Called Meeting Minutes and Open Forum Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on December 7, 2009); approval of December 7, 2009 Regular Meeting Minutes (detailed Minutes to replace Council Brief Minutes adopted on December 14, 2009); and approval of December 14, 2009 Council Brief Minutes.**  
*Administration*

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

In favor: 6

## REGULAR AGENDA

### Mayor's Report

1. **Reading of a Proclamation for "Bring One for the Chipper."**

*Ron Jackson with Keep Roswell Beautiful stated that "Bring One for the Chipper" will be held at Roswell area Home Depots on January 9, 2010 and encouraged everyone to recycle their Christmas trees.*

2. **Approval to allow height of a structure in C-3 zoning to allow an approved governmental flag on a flag pole not to exceed 150 feet.**

*Councilmember Henry stated Carl Black Chevrolet located at 11225 Alpharetta Highway sought Council approval for a flag pole to fly a Garrison Flag, which is a large flag and limited in number throughout the world. She made a revision to the height of the flag pole from 150 feet to 140 feet.*

*Motion: Councilmember Henry moved to approve the height of a structure in C-3 zoning at Carl Black Chevrolet located at 11225 Alpharetta Highway a flag pole of 140 feet that will be allowed to fly an approved Garrison governmental flag.*

*Councilmember Henry confirmed that it would be a United States flag. She also confirmed that Carl Black Chevrolet felt 140 feet would be tall enough to fly the flag.*

*Councilmember Dippolito asked how this approval works with the current Zoning Ordinance that restricts flags and flag poles, and if this matter should be deferred for Committee to look at the ordinance to come up with objective criteria as to what would be appropriate. He was concerned that this was being done out of normal procedure.*

*Mayor Wood asked if this was the proper procedure to approve this for one location. City Attorney David Davidson replied the City's Zoning Ordinance addresses governmental flags, and this would be an approved governmental flag, an American flag. The issue is the height of the pole needed to fly the flag, and in C-3 the maximum height is 40 feet. The flag pole is considered a structure, and this would basically be a variance to the height of a structure to fly an American flag, which is an approved governmental flag, which is non-commercial speech. Mayor Wood asked if approving this would set a precedent. Mr. Davidson replied it would only apply to this location and this type of flag.*

*Councilmember Dippolito thought perhaps they should review the ordinance for flag poles to be between 40 and 140 feet.*

*Councilmember Price stated a Garrison flag is 20 feet by 38 feet and flag etiquette is the length of the flag should measure one-quarter of the height of the pole.*

Councilmember Wynn agreed with Councilmember Dippolito that this should go to Committee to discuss the height of flag poles.

Councilmember Henry stated she thought this would be appropriate to fly a Garrison flag, which are not mass-produced.

Planning and Zoning Director Brad Townsend noted that approximately two years ago Carl Black Chevrolet submitted a building permit for a 150 foot flag pole. Staff said that it could not exceed the 40 foot allowed in C-3 zoning; also the flag would be considered a sign due to its size and location which could not exceed 128 square feet.

Councilmember Igleheart asked if this flag would be considered a sign. City Attorney Davidson replied that it depended on how Council looked at it. Council could declare that because it is an American flag, and as a governmental flag it is exempt from being a sign. They had to look at the purpose of it; if it is to draw attention to the site, it could be considered a sign. Councilmember Igleheart stated he had been a staunch opponent to large signs, but in this case he did not have a problem with this flag pole especially due to its location.

Councilmember Orleans asked if Council could specify the flag to be an American flag. Mr. Davidson replied yes, Council could specify the type of flag allowed.

There was no public comment.

Revised Motion: Councilmember Henry moved to approve the height of a structure in C-3 zoning to allow an approved United States Garrison governmental Flag on a flag pole not to exceed 140 feet at 11225 Alpharetta Highway, Roswell, Georgia, and should this approved Garrison United States governmental Flag not fly on the pole for 6 consecutive months, the pole is to be removed. Councilmember Igleheart seconded the motion.

The motion carried by the following vote:

In Favor: 6

### **Community Development - Councilmember Richard Dippolito**

3.

