



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council

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

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Monday, January 27, 2014

7:00 PM

City Hall

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### WELCOME

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

### Pledge of Allegiance - Shirley Lowe

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Deputy Fire Chief Ricky Burnette; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Director Joe Glover; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Historic and Cultural Affairs Manager Morgan Timmis; Executive Assistant Robyn Kenner; Executive Assistant Chris Ward; Smith Plantation Historic Site Coordinator Chuck Douglas; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.*

### CONSENT AGENDA

- Approval of the December 23, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on January 13, 2014); Approval of the January 6, 2014 Special Called Mayor and Council Meeting Minutes (to replace the Council Brief approved on January 13, 2014); Approval of the January 13, 2014 Mayor and Council Meeting Brief.**

*Administration*

**Approved**

## Approval of the Consent Agenda

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

In Favor: 6

### 2. **Approval of a fee increase for Non-Resident television recycling effective February 10, 2014.**

#### *Public Works/Environmental*

*Environmental/Public Works Director Stu Moring presented this item stating that Atlanta Recycling Solutions, the City's electronics vendor, has given notice beginning February 1, 2014 that they will change the way they charge for televisions from a \$10 unit cost to \$.30 per pound. Based on average weights, average cost will be \$19.70. Staff has proposed to increase the fee for non-residents to \$20 per television. He noted that residents do not pay any fee for specialty recycling items at the center.*

#### *Council Comment:*

*Councilmember Price asked for an update on fees and other arrangements with other cities. She said the entire time she has been on Council; they have talked about getting agreements with the other cities to shoulder some of the costs that Roswell outlay to run the recycling center.*

*Mr. Moring said they have continued talks with staff from other communities who express different levels of interest but there was nothing new to report at this time. Part of Janet Liberman's action plan for the coming year is to attempt to lock down specific details that would make a difference in those arrangements. They believe the current approach of providing boutique type services will be the most likely to engage other communities. There are many non-Roswell residents that like to take advantage of the electronics recycling. These types of specialized services are a big advantage. Councilmember Price thanked Mr. Moring.*

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

In Favor: 6

### 3. **Approval of the Revisions to the Historic Gateway Memorandum of Agreement (MOA) between the National Park Services (NPS), Federal Highway Administration (FHWA), Georgia Department of Transportation (GDOT) and the City of Roswell. (This item was carried over from the January 13, 2014 Mayor and Council meeting)**

#### *Transportation*

*Councilmember Price said the reason she pulled this item from the Consent Agenda was because it was never discussed at Committee because of time urgency and was deferred from the last Council meeting due to time constraints and had never come before Council for discussion. She said she was concerned because the City has been pressed by the National Park Service to take responsibility for some of these items and because of that there will be some financial responsibilities which would*

*not be part of this but would be a consideration in the future.*

*Transportation Director Steve Acenbrak said the issue is with the Gateway project and a mitigation effort with the National Park Service (NPS) to obtain 1.1 acres of land from them. After detailed negotiations, the NPS made nine requests to be agreed upon that the previous superintendent, Patricia Wissinger, had signed. The City of Roswell signed an informal agreement and it then went to GDOT who previously agreed to all of the elements but wanted further clarification on who was responsible for each part and whether it would be in the contract documents in GDOT PI-721010. He said the question was if it would be part of the project or was the local government, the City of Roswell, responsible for doing this. In the meantime, Ms. Wissinger left and the new NPS superintendent, Bill Cox came in and said he would like to make two other requests since this agreement had to be re-signed. The first request was for clarification of the type of pavement that would go into the new parking lot that was purchased. Mr. Acenbrak noted that the pavement would be porous which was not a problem. The second request was that the current Allenbrook sign be relocated to the new NPS entrance on Atlanta Street. Mr. Acenbrak said Allenbrook currently has a small driveway across from an apartment complex that will be closed and re-vegetated and the sign will be moved. He said those were two very easy elements that the City agreed to and Mr. Cox had since signed the agreement. The document formally identifies that six of the nine elements are included in the project and three are attributed to the City of Roswell that are elements the City could fund and bring forward such as building the parking lot, moving the NPS parking lot and some other smaller elements that are complete and useable facilities for the NPS and would not have to wait for the entire project to come forward. Mr. Acenbrak said this is a small group of administrative changes and that all the parties agree.*

