



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

Monday, June 9, 2014

7:00 PM

City Hall

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

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Fire Chief Ricky Spencer; Deputy Police Chief Craig Easterwood; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Director Joe Glover; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Planning and Zoning Director Brad Townsend; Budget Manager Ryan Luckett; Budget Coordinator Denise Brown; Accounting Specialist Karen Bernard; Financial Analyst Lynn Williams; City Engineer Jean Rearick; City Planner Jackie Deibel; City Planner Courtney Lankford; Employee Relations Manager Michelle Hunter; Recreation and Parks Assistant Director Morgan Rodgers; Administrator of Park Services Jeff Pruitt; Community Relations Coordinator Karen Zitomer; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Tim Thompson; City Clerk Marlee Press.

Pledge of Allegiance - Boy Scout Troop 431

CONSENT AGENDA

1. **Approval of the May 28, 2014 Mayor and Council Meeting Brief.**
Administration
Approved
2. **Approval of a Resolution to adopt revisions to the City of Roswell Human Resources Policies and Procedures Manual.**
Administration

****This item was pulled off the Consent Agenda and discussed separately at the end of the agenda.*

Discussion of Consent Agenda Item #2:

Approval of a Resolution to adopt revisions to the City of Roswell Human Resources Policies and Procedures Manual.

Councilmember Igleheart said there is only one item in the manual that needs to be dealt with and asked Human Resources Manager Dan Roach to discuss it.

Councilmember Orlans referred to page 14, section 2.3 and said he requested that the last sentence in the section refers to the rules and conduct of Mayor and Council. He said some things need to be clarified before it moves further to be attached to the human resources policy.

Motion: Councilmember Orlans made a motion for Approval of a Resolution to adopt revisions to the City of Roswell Human Resources Policies and Procedures Manual with one revision to the manual to remove the last sentence under 2.3 on page 14. The sentence removed was "This policy includes, and incorporates by reference, the Rules of Mayor and Council Conduct, adopted by the Mayor and City Council, effective January 27, 2014." Councilmember Wynn seconded.

Council discussion:

Councilmember Dippolito said he does not understand the reasoning for removing this sentence.

Councilmember Orlans said in the last discussion they had on this, there were some interpretations that he believes need to be clarified. An understanding of that policy as he said before it continues further into being officially a part of this human resources policy. Council needs to discuss it and understand it as a Council first a little bit more.

Councilmember Dippolito said Council has already adopted it and it is already in effect.

Councilmember Orlans said "Right. In the adoption in what was understood and the intention at that point in time; one issue that has come up did not fall into that category." He said he has asked the City Administrator that they give a further clarification of it.

Councilmember Dippolito said in lieu of taking it out, could they just say or as amended at the end of the sentence.

Councilmember Orlans said not in his motion.

Councilmember Dippolito said that way they could keep it in and it would be consistent even when it is amended.

Councilmember Orlans said it could be added at a future time but it needs to be clarified before it moves on as an official policy on this document moving forward tonight.

Councilmember Dippolito said it is an existing document. It is effective whether...(remainder of comment was inaudible).

Councilmember Orlans said he is trying to say it should not be reinforced more until Council understands it better.

Vote: Councilmembers Igleheart, Orlans, Price and Wynn voted in favor. Councilmembers Diamond and Dippolito opposed. The motion carried by the following vote: 4:2.

Mayor Wood said as Councilmember Dippolito pointed out, the policy is in effect and if the Council has questions about the interpretation then that does need to be addressed. For those concerned about the interpretation or possibly amending the ethics ordinance, should bring that forward.