#### **CU09-03 Pleasant Hill Youth Discovery House, 742 Bush St. (Deferred from December 14, 2009)**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend stated this is a request for the Pleasant Hill Youth Discovery Center at 742 Bush St. that occupies an existing single-family residence. Staff recommended approval with the recommended condition and request of variance for the current structure. The condition is the structure is not to be used for any overnight functions.*

*The petitioner, Pastor Sabin Strickland, stated he had met with Ms. Bohannon, and they have come to an agreement that the Teen House can be opened through the week with a closing hour of 9:30 p.m. There will be another meeting to discuss an agreeable buffer.*

*Councilmember Dippolito asked for confirmation the Discovery House would only be used Monday through Friday. Pastor Strickland stated the house would be used 7*

days a week. Councilmember Dippolito asked for the hours of operation. Pastor Strickland replied the house would be opened from 4 p.m. until 9:30 p.m., and possibly earlier in the day on the weekends, with all operations ending by 9:30 p.m. and no overnight functions.

Ms. Bohannon had no comment.

*Motion:* Councilmember Dippolito moved to approve CU09-03 with the associated variance with three conditions: the structure shall not be used for overnight functions; any functions shall cease by 9:30 p.m.; and a buffer as agreed upon between the applicant and their neighbor, Ms. Bohannon.

Councilmember Wynn suggested the buffer instead be as approved by Community Development staff.

*Amendment to Motion:* Councilmember Dippolito accepted Councilmember Wynn's suggestion as an amendment to the motion. Councilmember Wynn seconded the motion.

**The motion carried by the following vote:**

**In Favor: 6**

4. **CU09-04, Hands Of Mercy Extended (H.O.M.E.), 728 Bush St., Land Lot 414  
(Deferred from December 14, 2009)  
Presented by Bradford D. Townsend, Planning and Zoning Director**

Planning and Zoning Director Brad Townsend stated the location at 728 Bush St. is for the Hands of Mercy Extended and is recommended for approval by staff with the variance and two conditions. Mayor Wood asked the applicant if the church plans to use the facility for other uses. Pastor Strickland stated the church would like the liberty to amend the operations of the facility to operate during the week with the same conditions as 742 Bush St. Mayor Wood asked Pastor Strickland and Ms. Bohannon to leave Council Chambers and discuss any unresolved issues and concerns. After returning to Council Chambers, Pastor Strickland stated that he and Ms. Bohannon have agreed the Hands of Mercy Extended can operate 7 days a week from 12 noon - 6:00 p.m. Ms. Bohannon did not have any comment. Pastor Strickland confirmed for Councilmember Wynn that there was no buffer mentioned on this site noting there was already something there.

*Motion:* Councilmember Dippolito moved to approve CU09-04, Hands of Mercy Extended (H.O.M.E.) with the accompanying variance and with the following conditions: the use of a pantry for food, clothing, and personal items which shall operate during the hours of 12:00 p.m. until 6:00 p.m., 7 days a week; and that the structure shall not be expanded. Councilmember Henry seconded the motion. There was no public comment.

Councilmember Henry encouraged Ms. Bohannon to come forward if she had any concerns regarding the buffers.

**The motion carried by the following vote:**

**In Favor: 6**

5. **Changes to allow Construction Activity hours for residential properties.**

**(Second Reading)**

*Presented by Bradford D. Townsend, Planning and Zoning Director*

*Planning and Zoning Director Brad Townsend stated the change is adding language to the current Code which will allow anyone performing construction activity on their own residence not to be subject to the hours of operation.*

*City Attorney David Davidson conducted the second reading of An Ordinance of the City Council of the City of Roswell Georgia amending the City of Roswell Code of Ordinances. The Ordinance amends Chapter 5, Article 5.1, of the Code of Ordinances by adding one sentence to Section 5.1.13, the foregoing provisions shall not apply to any person performing construction activity at his or her residence, but such persons are subject to the noise restrictions set out in Section 8.8.3(s) of this Code.*

*There was no public comment.*

**A motion was made by Council Member Rich Dippolito, seconded by Council Member Jerry Orlans, that this Item be Approved on Second Reading. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD 2009-12-21

6. **Approval of an Intergovernmental Agreement for Aerial Imagery and Centerline Roads.**