*Council Comment:*

*Councilmember Price referred to Request #3 from the MOA. She asked if the City would be taking responsibility for land that is City land or National Park Service land.*

*Mr. Acenbrak replied that the land this refers to is on Riverside and the answer is both. The City will eliminate the NPS parking and create a trail into it because the NPS is trying to maximize their space and would like to move the parking out of their boundary. Visitors would park at Riverside Park and walk across the street. The NPS would basically be sharing parking with the City and the NPS has concurred with that.*

*Councilmember Price said but the City is agreeing without any allocation of funds to restore that area to native vegetation and asked if it would be paved or gravel. Mr. Acenbrak said there would be some pavement and they would have to go in with equipment and convert it back. Councilmember Price said it is NPS land. Mr. Acenbrak replied yes, ma'am. Councilmember Price thanked Mr. Acenbrak.*

*Motion: Councilmember Price moved for Approval of the Revisions to the Historic Gateway Memorandum of Agreement (MOA) between the National Park Services (NPS), Federal Highway Administration (FHWA), Georgia Department of Transportation (GDOT) and the City of Roswell. Councilmember Igleheart seconded.*

*Public Comment:*

*Phil Lunney stated his home address as 9460 Hillside Drive in Roswell. He expressed concern because he said there is not a real path from the City park to Vickery Creek and asked if that would be improved. Mr. Acenbrak replied yes. Mr. Lunney asked if there would be a blinking light or how would that be handled. Mayor Wood said long term; the City hopes to put a trail under the bridge from the trail along*

*the river up to the national park property so people would not have to cross the road. Mr. Lunney said that would be a very nice idea if they were improving the bridge. Mr. Acenbrak said that bridge would come down and a new bridge would be built that would be higher and wider.*

*There was no further public comment. Public comment was closed.*

**A motion was made by Council Member Price, seconded by Council Member Igleheart, 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 Georgia Day.**

*Mayor Wood read a Proclamation for Georgia Day stating that the State of Georgia was founded by General James Edward Oglethorpe who received a Royal Charter for establishing a colony in honor of King George II and led 116 people from England on the HMS Anne landing near present day Savannah on February 12, 1733. George Walton, Button Gwinnett, and Lyman Hall each signed the Declaration of Independence on behalf of Georgia which became the fourth State to ratify the U.S. Constitution on January 2, 1788. Since its founding 281 years ago, Georgia has grown to over nine million people and progressed from a rural state to a commercial, financial, and cultural center for the Southeast and Nation. On behalf of the City of Roswell, Mayor Wood proclaimed February 12, 2014 as GEORGIA DAY in the City of Roswell and encouraged all of citizens to acknowledge and celebrate our State's history and accomplishments.*

*Mayor Wood recognized the Daughters of the American Revolution.*

#### **2. Reading of a Proclamation for Black History Month.**

*Mayor Wood read the Proclamation for Black History Month stating that celebration of Black History Month was begun by Dr. Carter G. Woodson, the son of former slaves. Black History Month has been celebrated nationally in America since 1926 and February was designated Black History Month in recognition of Black achievements that greatly impacted American history. The Historic and Cultural Affairs Division of the City of Roswell Recreation, Parks, Historic and Cultural Affairs Department working with a volunteer Steering Committee will host the "Roswell Roots: Festival of Black History and Culture" for the 13th year. The Groveway Community Group, the Roswell Regional Library, the Southern Trilogy Homes, the Visitors' Center, Pleasant Hill Missionary Baptist Church, Teaching Museum North, the Roswell Historical Society, the Child Development Association and Aurora Cineplex are also participating. The 2014 Roswell Roots Festival includes six exhibits and 20 events including African art, photography, cooking, drumming, live music featuring the Masters of Soul concert, storytelling, lectures, workshops, a poetry slam, a cornbread cook-off, a film screening and more. The Roswell Roots Festival celebrates the contributions of Roswell's African American citizens, both past and present. On behalf of the City of Roswell, Mayor Wood proclaimed all of*

