



# 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, November 25, 2013

7:00 PM

City Hall

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### WELCOME

**Present:** 6 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

**Absent:** 1 - Council Member Rich Dippolito

*Staff Present: Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Recreation and Parks Director Joe Glover; Recreation and Parks Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Relations Coordinator Karen Zitomer; Historic and Cultural Affairs Manager Morgan Timmis; Transportation Land Development Manager Clyde Stricklin; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.*

### Pledge of Allegiance - Jeff Pruitt

### CONSENT AGENDA

1. **Approval of the October 14, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on October 28, 2013); Approval of the November 13, 2013 Mayor and Council Meeting Brief.**  
*Administration*  
Approved
2. **Approval of a Resolution for the gifting of a service weapon to Robby Barkley in recognition of his 26 years of service as an officer of the City of Roswell and his retirement.**  
*Administration*

Approved

Enactment No: R2013-11-79

3. **Approval of a Resolution in support of the North Fulton Regional Radio System Authority (NFRRSA) applying for an Assistance to Firefighters Grant to purchase PA25 Compliant Radios for the participating North Fulton Cities.**

*Administration*

Approved

Enactment No: R2013-11-80

4. **Approval for the City of Roswell to partner with the U.S. Geological Survey (USGS), the National Park Service (NPS) and Chattahoochee Riverkeepers (CRK) in the amount of \$2,500 to ensure the continuation of the BacteriAlert program to monitor river water bacteria levels in the Chattahoochee River National Recreation Area (CRNRA).**

*Public Works/Environmental*

Approved

5. **Approval to place the Sesquicentennial Time Capsule at the bottom of the steps in front of City Hall.**

*Recreation and Parks and Historic and Cultural Affairs*

Approved

#### **Approval of the Consent Agenda**

A motion was made by Council Member Wynn, seconded by Council Member Orleans, to approve the Consent Agenda. It was an unanimous vote for approval.

## REGULAR AGENDA

### Mayor's Report

1. **Recognition of the Recreation and Parks Department as a finalist for the National Recreation and Parks Association (NRPA) Gold Award.**

*Mayor Wood invited Lisa Cherry, President of the Georgia Recreation and Park Association to come forward.*

*Ms. Cherry said she appreciated having this opportunity to recognize her colleagues and friends in the City. She congratulated the City of Roswell Recreation and Parks/Historic and Cultural Affairs Department for being a 2013 National Gold Medal Award finalist. They were one of four agencies across the country to be named a finalist for this award and it was their third year in a row receiving this award. She said they have been a leader in the State of Georgia for many years and they are now nationally recognized as well for their contributions in the field of recreation for excellence in the field, program planning, resource management, stewardship and all those things that are desired from a recreation and parks department. Much of that could be attributed to the support they receive from Mayor and Council, the Recreation Commission and the citizens. Roswell is recognized throughout the state, the southeast and the nation as a leader in recreation and parks and this City has much to be proud of.*

*Ms. Cherry recognized Recreation and Parks Director Joe Glover and said he is a true leader and a respected professional in this industry throughout Georgia and around the country and she was thankful to call him a friend and colleague. She said the National Gold Medal Award is administered by the American Academy for Parks and Recreation Administration in cooperation with the National Recreation and Park Association and recognizes communities that demonstrate excellence in parks recreation, maintenance, planning, stewardship, volunteerism, professional development, program planning and the like.*

*Mayor Wood invited Mr. Glover and other members present from the Recreation and Parks/Historic and Cultural Affairs Department to come forward.*

*Councilmember Orlans said Roswell has been known for a long time for their Recreation and Parks Department and it is about time that the citizens across the United States have come to realize that Roswell is one of the best of four in the country and that is owing to the staff and the Commission. He said the City has a great Commission right now and he expects even better and bigger things from the Recreation and Parks Department.*

2. **Recognition of Jeff Pruitt, Administrator of Parks Services, as the recipient of the Georgia Recreation and Parks Association (GRPA) 7th District Roy Hammond Leadership Award**

*Councilmember Orlans introduced this item and invited Joe Glover to come forward to make the presentation.*