*Presented by Alice Wakefield, Director*

*Director of Community Development Alice Wakefield stated this is a request to approve an intergovernmental agreement (IGA) for aerial photographs. The program is a partnership with the cities of Alpharetta, Dunwoody, Johns Creek, Milton, and Sandy Springs. All of the other cities have also approved the IGA.*

*There was no public comment.*

**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**

**Transportation Department - Councilmember Becky Wynn**

7. **Approval to program projects in the Transportation Improvement Program (TIP) using MARTA Offset funds in the amount of \$1,687,000.**

*Presented by Steve Acenbrak, Director*

*Transportation Director Steve Acenbrak stated the Atlanta Regional Commission will be reprogramming \$25 million of MARTA Capital Funds in return for funding MARTA operations earlier this year using stimulus money. The City of Roswell is eligible for*

\$1,687,000 in capital improvements. Eligible projects are those that are designed to augment and/or enhance the existing MARTA bus service in the City of Roswell. Mr. Acenbrak noted that staff had put together 5 categories of projects that met the intent of MARTA guidelines and would like to submit those. He confirmed for Mayor Wood that changes could be made as long as they were in the MARTA guidelines. The projects include sidewalks, shelters, benches, signals, and crosswalks.

There was no public comment.

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

**Environmental / Public Works Department - Councilmember Betty Price**

- 8. **Approval for the Mayor and/or City Administrator to sign a contract with BRI Utility Construction, Inc. for pipe replacement in the amount of \$163,421; approval for the Mayor and/or City Administrator to sign a contract with Reynolds Inliner, LLC for CIPP technology pipe lining in the amount of \$408,791; and approval of Budget Amendment 7110CP-12-21-09 in the amount of \$600,000 to establish emergency Project 10ENV016, Hwy 9 Drainage Repairs.**

*Presented by Stuart Moring, Director*

*Environmental/Public Works Director Stuart Moring stated this is an emergency project that arose after the heavy rainstorms in September and October 2009. A large sink hole developed on the east side of Alpharetta Highway in front of Taco Fiesta. An investigation revealed that the pipe had no bottom and was in bad condition along the entire length from Mansell Rd. to Hog Waller Creek. The project is to replace the pipe with 60 inch reinforced concrete pipe from Mansell Circle to the point of failure for the amount of \$163,421. The \$408,791 is for lining the remaining pipe to the creek.*

There was no public comment.

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

In Favor: 6

**Administration and Finance Department - Councilmember Kent Igleheart**

- 9. **Presentation of the GFOA Certificate of Achievement for Excellence in Financial Reporting for the FY 2008 Comprehensive Annual Financial Report (CAFR) and the National Purchasing Institutes Annual Achievement of**

**Excellence in Procurement Award to the City of Roswell for the FY 2009.**

*Presented by Julia Luke, Finance Director*

*Finance Director Julia Luke recognized the Finance Department for their work.*

*Accounting Manager Wendy Johnson stated the City of Roswell has been awarded the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2008. The City has received this award for the past 20 years.*

*Purchasing Manager Richard Brownlee recognized buyers Charise Glass, Mary Overstreet, and Jerry Anderson for their work. Mr. Brownlee stated the City received the Achievement of Excellence in Procurement Award from the National Purchasing Institute. This award recognizes organizational excellence in procurement. The City of Roswell is one of 59 cities in the U.S. and one of 8 government agencies in Georgia receiving the award. The City has won this award for the past 5 years. Mr. Brownlee stated the city also received the Excellence of Achievement from UPPCC. UPPCC honors and publicly names the City of Roswell as a 2009 recipient of the UPPCC Certification Award in the small agency category. This award was created to recognize an agency's commitment to the value of certification in the public sector.*

*Mayor Wood thanked the Finance Department for their continuous hard work.*

10.

**Consideration to award the Banking Service Contract to BB&T.**

*Mayor Wood asked about the cost of deferral. Ms. Love replied that the City's current bank fees with Wachovia are higher than those with the recommended bank. Finance Director Julia Luke noted that annually there would be a difference of \$30-35,000. Ms. Love confirmed that this item would be put first on the January 5, 2010 Administration and Finance Committee Agenda.*

*There was no public comment.*

**A motion was made by Council Member Jerry Orlans, seconded by Council Member Betty Price, that this Item be Deferred and placed on the Administration and Finance & Recreation and Parks Committee agenda for 1/5/2010. The motion carried by the following vote:**

**In Favor: 6**

**Public Safety - Councilmember Lori Henry**

11.