*February 2014 as Black History Month and called upon all of citizens to recognize this special celebration of African American heritage and culture through participation in all of the events of the Roswell Roots Festival.*

*Historic and Cultural Affairs Manager Morgan Timmis said they are excited this year to have new partners who have joined in the festival including the Child Development Association, Aurora Cineplex, the Roswell Historical Society, the producers of the documentary film, 3 Minute Activists: The Soul of Slam and also Southern Foodways Alliance. She recognized returning partners including the Groveway Community Group, Pleasant Hill Missionary Baptist Church, Roswell Branch Library, Teaching Museum North, Roswell Convention and Visitors Bureau, Zion Missionary Baptist Church, North Fulton Drama Club and more. She recognized some of the returning members of the Roswell Roots Steering Committee including historic site coordinators Pam Billingsley, Robert Winebarger and Chuck Douglas; Gail Bohannon and Marie Epps from Groveway Community Group, Jenna Sibille and Tommie Ramsey with the Teaching Museum North. She said some of the new members this year are Cheryl Small the new director of the Roswell Branch Library, Sally Hansell owner of Mimosa Hall, Lorien Talmage a community volunteer, Elaine DeNiro and Joanna Harned of the Roswell Historical Society, Sharon Crumley a community volunteer, Terry Shields with Pleasant Hill Missionary Baptist Church, Reverend Frank Lewis with Zion Missionary Baptist Church, Sarah Chandler coordinator for Roswell Cultural Arts and Michael Harper.*

*Ms. Timmis invited some of the members to come forward and talk about their programs.*

*Smith Plantation Historic Site Coordinator Chuck Douglas said they were excited this year to be doing something very different at Smith Plantation. He said every Saturday during February, the Gems of Africa Art Exhibit and Sale will be in the barn exhibit space with an opening reception on February 8. The Gems of Africa Gallery has been well known in Atlanta for over 20 years. He said they are combining efforts for the Batik art demonstration at the Adult Recreation Center on February 8 and a Batik workshop at the Roswell Art Center on February 15.*

*Cheryl Small introduced herself as the new manager at the Roswell Branch Library and said in the spirit of literacy and lifelong learning; the Library will host the Underground Railroad Paper Quilts for Children with artist Dawn Williams Boyd every Saturday in February and Talk with the Author of "First Top Gun" – Dr. Zellie Rainey Orr on February 12.*

*Sally Hansell said she has curated an art show at Barrington Hall that will bring seven large scale photographs by nationally known photographer Sheila Pree Bright depicting interiors of African American affluent suburban homes that were shot around the Atlanta area and will be displayed on the mantles at Barrington Hall. Barrington Hall will be open to the public on Sunday, February 16, free of charge and Ms. Bright will give an artist talk. A panel discussion will follow with Lonnie King, a member of the Atlanta Student Movement and African American cultural historian. This focuses largely on African American suburbia.*

*Gail Bohannon with Groveway Community Group said they will be rocking again this year on February 9 at 3:00 p.m. with "Rock On": A Festival of Black History & Culture, another Daisy Thames Production. She said last year's production was a phenomenal woman and this year will be a phenomenal man. She said they are dedicating their program to the memory of Deacon Alex Nuckles, Jr. who was President Emeritus and also President of Groveway for 40 years.*

*Tommie Ramsey with the Teaching Museum North announced that the Bright Star Touring Theatre from Asheville, North Carolina will bring Let it Shine: The American Civil Rights Movement, a play about civil rights on February 24. She said the City has also sponsored this play to go to three Roswell area schools, Roswell North, Sweet Apple and Crabapple during the month of February.*

*Elaine DeNiro, archivist for the Roswell Historical Society announced an exhibit, Black Heritage: The Unsung Heroes of Roswell, Georgia, in the City Hall Rotunda for the entire month of February that will display photographs, artifacts and textiles from the local African American community highlighting the black heritage of unsung heroes of everyday Roswell from antebellum through the civil rights movement.*