*Mr. Glover recognized Jeff Pruitt for receiving the Roy Hammond Leadership Award given to an outstanding professional in the 7th District for their leadership abilities. Jeff served eight years as an executive officer with two of those years as District Commissioner and not only has he been a leader in the state association but has also served over 20 years with the Roswell Recreation and Parks Department. His key role in the Department was instrumental in placing Roswell in the national spotlight through the accreditation and gold medal program, the highest award given by the GRPA 7th District. He asked that everyone join him in congratulating Jeff Pruitt.*

**3. Recognition of the Roswell Adult Swim Team winning the Atlanta Adult Swim League Championship.**

*Mayor Wood invited the Swim Team members to come forward.*

*Russ Thomas said they appreciated being invited here and for recognizing the Adult Swim Team for their repeat championship and said this was their second year in a row winning this. He said they could not have done this without the Roswell Recreation and Parks Department letting them start this and for supporting the swim programs. He said this was only their fourth year but they are looking forward to bigger and better things and continuing their winning tradition.*

*League director, Matt Murphy said the trophy is for winning the championship meet but it represents much more for the Recreation and Parks Department and it signifies the hard work and dedication of many people keeping these programs alive. Over the few years they have had this team, they have had back to back championships but that would not have come about without the leadership of the Recreation and Parks Department as well as Russ Thomas and everyone else on the team. Mr. Murphy presented the trophy to the Roswell Adult Swim Team.*

**4. Approval of a Roswell Arts Commission appointment - Adam Braund**

**A motion was made by Council Member Orlans, seconded by Council Member Wynn, that this appointment to the Roswell Arts Commission be approved. The motion carried by the following vote:**

**In Favor: 5**

**Recreation and Parks Department - Councilmember Jerry Orlans****5. Presentation of the Recreation, Parks, Historic and Cultural Affairs Department Annual Report.**

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

*Debra Ewing, Chairperson of the Recreation Commission came forward to present the annual report. She introduced two commission members, Steve Stroud and Rick Dreger and said they have a tremendous Commission this year with new ideas that are very exciting and great things will be coming from them. She then highlighted some of the things in the annual report and talked about other current activities.*

- Seven new synthetic turf fields were added that allow safer play because of a more consistent surface and more playing time which will add tournament times. The fields are beautiful and they should be completed by the end of the year. They are starting the fields at East Roswell Park now.*
- A new art center was opened at the East Roswell Park in partnership with the Fine Arts Alliance. The center also has a kitchen where they will be offering cooking classes.*
- The master plan for the parks along the Chattahoochee River is in process that will provide better river access and ensure Roswell as a premier riverfront City. They are partnering with Atlanta Regional Commission who will be a good partner and they will allow the City to do as much as possible on the property because they know Roswell wants to protect the river as well.*
- A new state of the art fitness center opened at the Adult Recreation Center. The price is great for Roswell residents; the best deal around and another example of providing services for wellness to seniors and all residents in Roswell for a great price.*
- The Department went through the recertification process this year by the Commission for Accreditation of Park and Recreation Activities. It was a laborious process and only 137 agencies nationally have qualified for this distinction who must comply with 144 mandated standards. The Department believes in this and eventually the Gold Medal winner will have to be accredited which it should be; they should be at that standard.*
- The City is one of the top four agencies in the nation by city population for being a Gold Medal finalist which is a tremendous honor. Everyone knows the Department is the best of the best and they will go for this again next year.*
- Partnerships continue to grow with 17 booster organizations that help provide the support and funding for many programs. The quality of programs would not be possible without the boosters. Business partners have increased and they recognize what the Department is trying to do and support the goal to improve the quality of life for residents in Roswell.*
- This is a Department with a heart that has increased programs and services for citizens with special needs. In addition to the young adult programs in support of the Special Olympics, adaptive soccer, baseball and basketball have been added. The children receive uniforms and learn a team sport. They are working with other North Fulton cities to establish a league.*
- Two advisory groups were formed, one for parents with children with special needs and also a high school student advisory council that includes representatives from five high schools, Centennial, Roswell, Blessed Trinity, Fellowship and Cottage School. The Department has contacted the principals and they will be working with them and talking about programs that young adults would be interested in. There is a drop off of participation at a certain age of young adults who think recreation programs are only for young children. The goal of the Department is to keep them*

active.

