



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, January 20, 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; Police Chief Ed Williams; Fire Chief Ricky Spencer; Environmental/Public Works Director Stuart Moring; Transportation Director Steve Acenbrak; Finance Director Julia Luke; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Human Resource Director Diane Whitfield; Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers; Community Relations Manager Julie Brechbill; Environmental Education Specialist Laura Aikens; Strategic Planner/Budget Analyst Denise Brown; Financial Analyst Lynn Williams; Building Operations Supervisor Art Lewis; and City Clerk Sue Creel.

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

Pledge of Allegiance - Alex Fudali

CONSENT AGENDA

1. **Approval of January 11, 2010 Council Brief Minutes.**
Administration and Finance
Approved
2. **Approval for the Mayor and/or City Administrator to sign a contract with E. H. Wachs for the purchase of a Vacuum Excavator/Valve Exerciser with GPS in an amount not to exceed \$48,245.**

Environmental/Public Works

Approved

- 3. **Approval of Budget Amendment 3210CP-01-20-10 to transfer \$38,265 from the Main Front Gate System at the Law Enforcement Center project to the Jail Bathroom Upgrade project.**

Public Safety

Approved

Approval of the Consent Agenda

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

In Favor: 6

REGULAR AGENDA

Administration and Finance Department - Councilmember Jerry Orlans

- 1. **Presentation of the Fiscal Year 2009 Comprehensive Annual Financial Report (CAFR).**

Presented by Julia Luke, Finance Director

Director of Finance Julia Luke reported the findings of the Comprehensive Annual Financial Report Audit stating the General Fund ended the year with an operational profit of \$4.4 million. The Fund Balance was budgeted to be reduced by \$8.3 million and was only reduced by \$5.8 million due to funds being used for pay-as-you-go capital. As of June 30, 2009, the Reserve and Designated Fund had \$16.6 million, and the Unreserved Fund had \$19.3 million. The Water and Sewer Fund ended the year with a profit of \$839,000; the Sanitation Fund ended the year with a profit of \$1.5 million; and the Participant Recreation Fund ended the year with a profit of \$52,000. The findings found during the audit included one relating to bookings of retained contracts being booked twice. She stated that problem has been corrected with more checks and balances to track retained contracts. The second was due to Budget Amendments on the Federal Grants Fund. As amendments were being approved for expenditures, revenues from the grants were not amended causing the budget for the Federal Grants Fund to become out of balance. The process has been improved; any amendment going to Mayor and Council regarding grants will reflect the revenues that also need to be amended. The document titled "2009 Annual Audit Agenda" was prepared by the auditors, Mauldin & Jenkins, and goes into detail and includes management points suggested to staff. Ms. Luke stated the financial success of fiscal year 2009 was due to great work from Mayor and Council, City Administrator Kay Love, Department Heads, and the accounting and budget staffs. She recognized auditors, Adam and James, with Mauldin & Jenkins.

- 2. **Consideration to award the Banking Service Contract to**

Bank of North Georgia.

Presented by Julia Luke, Finance Director

Councilmember Orlans stated this is a recommendation to award the Banking Service Contract to Bank of North Georgia as recommended by the Administration and Finance Committee.

Public Comment:

Sara Sosnowski with BB&T Bank stated her company worked hard on their presentation for the RFP proposal and wanted to know if they could answer any questions about BB&T that might have gotten missed at the last meeting. District Sales Manager Joan Hill stated BB&T presented to the Finance Committee that they would work with the City during the implementation process to put together a disaster recovery program for the City of Roswell, and they would like to install automated systems. Ms. Sosnowski stated she heard Council prefers a local bank, and even though BB&T is headquartered in Winston Salem, North Carolina, each state operates independently, so decisions made relating to the City of Roswell would be made here in Atlanta. BB&T North Fulton Area Executive Stephen Moxley commented about BB&T's safety and soundness.

Caroline Cronin, 310 Knoll Woods Terrace, stated after reviewing previous minutes, she had the impression that it was not the recommendation of the Finance Committee to go with the Bank of North Georgia but instead BB&T. She asked why this was worded to go with someone not recommended. Mayor Wood stated it was close between the two banks, and it came down to a more personal relationship with the management being local versus being out of state. Ms. Cronin encouraged Council to consider what works best for the City functionally and to listen to the Finance Committee. She expressed concern about the financial stability of Bank of North Georgia after reading articles about it. She asked Council if they had read up on that and how they had overcome that concern. Mayor Wood stated the recommendations from the Committee meeting are that both banks seem to be financially sound.

Councilmember Igleheart stated a Council Committee did not make the recommendation, but rather staff that went through a bid process, and they recommended BB&T. He asked staff to make their presentation.

Ms. Luke stated RFQ09-41J for banking services was issued and six responses were received. These were narrowed to two banks: Bank of North Georgia and BB&T. The Evaluation Committee evaluated the banks on financial stability, technology, portfolio management, and disaster recovery plans. The Evaluation Committee recommended BB&T. On January 5, 2010 the Administration and Finance & Recreation and Parks Committee recommended placing the award of the contract to Bank of North Georgia on the January 20, 2010 Mayor and Council Agenda. The projected fees for banking services for Bank of North Georgia are \$146,251 and are funded in the FY2010 Amended Budget.