*Sarah Chandler, Coordinator for the Roswell Cultural Arts said they will be hosting a concert on February 7, Masters of Soul, which is a celebration of Motown. She said they will also have an exhibit called It's Who We Are in their lobby throughout the entire month of February.*

*Ms. Timmis said for their grand finale tonight, they would be presenting a trailer for a film. She invited Michael Harper, the director and producer of the film to come forward and introduce it.*

*Michael Harper said he is a screenwriter, producer and director with Mad Mouth Media and Cogitate Productions. He said they had filmed part of the 2013 Roswell Roots Poetry Slam and later interviewed and filmed a half dozen of the premier performance poets in the southeast and from that they now have a feature film, 3-Minute Activists: The Soul of Slam. They are in discussions with film distributors now and the movie will begin making the festival rounds. He thanked the City of Roswell for allowing them unprecedented access to come in with their cameras to capture this phenomenal event. He said this year's Roswell Poetry Slam will be held on February 20. Prior to that on February 12 at the Aurora Cineplex, there will be a free screening of the movie. He said red carpet begins at 6:30 p.m., the doors open at 7:00 p.m. and the screening begins at 7:30 pm. There will be questions and answers following the screening with the producers and featured poets. He said this event made a great movie.*

*The trailer for the film, 3-Minute Activists: The Soul of Slam, was shown for the audience.*

## **Recognition of the City Roswell - Winner of the Active City Challenge - See.Walk.Cities**

*Mayor Wood announced that the City of Roswell was recognized as the most active city in the State of Georgia for 2013 as the winner of the Active City Challenge, part of the See Walk Cities CMEcompete program. He said the challenge was to find the fittest most active city in the State and the City of Roswell had won this challenge primarily through the efforts of City Clerk Marlee Press as the most active participant in the City having accumulated the most individual points. He said Marlee doesn't just walk; she runs marathons and runs on a regular basis. Marlee was not in attendance at the meeting and the Mayor presented the trophy to Deputy City Administrator Michael Fischer on her behalf and asked that it be given to her. He then expressed appreciation to all of the walkers in the City of Roswell.*

**3. Recognition of the City of Roswell receiving the Atlanta Regional Commission (ARC) Green Communities Gold Level Award.**

*Mayor Wood announced this award and said he and Michael Fischer were in attendance at the ARC meeting to receive it. He said Councilmember Igleheart has always been an advocate for green cities and asked him to introduce this award.*

*Councilmember Igleheart said he was not able to attend the ARC meeting for this award but had been in attendance for the Silver Level Award. He said a citizen group had started this process several years ago but Deputy City Administrator Michael Fischer had taken it to the gold level and he deserved most of the credit. He asked Mr. Fischer to come forward and presented the award to him.*

*Deputy City Administrator Michael Fischer came forward with Executive Assistant Chris Ward. Mr. Fischer said when the City was first certified at the silver level four years ago, it was highly suggested that they work towards the gold certification at the recertification point. He said they had done that and the ARC had presented the gold certification to the City at their board meeting in January. He said some of the green building incentives were very important to them and to reach gold certification level some new programs were added. He said for an update, the infrastructure for alternate fuel is in place and the City now has ten F-150 vehicles that have been converted to propane auto gas. Some solar lighting was installed that was a very interesting project at Roswell East and lights no longer need to be turned on during the day; there is enough good light for playing sports within the gymnasium. The community has also been certified by the National Wildlife Federation as a wildlife habitat which was very interesting because that certification took a great deal of community effort and the City is very proud of it. There are about 80 jurisdictions in the ARC considering the 10 counties plus the 70 cities and out of those, only about 18 are certified and yet the City of Roswell has achieved this gold level.*

*Mayor Wood said only 4 of the 80 jurisdictions have received the gold level and the City of Roswell is in that top four.*

*Mr. Fischer said the City of Roswell is one of the top cities and currently there is no certification higher than gold and receiving this certification was because of the support of Mayor and Council. He also expressed appreciation to the departments that had put a great deal of effort into their programs and for going the extra mile to gather the information that was needed so this City could have a more sustainable environment. He expressed his appreciation to Chris Ward and said she was very dedicated in following up with all of the departments and programs and had gathered all of the information into a portfolio in a fashion that was clearly presented to the ARC so when they looked at it, they had no choice but to give the gold certification because the City had obviously achieved it.*