- In preparation for the Gold Medal next year they have been going out into the community asking people what they think about the Parks and what that means to them. She read some of the personal testimonials they received and said it was nice to get feedback from the community and they would continue to do that.
- The Commission will be initiating a new program with a new activity each spring, a competition between the Recreation Commission and Mayor and Council. She announced that the first activity would be Bocce Ball.

She thanked Mayor and Council for everything they do and said it takes the City, the many volunteers, the tremendous staff and the great Commission to make the Recreation and Parks Department what it is.

Councilmember Orlans thanked the Commission and Debra Ewing for the presentation and said a lot of things have happened over the last year and a lot more things would be happening next year. He expressed appreciation for everything they do.

6.

**Approval for the Mayor and/or City Administrator to sign a contract with The Cultural Planning Group for consultant services for the Community Cultural & Arts Assessment and Plan in the amount of \$80,000.**

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

*Historic and Cultural Affairs Manager Morgan Timmis presented this item stating a Request for Proposals (RFP) was issued by the Purchasing Division for the selection of a consultant to conduct the Community Cultural & Arts Assessment and Plan. An evaluation committee was formed that reviewed all the proposals they received. The recommendation of the committee was to select The Cultural Planning Group. Additionally, the Roswell Arts Commission discussed this item at their November 5 meeting and also voted to recommend The Cultural Planning Group.*

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

*Mayor Wood asked what this plan hopes to accomplish.*

*Ms. Timmis replied the plan would accomplish many things. It will include a survey of all the existing programs and arts related facilities currently in the City to provide a benchmark and then it will engage all of the citizens for input on what they would like to see developed in terms of arts and cultural activities and facilities in the City going forward 15 years. There will be a plan of recommendations for how to fulfill those recommendations from the community and it will be a very specific action plan with tasks, timelines, and budgets associated with them.*

*Public comment invited. None were made.*

**A motion was made by Council Member Orlans, seconded by Council Member Diamond, that the contract for the Community Cultural & Arts Assessment be approved. Councilmembers Orlans, Diamond, Igleheart and Wynn voted in favor of the motion. Council Member Price opposed the motion. The motion carried by the following vote:**

**In Favor: 4**

**Opposed: 1**

**Administration and Finance Department - Councilmember Rich Dippolito****7. Approval of an Ordinance to amend the City Charter related to the Roswell Municipal Court. (Second Reading)**

*Presented by Michael Fischer, Deputy City Administrator*

*Deputy City Administrator Michael Fischer presented this item stating this removes specific wording from the Charter for the Municipal Court. The sections to be deleted are Section Ch. 7.100-Court Services, 7.110-Clerk of Court, 7.120-Solicitor and Deputy Solicitors, 7.130-Marshals, and 7.140-Other Court Personnel. These sections will be replaced with Section Ch. 7.100-Court Personnel that will read, "The City shall be authorized to provide for such Court personnel as deemed appropriate for the effective operation of the Municipal Court of the City and the timely administration of justice." Mr. Fischer said this is the second reading that takes specific positions out of the Charter and puts it back into operations in order to hire and be more flexible with the positions in Court Services.*

*City Attorney David Davidson conducted the second reading of an ORDINANCE TO AMEND THE CHARTER OF THE CITY OF ROSWELL PURSUANT TO O.C.G.A. § 36-35-3 SO AS TO PROVIDE FOR COURT PERSONNEL FOR THE EFFECTIVE OPERATION OF THE MUNICIPAL COURT OF ROSWELL AND THE TIMELY ADMINISTRATION OF JUSTICE; TO PROVIDE FOR AUTHORITY; TO PROVIDE FOR OTHER MATTERS RELATIVE THERETO; TO REPEAL CONFLICTING LAWS AND ORDINANCES; AND FOR OTHER PURPOSES stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:*