Councilmember Igleheart stated some of the aspects that were considered by the Evaluation Committee were the financial stability and some of the services that could be provided at this time, and they felt BB&T is in a better position to do that. Councilmember Igleheart agreed that both banks are qualified and are good banks and that Bank of North Georgia has a long history in Roswell, but he was troubled considering the process set in place and staff's diligence in putting together a recommendation. It had been said that Council was micro managing by trying to put a freeze on hiring and yet when it comes to something specific from staff, Council threw that out.

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

Councilmember Igleheart noted his vote was not against Bank of North Georgia but in not following the process.

In Favor: 5

Opposed: 1

3. **Approval of a Resolution to Accept a FY 2010 Energy Efficiency and Conservation Block Grant (EECBG) formula award from the U.S. Department of Energy and approval of Budget Amendment 4600S1-01-20-10 setting up the budget for this grant project in the amount of \$825,700.**

Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer stated this is a stimulus grant for \$825,700 and has no match. \$700,000 will be used for lighting upgrades to five facilities within the City to reduce the energy consumption of lighting by 30%. \$2,500 is for software and training to be able to track the energy consumption for 3 years, which is a requirement of the grant. \$50,000 will be used for outdoor lighting, which is a pilot project to help with outdoor energy consumption.

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:

In Favor: 6

Enactment No: RES 2010-01-01

Recreation and Parks Department - Councilmember Kent Igleheart

4. **Approval of Budget Amendment 9620-01-20-10 in the amount of \$800,000 to fund additional Impact Fee Fund and Recreation Participation Fund projects.**

Presented by Joe Glover, Director

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover reported \$500,000 of impact fees, which can only be used for new construction and parks, and would include a sprayground water feature for East Roswell Park (\$250,000-10REC013); restroom facility at Don White Park (Riverwalk) (\$100,000-10RE014); picnic pavilion and shelters for Riverside Park (Riverwalk) (\$100,000-10REC015); and a trail extension at Steeple Chase/Fouts Road to Eves Road (\$50,000-10REC016). Mr. Glover reported \$300,000 of Recreation Participation Fund projects would include a new filtration system for the Roswell Area Park pool (\$125,000-10REC017); a new school bus type bus (\$75,000-10REC018); and additional athletic field lighting at Big Creek Park/Northwood Elementary (\$100,000-10REC018). Councilmember Orlans asked if staff had looked into any surplus buses from Fulton County. Mr. Glover responded they have spoken with the Fulton County Board of Education, and they do not have any buses to surplus and do

not anticipate having any for a few years.

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

City Attorney's Report

5. **Approval of a Resolution to limit the number of terms for the Office of Mayor.**

City Attorney David Davidson stated the Resolution would limit the term to three (3) terms for a period of twelve (12) years, whichever is shorter. If approved, the Resolution will have to be sent to the General Assembly for a change to the Charter. Mayor Wood asked when this would go into effect. Mr. Davidson replied after the Mayor's current term.

Councilmember Orlans asked if the current term could be used rather than starting after the term. Mr. Davidson answered no because when a law is created, it cannot go backwards. Councilmember Orlans asked about three consecutive terms, because if someone leaves for a term they can come back and run again. He asked for clarification regarding wording of "maximum of twelve (12) years" as he thought that should not be in the Resolution. Mr. Davidson stated the wording could be changed to three consecutive terms or consecutive twelve (12) years.

Councilmember Igleheart asked if the word "or" makes the period of twelve (12) years separate from the three (3) terms. He agreed that the twelve (12) years should be left out. Mr. Davidson replied that the twelve (12) years is listed as an "or, whichever is shorter", so that if the office becomes vacant during a current term and somebody is elected they would be finishing the current term, plus two more terms.

Mr. Davidson confirmed for Councilmember Wynn that if there was an unexpired term, then the three (3) consecutive terms includes the remainder of the current term. For clarification it is either three (3) consecutive terms, which includes an unexpired term, or three full-terms which adds up to twelve (12) years, whichever is shorter.

Councilmember Price wanted to consider the will of the people, which elections serve that purpose. Looking at this objectively the President and Governor are limited to two (2) terms, but U.S. Senators and House Representatives do not have term limits. Only 9 percent of municipalities in the country have term limits for their Mayors.

Councilmember Orlans stated the Mayor is elected by the public, and the public should be able to take the Mayor out of office. He asked if this was being brought forward to make it easier for someone to run without having to run against an incumbent. Mayor Wood said this had been brought forward at his request. He stated the City of Roswell had gotten to the size where the next Mayor should be a full-time position, and a Mayor who is not concerned about maintaining his/her position in office as they are in getting things done. He felt term limits would encourage that.