*Mayor Wood said the City had done all of this to receive the gold certification because the citizens demanded it and he thanked all of the citizens for taking the lead and coming to Council and staff to say they wanted to be a green community.*

*Mr. Fischer said as part of this award, each of Councilmembers and Mayor would also be presented with a lapel pin and that the Gold Level Award would be on display in the City Hall Rotunda.*

**4. Approval of a Resolution establishing the Rules of Mayor and Council Conduct.**

*Mr. Davidson read the RESOLUTION TO PROVIDE FOR RULES OF MAYOR AND COUNCIL CONDUCT stating, the purpose of these rules is to foster an environment of civility and effectiveness and to establish the manner in which the Mayor and City Council should interact with city staff.*

- 1. Individual Council Members shall not direct employees of the City.*
- 2. The Mayor shall not direct employees of the City except where authorized by the Charter or as may be provided by Ordinance consistent with the Charter.*
- 3. The Mayor and/or individual Councilmembers shall not reprimand, rebuke, reproof, or scold staff.*
- 4. Individual Councilmembers shall not speak or represent themselves as speaking for the City unless authorized by the Mayor and/or Council.*
- 5. The Mayor shall not speak or represent himself as speaking for the City where expressly prohibited by City Ordinance or where contrary to policy adopted by Council. Prohibited acts shall include negotiating the sale or purchase of real or personal property or the terms of contracts without authorization of Council.*
- 6. Complaints against Staff.*
- 7. Violations by Elected Officials.*

*The last two items on the list addresses the process for how complaints will be handled.*

*Mr. Davidson said if approved, these would be the rules for Mayor and Council.*

*Mayor Wood asked for Council comment. There were none.*

*Motion: Councilmember Wynn made a motion for Approval of a Resolution establishing the Rules of Mayor and Council Conduct. Councilmember Dippolito seconded.*

*Public comment invited. None were made.*

**Council Comment:**

*Councilmember Price said, "I certainly express your right to put these codes of conduct together and I suppose by voting for them, we will have approved it in concept and in these details. But I want to relate to a conversation I had with a fellow mayor of North Fulton whose council put together something like this that essentially gagged him in the last year and it didn't work out so well for them." She was hesitant to support this since it "ended up badly" in Johns Creek.*

*Mayor Wood said he was part of that in Johns Creek. He said the conversation that the mayor in Johns Creek had been prohibited from having was the conversation with him. Mayor Wood said, "This would not prohibit the mayors from having the conversations or councilmembers from having conversations with other councilmembers or anyone else. It simply says when you are having that conversation with another entity, you are not in a position to hold yourself out as representing the City unless you have been so authorized by the Council with the exception of the Mayor. By Charter, it says the Mayor is the spokesman for the City of Roswell. So, although I would not adopt these if it muzzled me or if it prohibited Council from having productive discussions with other elected officials but it simply goes to how you hold yourself out. If you are holding yourself out as representing the City without authority then you go beyond the bounds so I hope that has clarified it. There is no intent to muzzle anybody on this Council. I encourage a discussion with*



*other elected officials. I think we have got a great working relationship with all of our cities up here and I believe in fostering that relationship. That is not the intent nor is it the language of the rules."*

*Councilmember Dippolito said he thought the first line that says the purpose is to foster an environment of civility and effectiveness really goes over the intent of what they are trying to put together here. There is not a huge issue here on the Council. He said a couple of people have asked him, "What is going on there? Are things out of control?" His answer was "absolutely not." He said when situations do arise the elected officials have no code of conduct to fall back on because they are not subject to the policies and procedures of the City, they are granted pretty broad authority but with that authority comes a lot of responsibility. Part of that responsibility is that Council should govern themselves and make sure they have the mechanisms to govern themselves accordingly and this is just a small way of doing that. He said as a suggestion, they are talking about elaborating on some of these rules and in the future it might be helpful to tie these into the policies and procedures established for the employees of the City so there is a direct link and they would just extract some of those policies so that there is a direct link to the rest of the rules for the City. He said he supports this and they are essentially codifying the golden rule and you can never get yourself into trouble if you treat others as you would expect them to treat you.*