A motion was made by Council Member Orlans, seconded by Council Member Wynn, that the Resolution to adopt the Personnel Manual be approved. There was one revision to the manual which was to remove the last sentence under 2.3 on page 14. The sentence removed was "This policy includes, and incorporates by reference, the Rules of Mayor and Council Conduct, adopted by the Mayor and City Council, effective January 27, 2014." Councilmember Orlans, Wynn, Igleheart and Price voted in favor of the motion. Councilmembers Diamond and Dippolito opposed the motion. The motion carried by the following vote:

In Favor: 4

Opposed: 2

Enactment No: R2014-06-22

- 3. Approval of the Tree Planting and Replacement Master Plan 2004-2015 and approval of Budget Amendment 24571401-06-09-14 allocating \$245,000 in Tree Bank Funds to implement the revised plan.**

Community Development

Approved

- 4. Approval for the Mayor and/or City Administrator to accept three (3) Right of Way Agreements for the SR 140 Westbound Through Lane & Streetscape Project in the amount of \$37,673.**

Transportation

Approved

Approval of the Consent Agenda

A motion was made by Council Member Orlans, seconded by Council Member Wynn, to Approve Items 1, 3 and 4 of the Consent Agenda. Item 2 was pulled from the Consent Agenda and discussed at the end of the agenda. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Reading of a Proclamation for National Flag Day on June 14, 2014.**

Mayor Wood said this proclamation was brought to the City by the Martha Stewart Bulloch Chapter of the Daughters of the American Revolution. He read a Proclamation for NATIONAL FLAG DAY stating, The Continental Congress of the United States on June 14, 1777, adopted the first official flag of the United States and The Congress of the United States on August 3, 1949 officially designated June 14th of each year as "National Flag Day". The Congress of the United States on June 20, 1965 adopted a Joint Resolution approved by the President to recognize a pause for the Pledge of Allegiance as part of National Flag Day ceremonies and urged all Americans to participate. The City of Roswell has always been proud of our National Flag and what it symbolizes knowing that it stands for the best that humankind has ever sought and achieved in the history of this world. On behalf of the City of Roswell, Mayor Wood proclaimed the City's participation in National Flag Day on June 14, 2014 and invited all citizens to join in the common declaration of faith represented in the words of the Pledge of Allegiance.

A representative from the Daughters of the American Revolution thanked the City of Roswell and Mayor Wood for supporting all of their patriotic causes. She accepted the proclamation on behalf of the Martha Stewart Bulloch Chapter of the Daughters of the American Revolution and the Martha Stewart Bulloch Children of the American Revolution Society who are proud to be co-sponsoring the Roswell Flag Day celebration to be held on the grounds of Bulloch Hall on Saturday, June 14, 2014 from 1:00pm to 3:00pm. She encouraged everyone to come and celebrate with games for children, crafts, refreshments and a Flag Day ceremony.

She also recognized Tyler Baker, President of the Martha Stewart Bulloch Children of the American Revolution Society; Tamara Baker, Senior President; Mary Simons, Martha Stewart Bulloch DAR Chapter Flag Chairman; and Lisa Toven, Commemorative Events Chairman.

2. **Recognition of Oliver Yowell receiving the Boy Scouts of America's Cross Palms Life Saving Award and a Life Saving Certificate from the Roswell Fire Department.**

Mayor Wood recognized the Boy Scouts from Troop 431 who were in attendance. He invited Andrew Warren to come forward.

Andrew talked about how Oliver Yowell had saved his life on January 12th at Sweetwater Creek while they were kayaking. He said although he and other members of the group were skilled whitewater kayakers, he got caught in a dangerous hydraulic. Oliver and the other kayakers realized the danger he was in and Oliver put his own life at risk to kayak into the hydraulic so Andrew could hold onto the side of kayak as Oliver vigorously paddled out. Andrew said he was in the hydraulic for well over a minute being tossed around and could not breathe and was

losing consciousness. He expressed his tremendous gratitude to Oliver and said he would probably not be alive if it was not for him.

Mayor Wood said because of the dangerous nature of a hydraulic, as Oliver approached Andrew in his kayak, he risked not being able to get out himself and that was not done without trepidation and courage.