*1.*

*The Charter of the City of Roswell is amended by deleting Section Ch. 7.100 Court Services, Section Ch. 7.110 Clerk of Court, Section Ch. 7.120 Solicitor and Deputy Solicitors, Section Ch. 7.130 Marshals and Section Ch. 7.140 Other Court Personnel in their entirety and adding a new Section Ch. 7.100 to read as follows:*

*Section Ch. 7.100 Court Personnel*

*The City shall be authorized to provide for such Court personnel as deemed appropriate for the effective operation of the Municipal Court of the City and the timely administration of justice.*

*Mr. Davidson noted that if approved this would be the second reading.*

*Motion: Councilmember Orlans made a motion for Approval of an Ordinance to amend the City Charter related to the Roswell Municipal Court on Second Reading. Councilmember Wynn seconded.*

*Public comment invited. None were made.*

*Council Comment:*

*Councilmember Price said, "I am concerned about the levity of this new ordinance which I guess it's always nice to be brief, but this replaces two pages of an ordinance basically down to one sentence. I am just concerned that there are a lot of things in our current code that we may possibly miss because one sentence by definition will have broad latitude. I'm just not sure where it may take us. One specific question I had was...in the prior ordinance we had a Clerk of Court and the records as*

*maintained by the person resided in the City of Roswell and if we have other entities providing this service, who will own the records that they keep?"*

*Mr. Fischer replied that the City of Roswell would own those records and the Chief Clerk would be responsible for the records. He said as it stands now, he himself as the Deputy City Administrator has been named the Court Administrator. In most jurisdictions, the Court Administrator and the Chief Clerk are the same. Moving forward he could also be the Chief Clerk who would be responsible for those records or if someone else was brought in to do that they could be also. This gives the flexibility of whoever is in Court Services to have the best person to be in charge of the records. The records would still be maintained in the City and will be City files. Those are City court files.*

*Councilmember Price said, "Thank you for that. Another question I had was, in the current code there is provision where the Clerk could be assigned duties and responsibilities by the judge, solicitor and yourself. Does that need to be specified i.e., or would any other people not fill that they were responsible to the Judge and Solicitor but only to the Administrator?"*

*Mr. Fischer replied this takes that responsibility out of the Charter; it is still in the City's operations. There are policies within Court Services within the City on who is responsible to what through an organization chart and through the different responsibilities of the different positions. This simply removes it from the Charter. If those positions are no longer present, then the Charter would not be accurate because they would be different people reporting to different people. All this is doing is removing it from the Charter. The City's organization structure and the day to day operations will still stand.*

*Mayor Wood asked if it would be fair to say that the Council still retains authority over the policy and the positions of the office. Mr. Fischer replied yes sir. Mayor Wood said it is not in the Charter but is still within the judgment of this Council whether there is a position of a clerk and what the responsibilities of that clerk are and what the salary is. Mr. Fischer replied yes, that Mayor and Council is still over the position control in the City.*

*Councilmember Price said, "Again, it does not specify the position or definition of the position of Solicitor. That concerns me since in the current ordinance; we may at any time appoint someone in the absence of a Solicitor which technically we have right now in that the Solicitor is not currently doing her duties. Well I won't say doing her duties; not actively working. So at some point, I wonder whether we need to be stepping in to make that appointment or if we would never do that in the future under this new ordinance."*

*Mr. Fischer replied that the City still has a full time Solicitor on administrative leave. During that time the City has filled in with a standby Solicitor that is doing the work. If there was a vacancy to which no one could be found to fill in then Mayor and Council could appoint a Solicitor Pro-Tem to come in during that time. This does not call for those measures. Someone is just needed to fill in during the temporary absence for the particular Solicitor. He said he would defer how that would work in the future to the City attorney. Operationally, the Council has the ability to hire and fire the personnel within the City.*

*Councilmember Price said, "I don't know that we do. We have granted that authority to the City Administrator."*

*Mr. Fischer replied that has been granted to the City Administrator but ultimately it is*



*the Council's authority.*

*Councilmember Price said, "Right, but under this new ordinance then have we given all of that to the City Administrator or do we retain any independent authority to affect the personnel in the Court Services?"*