**Approval for the Mayor and/or City Administrator to sign a Memorandum of Understanding with Fulton County for the 800 megahertz system in the amount of \$103,548.**

*Presented by Ed Williams, Police Chief and Ricky Spencer, Fire Chief*

*Police Chief Ed Williams stated this is a user fee of \$172.58 per radio for a total of \$103,548, which gives the department 600 radios on the system and would go towards maintaining the system for one year and is renewable. Mayor Wood asked if the surrounding cities are looking into developing a system that would be*

*independent of Fulton County. Chief Williams answered yes saying staff is currently working on exploring other options.*

*Councilmember Wynn noted the MOU is for three years, and asked if there is a penalty if the City decides to do an early termination. Chief Williams replied there are provisions for an early termination. City Attorney Davidson noted that all is required is a 30 day notice.*

*There was no public comment.*

**A motion was made by Council Member Lori Henry, seconded by Council Member Jerry Orlans, that this Item be Approved. The motion carried by the following vote:**

**In Favor: 6**

### **City Administrator's Report**

12.

#### **Discussion of implementation of a hiring freeze until mid-year budget review.**

*Mayor Wood noted that he had brought this item to the Committee and had asked City Administrator Kay Love to hold off on hiring any replacement people except for Public Safety employees and Enterprise Fund employees. Ms. Love spoke about concerns for the implementation of a hiring freeze during the middle of the budget year. She requested flexibility noting more personnel changes including the recent resignation of the Budget Director. She requested that she and the Management Team be able to bring a plan to Mayor and Council that may include personnel and/or operating expenditures.*

*Mayor Wood confirmed for Councilmember Orlans that he had initiated this item due to his concern for revenues not meeting expectations and wanted direction from Committee and now Council.*

*Councilmember Wynn expressed concern about a hiring freeze and its ramifications on City Departments noting the money had already been budgeted.*

*Motion: Councilmember Wynn moved to not implement a hiring freeze at this time letting it go to mid-year budget review on January 20, 2010. Councilmember Price seconded the motion.*

*Mayor Wood clarified that the motion was to lift any freeze until further decision by Council and bring it back on January 20, 2010.*

*Councilmember Dippolito asked if a shortfall was projected. Ms. Love replied no but with the caveat of sales tax numbers. She noted there is savings within the budget as departments have slowed spending. It is estimated that spending at the same rate and filling the requested positions, the City will be a quarter of million dollars ahead at the end of the year assuming no "tank" on sales tax. Ms. Love noted that the hiring process is based on need.*

*Councilmember Igleheart thought the City had hiring freezes in the past. Ms. Love was not aware of a hiring freeze but said Departments have had to justify the need to fill a position. Councilmember Igleheart said his biggest concern was the cost of personnel given the economy and spending everything budgeted.*



*Public Comment:*

*Lee Fleck of Martins Landing suggested that Council re-read the June 15, 2009 City Council Meeting Minutes, and asked Ms. Love if she had reviewed the requirements for furloughs. Mayor Wood responded that the decision of whether or not Council wanted to consider furloughs needed to come from Council who would then direct that decision to Ms. Love.*

*Nancy Diamond, 550 Indigo Drive, felt that the hiring decisions should be left to the Departments.*

**The motion carried by the following vote:**

**Councilmember Orlans, Councilmember Price, Councilmember Wynn, Councilmember Dippolito, and Councilmember Henry voted in favor of the motion. Councilmember Igleheart voted against the motion.**

**In Favor: 5**

**Opposed: 1**

**Recognition of Councilmember Henry: Mayor Wood, Councilmember Orlans, Councilmember Wynn, Councilmember Dippolito, Councilmember Price, and Councilmember Igleheart expressed appreciation to Councilmember Henry for her service on Council and her years of service to the City of Roswell.**

**Adjournment - After no further business, the Regular Meeting adjourned at 9:00 p.m. for a Work Session on "Enterprise Resource Planning (ERP) Projects Update."**