Jason Sessions, Advancement and Recognition Chair for the Northern Ridge District talked about the Crossed Palms honor award that is earned by someone who performs a lifesaving task with great risk to oneself. Only five of these awards were issued within the past year and only 39 have been given in the past five years on a national level. It is remarkable to have one of our own youths here in the Atlanta area Council to receive this award. Oliver is also an Eagle Scout which only the top 4% of all Scouts reach and to also be in the upper echelon of this small percentage to have used his scouting skills in order to save this young man's life is a great feat and it is an honor to have Oliver receive this award.

The Mayor and Councilmembers joined Jason Sessions as he presented the Life Saving Award and Certificate to Oliver.

Oliver expressed thanks to his troop for all the skills he learned there and thanked his parents for their help and support in allowing him to become a whitewater kayaker.

Fire Chief Ricky Spencer came forward and presented the Roswell Fire Department's lifesaving meritorious certificate of a Life Saved Award to Oliver in honor and recognition of his heroic and selfless actions that saved the life of Andrew Warren on January 12, 2014. Chief Spencer said this award is given for saving a life whether it is a fire or any other situation and what Oliver did was amongst what firefighters do, forsaking his own safety to help someone in trouble through his expertise of the skills he learned and with courage. He said Oliver probably didn't even know Andrew but he saved his life. He congratulated Oliver and said job well done.

3.

Recognition of the City of Roswell being awarded the First Annual Health and Wellness Champion by the Greater North Fulton Chamber of Commerce (GNFCC).

Human Resources Director Dan Roach said it is an honor to have been recognized this past month by the Greater North Fulton Chamber of Commerce as the organizational winner of the 2014 Health and Wellness Champion award. He said he is representing all of the City employees who won this award which is a testament to Mayor Wood and each member of the City Council for their consistent support of everything staff has asked them to do with respect to wellness. This award is geared towards individuals and organizations that are bending the cost curve with health insurance back in their favor and enhancing the quality and length of lives of the City's employees. This is a testament to all City employees who embraced everything that the City been doing on behalf of wellness. Mr. Roach presented the award to the Mayor and City Council.

Mayor Wood said Council recognizes that the most valuable asset the City has are the employees and looking after their health and wellness is the best way to look after those assets.

City Administrator Kay Love said the City has had a number of success stories and the biggest testament is that the City has very competitive staff members and the departments have had a lot of fun keeping up with the number of steps they walk and Mayor and Council have been involved as well. The health screenings that were held

were approached by some with much trepidation but by others with passion and there have been many success stories across the board. Some people had life threatening situations that were taken care of. A lot of weight was lost, blood pressures were brought down, and cholesterol and sugar levels improved. Most importantly, many people learned how to eat healthier. Ms. Love asked Dan Roach to provide some of the statistics related to the number of participants.

Dan Roach said the participation rate was over 86% in the program and from that an initial biometric screen was done and stratified into either an at-risk or a not-at-risk population. About 112 employees participated in the more at risk program and they generated a lot of the results that Ms. Love was talking about. That group lost in excess of 500 pounds collectively and brought blood sugar levels and blood pressures down in a very significant way. Each of those accomplishments was mentioned specifically in the nomination for this award and drew great attention from the Greater North Fulton Chamber of Commerce.

4.

Approval of the FY 2015 Budget for the City of Roswell, Georgia in the amount of \$110,355,385. (First Reading)

**Please Note: Due to the length of the minutes, it will be necessary to go back to the Meeting Details Section, File # 14-0251, and then select the Minutes file for this Mayor and Council agenda item.*

A motion was made by Council Member Igleheart, seconded by Council Member Orlans, that the First Reading of the Budget Ordinance be approved and be placed on the Mayor and City Council agenda for 6/24/2014. The approved budget changes were:

Approved Add Proposals:

1. 4 items regarding the Arts Commission - Operating
2. City of Roswell Branding Support Position (6 months in FY15) - Operating
3. Transfer funding for PT Administrative Asst. for Special Events Permitting from Community Development to Administration - Operating
4. 1 additional SAFEbuilt Code Enforcement Officer - Operating
5. System Wide Park Improvements – Maintenance Capital
6. Oxbo Retaining Wall – One-Time Capital
7. Additional funding for Lakes and Ponds program – One-Time Capital
8. Add funding for design of City Green Project – One-Time Capital