*Mayor Wood said that Council has delegated the authority to hire and fire to the City Administrator but the Council has the authority to remove that delegation to take it back to be a Council decision. He said it was correct that under general rule, the City Administrator would hire and fire the Solicitor but that is not a Charter that is simply a resolution of the Council. He asked Mr. Davidson if that was correct.*

*Mr. Davidson said Mayor and Council have delegated to the City Administrator the ability to hire and fire department heads. The Solicitor is appointed by Mayor and Council. Krista has been appointed at this time. She is able to work; she has been asked not to at this time.*

*Mayor Wood said he was talking about ongoing.*

*Mr. Davidson said in the future it would still be up to Mayor and Council on how they want to proceed with that. They could adopt an ordinance or do whatever they want on who appoints the Solicitor.*

*Mayor Wood said right. Now, with this change, the authority for appointment of Solicitor would remain with Council and has not been delegated.*

*Mr. Davidson replied it has not been delegated.*

*Councilmember Price said, "But it has not been defined. It is now undefined whereas before it was defined."*

*Mr. Davidson said currently the Solicitor is serving a term and Council can change that by ordinance. It does not need to be in the Charter. He said if Council wants the ability to hire and fire the Solicitor, an ordinance can be created with two readings.*

*Councilmember Price thanked Mr. Davidson.*

*Mayor Wood asked for further Council questions.*

*Councilmember Diamond said if there were four or five different positions under the previous Charter and then it was decided there should be three positions, the City would not be bound by Charter to hire those four or five people; they could do whatever works for workload and workflow.*

*Mr. Fischer said, and the type of positions. The intent of this is the flexibility to allow operations to come back to day to day operations depending on the positions that are needed, how many are needed and who need to do them. Having it in the Charter, limits the City's ability. Taking it out of the Charter lets that be a day to day operation.*

*There was no further Council comment.*

**A motion was made by Council Member Orlans, seconded by Council Member Wynn, that the Ordinance amending the Charter be approved on Second Reading. This will delete Section Ch. 7.100, 7.110, 7.120, 7.130 and 7.140 and adds a new section Ch. 7.100 Court Personnel. The motion carried by the following vote:**

In Favor: 5

Enactment No: ORD2013-11-13

**8. Approval of a Resolution for an amendment to the Sanitation Hardship Exemption Policy.**

*Presented by Keith Lee, Finance Director*

*Finance Director Keith Lee presented this item stating this Resolution provides for a one year exemption provided that after a six month period, an affidavit is filed stating that the original conditions continue to exist. The determination to award a hardship exemption is made by the Hardship Committee comprised of the City Administrator, Director of Environmental/Public Works and the Finance Director.*

*Mayor Wood asked how the policy was being changed.*

*Mr. Lee said the policy extends it from six months to one year.*

*Mayor Wood asked for the logic for extending from six months to one year.*

*Mr. Lee said it also looks at prior penalties and interest and fees as well. In the past, applicants have asked for those things and they have gone back and forwards as to the applicant's request. There has been one request over the past year.*

*Mayor Wood asked for an example of something that would be exempt.*

*Mr. Lee replied an exemption for penalties for which there is a \$20 charge if someone is late or interest of 1.5% for each month compounded.*

*Mayor Wood said so those are interests and penalties and asked if the fees are waived.*

*Mr. Lee replied fees are waived; currently for sanitation and this would include water and stormwater.*

*Mayor Wood asked under what circumstances a fee would be waived for a year.*

*Mr. Lee replied if someone should have a medical condition or proof they are unable to make payment. Perhaps they are on a fixed income and have some conditions come forward that make it improbable for them to make payments on their utilities.*

*Mayor Wood asked if a set of policies have been developed internally for what they think would be appropriate.*

*Mr. Lee replied they would file a written application providing their personal or financial status and a determination would be made based on that. Another reason for extending the hardship to one year is for someone on a fixed income, the federal government typically only puts out their statements once a year and many people have direct deposits. When asking someone what they make on a monthly basis, proof of that is usually only available once a year.*

*Mayor Wood asked what would happen if someone should come back a second year stating they still could not pay.*