*Mayor Wood said Councilmember Dippolito made a good point. He asked Kay Love to discuss what would be done on the staff side to support this resolution.*

*Ms. Love said after the form of the resolution is adopted, staff will have training to make sure that all staff who are responsible for implementing the policies set by the Mayor and Council and preparing items for agendas or interacting with Councilmembers and the Mayor related to the business of the City, understands that intent and purpose. She said to Councilmember Dippolito's point, it does tie in with the policies and procedures that are already in place for the way business is conducted at staff level.*

*Further Council Comment:*

*Councilmember Price said, "I mentioned this at the work session the other day or at a committee meeting or whatever it was, that a number of entities do these codes of conduct and in some ways I think we haven't gone far enough. For instance, it doesn't really include the way that Council will treat each other and I think that has been a problem in the past. We had a retreat last year and there were some issues that came up that still have not been addressed. And I'm just not sure that this covers them. And also, there is the issue of how people conduct their private lives and should there be illicit activity or substance abuse. All those sorts of things I think should be added to this such that when we go to closure, we have the ability to talk to each other about concerns that we have."*

*Mayor Wood said as the draftsman for this rules of conduct, he took his direction from the City Charter and tried to limit those areas in which the Charter gave him direction. He said as far as Councilmember Price's suggestion about further discussion, it is a good one. He asked Ms. Love to discuss where they are moving forward with further discussions for recommendations for elected official conduct.*

*Ms. Love said based on the feedback they got at the last work session, she was in contact with the facilitator from their last retreat regarding the things they had discussed. She said they talked a couple of times and pending the outcome of this policy setting, they would then move forward to have a work session or whatever form the Mayor and Council would like, to further refine the things they should be doing.*

*Councilmember Orlans said these are things that over the years they have discussed in prior Councils and he has been in those discussions. This is just trying to put out some basic elements. As elected officials, they don't really answer to anyone in the City but they are supposed to act as kind of board of directors for the City and not as a department head or as an employee. They should go through the chain of command administratively and through the City Administrator and department heads. This just gives a basic outline of those things. There has never been a new councilmember package that goes over some of these things or to heighten some of the ideas but this is a good start.*

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

**In Favor: 6**

Enactment No: R 2014-01-02

### **Community Development - Councilmember Nancy Diamond**

**5. Approval of an Ordinance to create the Unified Development Code Map. (First Reading)**  
*Presented by Bradford D. Townsend, Planning and Zoning Director*

*\*Please Note: Due to the length of the minutes, it will be necessary to go back to the Meeting Details Section, File # 13-0607, and then select the Minutes file for this agenda item.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, to Approve First Reading of UDC Map with amendments to reference spreadsheet numbers 1-446 except the following line numbers: 15 , 16, 32, 37 - 45, 98-100, 177-179, 198, 222-226, 244-256, 284-345.**

**On the multi-colored list, numbers 2 and 4 in the yellow, numbers 11 and 12 in the blue and number 14 (purple item). Items on the blue section, numbers 1, 2, 4, 9, and 10 were included in the spreadsheet.**

**Change the 3 Old Scott Road parcels to AG-43.**

**This item will be placed on the Mayor and City Council agenda for 2/10/2014 for the Second Reading.**

**Councilmembers Diamond, Dippolito, Wynn, and Orlans voted in favor. Councilmembers Igleheart and Price were opposed.**

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

**In Favor: 4**

**Opposed: 2**

Enactment No: ORD No. 2014-02-02

**Environmental / Public Works Department - Councilmember Kent Igleheart**

6. **Approval of Charleston Oaks Homeowners Association's (HOA) application through the City's Lakes and Ponds (L&P) Partnership Program for funding in the amount of \$22,500 and approval of Budget Amendment 24071301-01-27-14.**

*Presented by Stuart Moring, Director of Public Works/Environmental*

*The Charleston Oaks HOA has submitted an application for project funding in the amount of \$45,000 through the L&P Partnership Program. The City portion, if approved, is \$22,500 and is to be used for removing accumulated sediment in the pond in accordance with the objectives of the L&P Partnership Program. Staff has evaluated the benefits of the dredging in light of the program objectives and recommends inclusion in the program.*