Suggested Delete Proposals:

1. City sponsorship of Special Events Funding – Operating
2. Move Administrative Asst. Special Event Permitting position from PT to FT – Operating
3. Add funding for PT Special Events Coordinator position – Operating
4. Add Municipal Complex Officer Position for City Hall Security – Operating
5. IT Data Backup Solution – Maintenance Capital

The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2014-06-07

5. Approval of the Millage Rate of 5.455 mills for the FY 2015 Budget. (First Reading)

City Attorney David Davidson conducted the first reading of AN ORDINANCE TO ADOPT MILLAGE RATE stating: pursuant to their authority, the Mayor and City Council wish to establish a millage rate of 5.455. The millage rate has a component of 4.464 mills for the general fund, operating and capital improvements budget, and a component of .991 mills for servicing bonded indebtedness. The millage rate may require adjustment upon approval of a certified Tax Digest for the year 2014.

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

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 on First Reading and be placed on the Mayor and City Council agenda for 6/24/2014 for Second Reading. There will be a Special Called Public Hearing on the Millage Rate on Monday, June 16, 2014 at 6:30 p.m. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2014-06-08

Community Development - Councilmember Becky Wynn

6. RZ-201303065, CV-201303066, Azalea Drive Townhomes, Azalea Dr., Jason Yowell/Metropolitan Design & Construction, Inc., Land Lots 378, 379, 380, 381. (This item was deferred at the May 12, 2014 Mayor and Council meeting) 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 # 13-0503, and then select the Minutes file for this Mayor and Council agenda item.*

A motion was made by Council Member Wynn, seconded by Council Member Igleheart, that this request for a rezoning and all concurrent variances be denied. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-06-23

7. **RC201303321, Azalea Dr., Metropolitan River Protection Act Certificate, Jason Yowell** *(This item was deferred at the May 12, 2014 Mayor and Council meeting)*

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating this is the Metropolitan River Protection Act Certificate for the Azalea Drive townhouse project that was just denied. Since this certificate relates directly to that plan, staff recommends that this item be deferred indefinitely. With that action, if there is a development on this property that takes place, they would have to come back to Mayor and Council for their certificate for them to be able to develop on that piece of property. Staff recommends indefinite deferral until a development is brought forth.

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

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this request for the Metropolitan River Protection Act Certificate be deferred indefinitely. The motion carried by the following vote:

In Favor: 6

8. **PV 201401064, 205 W Crossville Rd., The Providence Group** *(This item was deferred at the June 9, 2014 Mayor and Council meeting)*

Presented by Bradford D. Townsend, Planning and Zoning Director

Councilmember Wynn stated that Don Rolader, the attorney for this group has asked for a deferral.

Planning and Zoning Director Brad Townsend said a letter was received today from the applicant requesting a deferral to the Mayor and City Council Meeting on 7/14/2014.

Mayor Wood called for public comment. He said if this motion for deferral is approved, this will come back for a public hearing and there would be an opportunity for the public to be heard at that time or they could speak tonight.

Public Comment:

Scott Smith stated his home address as 1190 Rome Drive in the Orchard Lake subdivision. He said many people are present at the meeting from several surrounding neighborhoods and noted that this is the second deferral for this item. He asked how many times the applicant can defer. An unidentified speaker replied two times.

Mayor Wood asked if this has been deferred previously.

City Attorney David Davidson said it has and this would be the last deferral. It will be heard on July 14.

Mr. Smith thanked Mayor and Council and said that was his only question.

No further public comments. The public hearing was closed.

There were no questions from Council.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this variance in Parkway Village be deferred and be placed on the Mayor and City Council agenda for 7/14/2014. The motion carried by the following vote:

In Favor: 6

9.

Appeal of the denial for a Certificate of Appropriateness case #HPC201400788, 953 Canton St., Roswell Provisions.