*Mr. Lee replied they could make an application for a second hardship.*

*Mayor Wood asked how long someone could continue to be exempt from stormwater and sanitation fees.*

*Mr. Lee replied they do not limit; it is one year for each application maximum but they could continue to make application year after year.*

*Mayor Wood asked if there were any instances of someone going multiple years.*

*Mr. Lee replied not to his knowledge. There was one person who asked twice but there was a period of time between the two requests.*

*Mayor Wood said he had concerns if it should go more than a year. He said he could not speak for the rest of the Council but these are costs to the taxpayer in general and he understands a tough year but if it continues year after year then it should be a Council decision. He said he had reservations about saying someone could keep rolling it over because then it is not a one year exemption it becomes a multiple year.*

*Mr. Lee said yes sir.*

*Mayor Wood asked for Council comment.*

*Council Comment:*

*Councilmember Orlans said in the past it has been for sanitation only and now they are adding water and stormwater as something that could be waived. He said don't those go to Fulton County and asked how could the City waive their charges.*

*Mr. Lee said, "We do have stormwater fees in part of our area. And part of the service area that we have for water would be in generally this area so we do have water customers that come to us."*

*Councilmember Orlans said then they are only doing it the City water district. He said that was not stated in the resolution.*

*Mr. Lee said they would clarify that.*

*Councilmember Orlans asked if he was only talking about the stormwater fees not the Fulton County fees that go with the sewer on top of the water.*

*Mr. Lee said they were not talking about sewer fees.*

*Councilmember Orlans said the City could waive someone's water bill on the Roswell water system but they would still have to pay the sewer bill owed to Fulton County.*

*Mr. Lee said that was correct.*

*Councilmember Orlans said he believed that needs to be specified because it is stating just water which means all of Fulton County charges. That needs to be clarified.*

*Councilmember Price said, "Has this ever been a problem when someone goes to sell their property; i.e., do they have a number of liens related to fees, penalty, interest? Is this something that would apply here that someone would apply for this when they are getting ready to sell a house or something?"*

*Mr. Lee said he did not know of any specific issues related to a problem but they do lien properties for sanitation fees. He said he does not believe they would be able to*

*ask for sufficient exemption to remove a lien and a lien could not be removed by the Committee it would have to be removed through the appropriate course of action either payment or selling of the home.*

*Councilmember Price said, "Because one of the...it says the Hardship Review Committee may also waive or reduce any outstanding fees, penalties and interest. But you are saying that does not include a lien but what would be the difference?"*

*Mr. Lee replied if a lien was placed then they could not remove that lien unless payment was made.*

*Councilmember Price said, "But it is waived then the balance is zero, right?"*

*Mr. Lee replied in that particular instance, if a lien was placed, they would be beyond the exemption they could request. There would be more fees that would be in place or past due that they would not be able to ask for sufficient exemption to remove all the fees.*

*Councilmember Price thanked Mr. Lee.*

*Councilmember Orlans said before voting on this he would like for the Resolution to be rewritten in order to clarify some of the points.*

*Mayor Wood asked if he was suggesting a deferral.*

*Councilmember Orlans said yes he would make a motion to defer.*

*Public comment invited. None were made.*

**A motion was made by Council Member Orlans, seconded by Council Member Price, that this Item be Deferred and be placed on the Mayor and City Council agenda for 12/9/2013. This was deferred so some of the points made could be clarified in the resolution and be rewritten. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: R2013-12-82

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

**9. Approval of funding assistance for the Gilhams Lake Homeowners Association (HOA) under the Lakes and Ponds (L&P) Partnership program and approval of Budget Amendment 24071301-11-25-13 in the amount of \$50,000.**

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

*Environmental/Public Works Director Stu Moring presented this item stating about a year ago the Gilhams Lake Homeowners Association applied for coverage under the Lakes and Ponds program and they were approved at the level of \$100,000. Subsequently through further engineering and analysis they have determined that the cost is going to be considerably greater and they have requested additional funding of \$50,000. Staff has reviewed this at length with the engineers and made a determination that the majority of the sediment comes from Roswell properties and*

consequently have proposed that the request be granted to allow up to an additional \$50,000. The actual amount would be based on the actual expenses submitted following completion of the project. The funding was proposed to come from the Soil Erosion fund and this action was approved by the Public Works/Public Safety Committee to advance to the Mayor and Council subject to approval of the funding by the Soil Erosion Fund Committee and that committee approved it this afternoon. The funding is in place and staff recommends this for approval.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Price asked if the homeowners contribute something to this project.