*Councilmember Igleheart introduced this item and said the Soil Erosion Fund Committee considered and approved this today.*

*There were no questions from Council. Public comment invited. None were made*

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

**In Favor: 6**

7. **Approval for the Mayor and/or City Administrator to sign a contract with Municipal Equipment Sales, Inc. for a 2014 Residential Rear Loader Garbage Truck in the amount of \$148,640.**

*Presented by Stuart Moring, Director of Public Works/Environmental*

*Invitation to Bid #13-344C-C was issued for a replacement residential rear loader garbage truck and three (3) bids were received ranging from \$147,900 to \$157,022. Municipal Equipment Sales, Inc. was the lowest responsive, responsible bidder meeting all required specifications in the amount of \$148,640.*

*Councilmember Igleheart introduced this item.*

*There were no questions from Council. Public comment invited. None were made.*

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

**In Favor: 6**

8. **Approval for the Mayor and/or City Administrator to sign a contract with Consolidated Disposal Systems, Inc. for a 2014 Commercial Front Loader Garbage Truck in the amount of \$222,493.**

*Presented by Stuart Moring, Director of Public Works/Environmental*

*Invitation to Bid #13-344B-C was issued for a replacement front loading refuse collection body and chassis. Four (4) bids were received ranging from \$222,493 to \$230,941. Consolidated Disposal Systems, Inc. was the lowest responsive, responsible bidder meeting all required specifications in the amount of \$222,493.*

*Councilmember Igleheart introduced this item.*

*There were no questions from Council. Public comment invited. None were made.*

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

**In Favor: 6**

**Recreation and Parks Department - Councilmember Jerry Orlans**

9. **Approval to reject all bids received for construction of the Adult Recreation Center Therapeutic Pool, Bid #13-267-C, and approval to revise the scope of work and rebid the project.**

*Presented by Joe Glover, Director of Recreation and Parks and Historic Cultural Affairs*

*Invitation to Bid #13-267-C was issued for construction of the Adult Recreation Center Therapeutic Pool. Seven responses were received and the base bids ranged from \$2,950,000 to \$3,665,700. All bids exceeded the original budgeted amount for this project. The low bidder, Pool Management Inc. has failed to respond to repeated requests to meet with City staff. The City has been in contact with the second lowest bidder, USA Pools, Inc. to discuss scope of work and pricing options.*

*Councilmember Orlans introduced this item.*

*There were no questions from Council. Public comment invited. None were made.*

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

**In Favor: 6**

10. **Approval for the Mayor and/or City Administrator is sign a contract with American Labor Construction to replace the Founders Cemetery Ornamental Wrought Iron Fence in the amount of \$50,879.**

*Presented by Joe Glover, Director of Recreation and Parks and Historic Cultural Affairs*

*Invitation to Bid # 13-330-D was issued for the material and installation of an ornamental wrought iron fence at Founders Cemetery and three (3) bid responses were received ranging from \$50,879 to 77,248. American Labor Construction is the most responsive responsible bidder in the amount of \$50,879. This is a joint project between the City of Roswell and the Roswell Women's Club.*

*Councilmember Orlans introduced this item.*

*There were no questions from Council. Public comment invited. None were made.*

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

**In Favor: 6**

**Administration and Finance Department - Councilmember Rich Dippolito**

11. **Approval for the Mayor and/or City Administrator to sign a Georgia Municipal Association (GMA) Supplement Lease Agreement for two (2) Horton Fire Rescue Trucks in the amount of \$333,516.**

*Presented by Keith Lee, Director of Finance*

*Director of Finance Keith Lee presented this item stating this is a supplemental agreement to the Master Lease Agreement with the Georgia Municipal Association (GMA). This agreement will authorize the purchase of two (2) Horton rescue trucks for a price not to exceed \$333,516. He said the information provided in Mayor and Council packets indicated this is for a 2014 chassis. He corrected that to say this is for a 2013 chassis due to the model changeover. The lease term would be for seven years with a rate of 1.8% with an annual payment estimated at \$50,233. The total interest for the lease would be \$18,112.*