Presented by Bradford D. Townsend, Planning & Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating this is an appeal of a Historic Preservation Commission (HPC) denial to approve a Certificate of Appropriateness for 953 Canton Street, Roswell Provisions. Door and shutter alterations were placed on the entry of this location prior to a Certificate of Appropriateness and the applicant requested after the fact approval from the HPC. Mr. Townsend displayed a photograph on the overhead and pointed out the shutters as well as the additions to the door that the applicant requested. The HPC denied the request. This is an appeal to the denial. The applicant is requesting that the shutters and the door material that was added remain. HPC is requesting that the shutters and the additions to the door be removed.

Council questions:

Councilmember Dippolito said he understands the shutters but he did not understand what occurred to the door. He asked Mr. Townsend to explain. Mr. Townsend pointed out on the photograph the wood that is placed around the window and on at the bottom of the door. Councilmember Dippolito said the door is the original door and the applicant applied wood to the front. Mr. Townsend replied it is an original door but the applicant applied the wood to the outside. Councilmember Dippolito said the green door is original and applied wood.

Mr. Townsend asked City Planner Courtney Lankford to come forward to address the question.

Courtney Lankford stated that the door is not original to the structure. It is a more modern door. The wood that has been applied to the door around the glass and the bottom panel is the new material that was applied that the applicant is seeking approval for. Councilmember Dippolito asked if that can be removed without destroying the door. Ms. Lankford replied the material should be able to be removed. It is a standard commercial door. If they wanted to have a different commercial door, they could ask for approval from the HPC. It is not a historic door so there would not be an issue to replace it with approval.

Mayor Wood asked if the applicant or someone representing the applicant is present. Mr. Townsend replied he did not believe so.

Councilmember Wynn asked to address a question to Judy Meer.

Judy Meer stated her address as 10850 Shagbark Trail in Roswell. She is Vice Chairman of the Historic Preservation Commission.

Councilmember Wynn asked if when this was denied, did HPC give a timeframe of when the shutters and other additions were required to be removed.

Ms. Meer said she does not recall that. It was not in the minutes of the meeting. However, when an applicant asks; it is generally 30-60 days.

Councilmember Wynn said depending on the motion, what would she be comfortable with as far as when this should be removed.

Ms. Meer replied 30 days.

Original Motion: Councilmember Wynn made a motion to uphold the Historic Preservation Commission which is the denial of the alterations to the entry door and the addition of the shutters on the doorframe. The shutters and the wood are to be removed within thirty days.

Mayor Wood said the denial of the appeal is an appropriate motion. He asked the City Attorney if the decision of the timing is something for Council to address or is that within the jurisdiction of the HPC. He asked if the appeal sets forth a date.

City Attorney David Davidson replied that if this is denied, it should be removed immediately. Councilmember Wynn has actually given them a little extra time.

Mayor Wood asked if the Council has the authority under the appellant process to give additional time. Mr. Davidson replied no sir. They either uphold it or deny it.

Councilmember Wynn withdrew the original motion.

Motion: Councilmember Wynn made a motion to uphold the Historic Preservation Commission which is the denial of the alterations to the entry door and the addition of the shutters on the doorframe. Councilmember Dippolito seconded.

Councilmember Orlans asked if Council would hear comments from the audience.

Mayor Wood stated this is an appeal. It is a little different than other matters. He said he would not ask public for comment. He said if Councilmember Orlans had a question for the public, he could ask them; he was not going to ask them. Councilmember Orlans said there is a resident who came and sat through the meeting tonight and she should at least have a chance to come up and say something. Mayor Wood said he would make an exception for someone who sat through all of that.

Mayor Wood opened the meeting for public comment.

Public Comment:

An unidentified speaker said most people come to complain about things but people who are for things should also come before Council. She said this is a business on the second floor of the prettiest building on Canton Street. Their business is as wide as Little Alley Steak and Provisions. They have one little door and a steep set of stairs to get to their business. They need every help they can get from the City to run a successful business. Maybe the shutters are a little extreme but they are attention getting. They have no windows and a very small area for signage. She said you can't go against the HPC but the applicant deserves a right to make their business better. She said she is for this.