Mr. Moring replied that the homeowners pay 50% and the City pays 50%.

Councilmember Price said then it is 50/50. Mr. Moring replied yes mam.

Councilmember Price asked if any other governmental entity contributes. Mr. Moring replied no mam.

There was no further Council comments.

Public comment invited. None were made.

A motion was made by Council Member Igleheart, seconded by Council Member Orlans, that the funding assistance and budget amendment be approved. The motion carried by the following vote:

In Favor: 5

#### **Public Safety - Councilmember Becky Wynn**

10.

#### **Approval of a Resolution to Accept a Target™ Grant to support Roswell's Heroes and Helpers in the amount of \$3,500.**

*Presented by Rusty Grant, Chief of Police*

*Police Chief Rusty Grant presented this item stating they applied for and received a grant from Target for \$3,500 which would allow them to help 32 children in need. On December 14, police officers will take the children to Target and they will be able to buy gifts for themselves and their friends and family. There will also be assistance for wrapping the gifts and they will provide breakfast and cookies for the children.*

*Councilmember Wynn asked if there would be a City match or any cost to the City.*

*Chief Grant replied there would be no match; this was all through the Target grant as well as donations made to the Police and Fire Foundation for this specific purpose.*

*Councilmember Wynn said this was an absolutely fantastic idea.*

A motion was made by Council Member Wynn, seconded by Council Member Orlans, that this Resolution to accept the grant be approved. The motion carried by the following vote:

In Favor: 5

Enactment No: R2013-11-81

**Transportation Department - Councilmember Betty Price**

11. **Approval for the Mayor and/or City Administrator to sign a contract with Woodwind Construction Company, Inc. in the amount of \$89,030 for the completion of the Midtown Gap Sidewalk Construction Project and to sign a Surety Tender Agreement with American Contractors Indemnity Company. Presented by Steve Acenbrak, Director of Transportation**

*Director of Transportation Steve Acenbrak presented this item stating that several years ago the City embarked on a streetscape project on SR9 that was called the Midtown Streetscape Project. That project was on SR9 from Norcross Street to Holcomb Bridge Road except for one parcel, a car wash that created a gap in the sidewalk streetscape and has become known as the Midtown Gap. The City hired a contractor, Early Construction, to perform this work. Early Construction failed to perform the work and was terminated for default. Staff has talked to the bonding company in California and they have been very cooperative and responsive. The bonding company has taken on the assignment and studied the situation. They held an onsite bid proposal with numerous contractors who assessed the situation and bid on the remaining work. Several bids were received and they determined that Woodwind Construction Company, Inc. was the lowest responsive responsible bidder. He said Joe Glover had told him that Woodwind Construction was the company that built the covered bridge and they are highly recommended and they do a good job. The bid amount for Woodwind Construction is \$89,030 which is higher than the amount that Early Construction originally bid on partially because part of the work was in place and partly because of some differences in the various schedule of values or unit cost. The difference is \$27,017.60. The bonding company has agreed to pay that money to the City of Roswell. Staff recommends entering into an agreement with Woodwind Construction per the bonding company to complete the work on the Midtown Gap and to create a grant fund to accept the \$27,017.60 difference.*

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

**A motion was made by Council Member Price, seconded by Council Member Orlans, that this contract for the completion of the Midtown Gap Sidewalk Construction project and the agreement be approved. The motion carried by the following vote:**

**In Favor: 5**

**City Attorney's Report**

12. **Recommendation for closure to discuss litigation and real estate.**

**A motion was made by Council Member Price, that recommendation for closure be approved. There was no second to the motion but there was a unanimous vote for closure.**

**Adjournment - With no further business, Mayor and Council adjourned at 7:57 p.m.**