Public Comment:

Jack Wiche, owner of a business at 10460 Alpharetta Street, disagreed with the Resolution saying the Mayor would be voted out of office if not doing the job. If approved, he urged Council to make a change to three full-terms so an elected

official coming in the middle of a term is not penalized nor the City penalized by not having a qualified person for three full terms.

Councilmember Price wanted to make an amendment to add three full terms, plus the unexpired term. Mayor Wood stated then years would need to be added and asked Mr. Davidson how to draft that in the Resolution. Mr. Davidson said three full-terms would work. The Resolution could read "The Mayor and City Council of City of Roswell do hereby resolve and call upon the General Assembly of the State of Georgia to enact an Amendment to the Charter of the City of Roswell, Georgia, limiting the number of consecutive terms that a person may hold the Office of Mayor of the City of Roswell to three full terms."

A motion was made by Council Member Kent Igleheart, seconded by Council Member Becky Wynn, that this Item be Approved with the change of striking out "or a period of twelve (12), whichever is shorter".

Amendment: Councilmember Price moved to amend the Resolution to read "limiting the number of consecutive terms that a person may hold in the Office of Mayor of the City of Roswell to three full terms." Councilmember Igleheart seconded the amendment.

The motion carried by the following vote: Council Member Igleheart, Council Member Wynn, Council Member Price, Council Member Dippolito, and Council Member Diamond voted in favor of the motion. Council Member Orlans voted against the motion.

In Favor: 5

Opposed: 1

Enactment No: RES 2010-01-02

6. Approval of an Ordinance to Amend Chapter 2, Article 2.6 of the Code of Ordinances regarding Terms of Office for Boards and Commissions. (First Reading)

City Attorney David Davidson stated this Ordinance would limit the terms of any Board and Commission members to three consecutive terms. Mr. Davidson read "This is an Ordinance to Amend Chapter 2, Administration, Article 2.6, Boards and Commissions, of the Code of Ordinances of the City of Roswell. To accomplish the foregoing the Mayor and Council pursuant to their authority adopt the following ordinance: Chapter 2, Administration, Article 2.6, Boards and Commissions, Section 2.6.3 Terms of Office of the Code of Ordinances of the City of Roswell is hereby amended by deleting said section in its entirety and adding a new Section 2.6.3 to read as follows: Boards and Commission members shall serve four-year terms, except HPC members who terms shall be for three years. A member of any Board or Commission shall not serve more than three (3) consecutive terms on any Board or Commission after adoption of this Ordinance, but may at the election of Mayor and Council be appointed to serve on another Board or Commission. If members are currently serving an unexpired term, said term shall not be considered an initial term for purposes of these term limits. A position on a Board or Commission currently being occupied by a holdover member shall either be filled by reappointment, with such reappointment being deemed an initial term for purposes of term limits, be filled by a newly appointed member or be deemed vacant six (6) months after the adoption of this Ordinance. A member whose term expires after adoption of this Ordinance may serve until his/her successor has been duly appointed or for a maximum period of six (6) months, whichever is shorter. For any Board or Commission created

subsequent to the adoption of this Ordinance, four-year terms shall be staggered with the initial appointments as follows: two members for a term of four years; two members for a period of three years; and three members for a term of two years. Chapter 2, Administration is further amended by deleting Section 2.6.6 "Residence requirements" and adding a new Section 2.6.6 to read as follows: All members shall be residents of the City. However, if a serving member moves outside the City limits, such member may serve until his/her successor has been duly appointed, or for a maximum period of six (6) months, whichever is shorter."

Mr. Davidson confirmed for Mayor Wood that it would need to say "full terms" if Council wanted to make sure that if a member started with a partial term, they would have at least three terms. Mayor Wood asked if this Ordinance would change the Recreation Commission, which has five year terms, to four year terms. Mr. Davidson answered no saying the Recreation Commission is set by State Law as is the HPC, but term limits would be set on the Recreation Commission in another part of the Code of Ordinances. Councilmember Orlans stated he thought the Committee discussion was the term would be three years to coincide with the HPC and thought the wording was going to reflect that.

Councilmember Dippolito asked if the HPC was included in this Ordinance. Mr. Davidson replied yes saying the number of years they serve per term is three (3) years by state law.

Public Comment:

Hayden Branch, 260 High Branch Way, stated he is on the Board of Zoning Appeals, was appointed 2-3 years ago, and is glad to see term limits saying it is a good thing to have some turnover on the Boards to get new perspectives.

A motion was made by Council Member Jerry Orlans, seconded by Council Member Rich Dippolito, that this Item be Approved on First Reading with the change "all Board and Commissions with three year terms, and to exclude the Recreation Commission" and placed on the Mayor and City Council Agenda on February 1, 2010 for Second Reading. The motion carried by the following vote:

In Favor: 6

7.

Recommendation for closure to discuss personnel.

A motion was made by Council Member Jerry Orlans, seconded by Council Member Betty Price, 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 8:25 p.m. for a Work Session on FY2010 Mid-Year Budget Review and a Water Resources Division update.