No further public comments. The public hearing was closed.

Council Comment:

Councilmember Diamond asked if any alternatives were suggested in the meeting

where this was denied. She said the shutter not covering the door or appearance of it or workability of it was the primary issue as she understands it.

Judy Meer said they did not get into a discussion on that because they were not asked. Had the applicant come to them in the beginning with her request for a Certificate of Appropriateness on this, they would have worked with her as they have with anyone who has brought anything to them. Even when conceptual ideas are brought, they meet with them and try to work through things and make suggestions. She said the HPC would still do that if the applicant would come and apply now. She said the HPC would love to help her with her business. Ms. Meer said she understands the problem with having just a little narrow stairway and the fact that she wanted to make it more noticeable. However, that building is an extremely historically significant building, built in the 1870's. In the Roswell pictorial history, in 1994 the building looked almost exactly the same as it did in the 1890's picture. For all those years, it maintained that character. As the Commission, the HPC is charged to apply the guidelines. The guidelines state that shutters are to appear operable and to be the right size. If there were not shutters on there in the first place, then they should not be applied; the same with the door. The owner should try to maintain the original door or replace with something similar. When these were not done, the HPC had to deny. As she said, if the applicant had come before the HPC or comes now and asks for help on what she can do, the HPC would be happy to help her.

Councilmember Diamond asked if that is considered a minor or full application. Ms. Meer replied it would be a full application.

Councilmember Price asked if any approval was required or sought for the appliques in the windows. The reply was inaudible.

There was no further Council discussion.

Vote: The motion passed unanimously.

Mayor Wood said this Council wants to help the businesses. He does not see how their shutters help anybody. It is a personal preference but the HPC followed its own guidelines and he applauds that.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, to uphold the decision of the Historic Preservation Commission which is the denial of the alterations to the entry door and the addition of the shutters. The motion carried by the following vote:

In Favor: 6

10.

**Approval of Sidewalk Cafe extension, 957 Canton St., Zest.
Presented by Bradford D. Townsend, Planning & Zoning Director**

Planning and Zoning Director Brad Townsend presented this item stating that Zest has a sidewalk café expansion. He displayed a photograph on the overhead of the existing sidewalk café and pointed out the area that it will expand into. The existing café is 234 sq. ft. and the expansion is over 700 sq. ft. It will cover approximately 936 sq. ft. of the sidewalk in that location. It will meet the requirements of the Historic Preservation Commission (HPC) dealing with the type of posts and design as well as the ADA requirements of the minimum of the 5' pedestrian walkway. Staff recommends approval with three conditions.

Mayor Wood asked if the applicant agrees with conditions that staff is requesting. An unidentified speaker asked what the conditions are.

Mr. Townsend displayed the following conditions on the overhead:

- 1. The approved site plan is stamped "Received" by the City of Roswell Community Development Department on May 8, 2014.*
- 2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application.*
- 3. There must be two chains between each set of columns in order to meet ADA accessibility requirements.*

Mayor Wood asked again if the applicant agrees with the conditions. An unidentified speaker replied "yes." Mayor Wood said the answer is "yes."

Public comment invited. None were made.

Council Comment:

Councilmember Dippolito asked if the intention of the restaurant is to expand into the three spaces. Mr. Townsend replied they already have; they have an interior permit to expand. Councilmember Dippolito said this is just approving a sidewalk license but it must be in front of the restaurant. Mr. Townsend replied that is correct.

Councilmember Price referred to a picture in the Council materials of a table. She asked if that is of any relevance to this request. Mr. Townsend replied it is probably one that they provided to staff in meeting the HPC requirements. Councilmember Price asked if that is an HPC approved table or does it have to be. Mr. Townsend replied it is a standard table.

There was no further Council discussion.