*Council Comment:*

*Councilmember Dippolito asked if they would have the ability to pay this lease off early. Mr. Lee replied yes, they could pay it off early.*

*Public comment invited. None were made.*

*Councilmember Wynn thanked Mr. Lee for finding a 1.8% interest rate.*

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

**In Favor: 6**

**City Attorney's Report****12. Approval of a Resolution to set qualifying fees for the 2014 Special Election to fill the vacancy of the Chief Judge of the Municipal Court of Roswell.**

*City Attorney David Davidson presented this item. He said currently the Council has called a special election for May 20, 2014. The state requires that they have a qualifying fee set by February 1st. He asked for approval of this resolution to set the qualifying fee in case there is an election.*

*Mayor Wood asked if this still gives Council the option to cancel the election and call for appointment and vote for an appointment. Mr. Davidson replied yes it does.*

*Council Comment:*

*Councilmember Orlans said they have talked about an elected judge and about an appointment and about this being two part time positions instead of one full time position. He asked if the fee is based on income and how it could be adjusted later if they go with an elected judge and decide later to have two part time positions.*

*Mayor Wood asked if this would cover two part time judges. Mr. Davidson said no this is the way it exists now. Mayor Wood said for one full time judge.*

*Councilmember Orlans asked what would happen if they make a different decision later on. Mayor Wood said they might have to postpone the election. Mr. Davidson said or refund the money.*

*Councilmember Diamond asked if this would be the appropriate time to make it two part time judges on the ballot or were they already passed that time. Mr. Davidson said they would need to go under state law now but would also need to change the Charter. He said it could be done if they wanted to do that now.*

*Mayor Wood said two part time elected judges did not make sense to him.*

*Councilmember Diamond said she keeps bringing it up but that has not gotten a lot of traction. She said her question is, if she votes for this now would it preclude that for this election or is that already precluded.*

*Mayor Wood said they would have to start over. Mr. Davidson agreed and said this is the qualifying fee as it stands now in the Charter for one full time elected judge. This is in case they move forward with the election, they would be on solid ground having the qualifying fee set and it must be by February 1st and this is the last chance they have.*

*Councilmember Dippolito asked if they could change what is written to say it could be for two part time judges. Mr. Davidson said it is based on 3% of the salary.*

*Councilmember Orlans said they would have to determine the salaries tonight as well for those two part time positions.*

*Mayor Wood said they would need to decide if it was appropriate to have two part time positions. He said there would be inconsistent positions with two judges and unless they truly could not handle the job with one judge, having two judges did not make sense.*

*Councilmember Price said it seems there are some Councilmembers who are aware of a possibility of two part time judges. She said this is the first she has heard about this and did not know what meeting that occurred at but said she was not there.*

*Mr. Davidson said it came up at a Committee meeting. Mayor Wood said apparently at a work session but he was not there either. Councilmember Diamond said she was fairly sure she said it because she remembered the aghast look on staff faces when she brought it up.*

*Mayor Wood noted that there was a motion and a second to set a qualifying fee for a full time judge. He noted that it would require another motion to put two part time judges on.*

*Councilmember Orlans said if things changed, they would have to step back to base one and start over again.*

*Mayor Wood said procedurally there is a motion to approve one full time judge. There is not a motion on the floor for two part time judges.*

*Mr. Davidson said this is required for elected judges and if a judge is appointed, all of this would go out the window.*

*Councilmember Orlans said if this is approved tonight before February 1st but sometime in the next month, they came to a decision on judges and it was determined to be more than one elected, asked if they would have to start over with the whole process in filing. Mr. Davidson replied they would have to change the Charter and that would be another process.*

*There was no further Council discussion.*

**A motion for approval was made by Council Member Wynn, seconded by Council Member Price. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R 2014-01-03

**13. Recommendation for closure to discuss personnel, litigation and real estate.**

**A motion for approval was made by Council Member Dippolito, seconded by Council Member Wynn. The motion carried by the following vote:**

**In Favor: 6**

**Adjournment - 11:07 p.m.**