A motion was made by Council Member Wynn, seconded by Council Member Orlans, that the sidewalk cafe extension be approved with the 3 staff recommendations:

- 1. The approved site plan is stamped "Received" by the City of Roswell Community Development Department on May 8, 2014.**
- 2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application.**
- 3. There must be two chains between each set of columns in order to meet ADA accessibility requirements.**

The motion carried by the following vote:

In Favor: 6

11. Approval of a Resolution to Transmit the Short Term Work Program (STWP) and the Capital Improvement Element (CIE) covering the five year period 2014-2019 to the Department of Community Affairs and the Atlanta Regional Commission.

Presented by Bradford D. Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend presented this item stating that staff recommends approval by Council of this Resolution to Transmit the Short Term Work Program (STWP) and the Capital Improvement Element (CIE) to the Department of Community Affairs (DCA) and the Atlanta Regional Commission (ARC) for their annual review.

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

A motion was made by Council Member Wynn, seconded by Council Member Diamond, that this Resolution to transmit the STWP and the CIE to the DCA and the ARC be approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-06-24

Recreation and Parks Department - Councilmember Betty Price

12. Approval of an Intergovernmental Agreement (IGA) between the City of Roswell and Fulton County for a portion of the property owned by Fulton County abutting Garrard Landing.
Presented by Joe Glover, Director of Recreation, Parks, Historic and Cultural Affairs

City Administrator Kay Love presented this item stating she has dealt with Fulton County on a few of these changes. Council approved the agreement on May 12, 2014 as a Land Use Agreement with certain provisions. That was transmitted to Fulton County and they came back with changes. Staff is bringing it directly to Council to save time. The Land Use Agreement that was approved on May 12, 2014 was a 25 year term. Fulton County has requested a 10 year term with two 5 year renewal options. That would be a 20 year total term with the ability to renew in the future upon agreement.

Ms. Love said the City had an item #12 in the original Land Use Agreement that required Fulton County to pay the City the fair market value for any improvements that the City makes on the property. Fulton County struck that item. Fulton County also added language to require that the City get approval for any improvements on the property before making any improvements which the City would do anyway in coordinating with Fulton County.

Ms. Love said the instrument is now an Intergovernmental Agreement (IGA) as opposed to a Land Use Agreement which is just the form of the agreement.

Council Comment:

Councilmember Price asked if there are two agreements in the Council materials.

Ms. Love replied the original Land Use Agreement that Council approved is in the materials for reference. There is only one IGA.

Councilmember Price referred to page 2, section 2 of the IGA, "All uses of the Property shall be limited to passive recreational uses..." She asked if there is a definition of that or does that in any way limit "active" recreational uses.

Recreation and Parks Director Joe Glover said their discussion with Fulton County on the "passive" uses would be just to build a trail in order to have a 5K route for special events. That is the only discussion that staff has had with Fulton County. They have only talked about is "no recreational facilities" and no "active ball fields" or anything of that nature. This is really just a trail.

Councilmember Price said the City would not be limited to having races.

Mr. Glover replied, no and as far as the trail is concerned, the City can have races, walks or runs on that site.

Councilmember Price said that does not violate that section. Mr. Glover replied "no, mam." Councilmember Price said she is not sure there is anything in the agreement that gives the City's intent of how to use the property.

Kay Love said it states for "use for a trail" and Fulton County is aware that the City's intent is to build a trail.

Mr. Glover said they have told Fulton County that the City wants to build the trail mainly for use of special events on weekends. It would just be a trail system anytime that it is open to the public. The City will be in contact with Fulton County with the design and staff would like them to help with the design to make sure it is in the area that Fulton County wants this to be in and stay away from areas they do not want this in. Staff will work very closely with Fulton County on the design.

There was no further Council discussion.

A motion was made by Council Member Price, seconded by Council Member Orland, that this IGA between the City of Roswell and Fulton County be approved. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

13. Recommendation for closure to discuss personnel and real estate.

A motion was made by Council Member Wynn, seconded by Council Member Diamond, that recommendation for closure be approved. The motion carried by the following vote:

In Favor: 6

Adjournment - Meeting adjourned at 11:40 p.m.