



# 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, October 28, 2013

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

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Human Resources Director Dan Roach; Human Resources Benefits Manager Karin Grindstad; Finance Director Keith Lee; Deputy Finance Director Nancy Klingman; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Water Resources Engineer Alice Champagne; Environmental Programs Manager/Executive Director of Keep Roswell Beautiful Janet Liberman; Transportation Director Steve Acenbrak; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Mayor's Executive Assistant Robyn Kenner; Executive Assistant Chris Ward; Administrative Assistant Winfrey Sullivan; Community Relations Manager Julie Brechbill; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Tim Thompson; Deputy City Clerk Betsy Branch.*

**Pledge of Allegiance - Christana Wagner, Valentina Calle, Lindsay Backus -  
Fulton County TAG High School Interns currently working in City Departments**

**Presentation of Colors - General Raymond G. Davis Metro Atlanta Young Marines  
and the Sons of the American Revolution**

**CONSENT AGENDA**

1. **Approval of the September 23, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on October 14, 2013); Approval of the September 30, 2013 Special Called Mayor and Council Meeting Minutes (to replace the Council Brief approved on October 14, 2013); Approval of the October 14, 2013 Mayor and Council Meeting Brief.**  
*Administration*  
Approved
2. **Approval of the 2014 Calendar of Mayor and Council and Committee Meetings.**  
*Administration*  
Approved
3. **Approval for the Mayor and/or City Administrator to sign a change order with Jacobs Engineering Group, Inc. to the contract for Water Plant Design Services in an amount not to exceed \$44,500.**  
*Public Works/Environmental*  
Approved
4. **Approval of a policy to accept polystyrene at the Roswell Recycling Center.**  
*Public Works/Environmental*  
Approved
5. **Approval of a Resolution to Accept the FY 2013 Bulletproof Vest Partnership (BVP) Grant in the amount of \$7,012.63.**  
*Public Safety*  
Approved

**Approval of the Consent Agenda**

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

In Favor: 6

## REGULAR AGENDA

### Mayor's Report

**1. Reading of a Proclamation for National Red Ribbon Week.**

*Mayor Wood conducted the reading of the proclamation commemorating the establishment of the Red Ribbon Campaign by Congress in 1988, to encourage a drug-free environment. The Mayor urged all citizens of Roswell to join in the special observance of National Red Ribbon Week, October 23 through October 31. Mayor Wood thanked the General Raymond G. Davis Metro Atlanta Young Marines who support the Red Ribbon Campaign and foster a healthy, drug-free lifestyle*

**Recognized**

**2. Reading of a Proclamation for Veterans Day.**

*Mayor Wood conducted the reading of the proclamation honoring all Veterans for their service and sacrifice to our country, and contribution to national security. The Mayor expressed his appreciation to the Veterans employed at the City of Roswell.*

**Recognized**

**3. Reading of a Proclamation for the Administration and Finance Appreciation Week.**

*Mayor Wood proclaimed the week of October 28 through November 1, 2013 as Administration and Finance Appreciation Week at the City of Roswell, to recognize the talent and dedication of the employees who work in these two City departments. Councilmember Dippolito, liaison to the Administration Department, expressed his appreciation to the approximately 100 employees of Administration and Finance, "a quiet group that works primarily behind the scenes." Deputy City Administrator Michael Fischer agreed with Councilmember Dippolito and noted that the public reaps the benefits of the work done by the Administration and Finance Department. Mr. Fischer recognized Administration employees who were in attendance. Finance Director Keith Lee expressed appreciation to Mayor and Council for the recognition. He stated that much of the day to day work does go unrecognized; it does not bring the cutting of the ribbons, but certainly are things that people take pride in. Mayor Wood said the Finance Department has helped the City of Roswell achieve an AAA Bond Rating, which probably is the most valuable recognition the City has received during his administration. Mr. Lee agreed that it is a great recognition that has been achieved by only one other city in Georgia. Mr. Lee recognized Finance employees that were in attendance.*

**Recognized**

**4. Reading of a Proclamation for America Recycles Day.**

*Mayor Wood conducted the reading, and proclaimed November 15, 2013 as America Recycles Day in the City of Roswell. The Mayor encouraged all Roswell citizens to participate in various recycling efforts everyday throughout the year. The Roswell Recycling Center was recently awarded the Georgia Recycling Coalition's Spirit of Green Award for Outstanding Government Program. Councilmember Igleheart noted that polystyrene (a type of packing material) has been added to the list of*

accepted recyclable materials at the Roswell Recycling Center. Environmental/Public Works Director Stu Moring stated the City of Roswell is blessed to have so many environmentally conscious citizens who participate well in the recycling program, but there is still a long way to go; statewide there is a lot of material that could be recycled. America Recycles Day is an occasion to educate people and to remind them of the opportunities that exist to recycle both at curbside and at the Roswell Recycling Center. Roswell will recycle a broad variety of materials. Mr. Moring expressed appreciation for the support of Mayor and Council.

*Public comment:*

Janet Russell thanked Mayor and Council for acknowledging the recycling program in the City of Roswell. She said she tells folks when they move here that there is mandatory recycling at the curb. Ms. Russell stated the City did not come up with the idea of a recycling center; she and Kathy Schechter actually were the ones who came up with the idea. She said young people can make a difference if they stick with their ideas or dreams and work hard to achieve those. Ms. Russell stated the City does a good job with the recycling center, and that Environmental Programs Manager/Executive Director of Keep Roswell Beautiful Janet Liberman also does a good job.

**Recognized**

**5. Approval of an Historic Preservation Commission appointment - Tom Lynch.**

*There was no discussion of this item.*

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

**In Favor: 6**

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

**6. Approval of a Resolution to adopt the City of Roswell Defined Contribution Pension Plan and approval of Budget Amendment 60215402-10-28-13 authorizing the distribution of pension plan transition funds in the amount of \$468,000 from the Group Health Fund to the affected funds.**

*Presented by Dan Roach, Human Resources Director*

*Councilmember Dippolito introduced this item. Human Resources Director Dan Roach explained that this item is to seek Mayor and Council approval to establish the City's Defined Contribution Pension Plan for individuals hired on or after March 1, 2011. Mr. Roach stated, "As you know we have a Defined Benefit Pension Plan that was frozen to new entrants effective with that date. This plan will be the complimentary plan, if you will, for those individuals hired on or after that date." He explained that in FY 2012, funds were set aside to allow for the catch-up provisions or the back payment of monies owed into the pension fund once it was established. Mr. Roach stated, "That budget amendment seeks to transfer the funds from the Group Benefits Fund to the individual funds through which employees are employed who will fall into the Defined Contribution Pension Plan."*

*Council questions:*

Councilmember Price said, "I see that there is \$322,772 left once this money is taken out, which I assume once it is taken out it will retire any needs that we have based on the transition. Is that correct?" Mr. Roach stated he was not certain he followed the question. Councilmember Price replied, "There is a remaining balance in that fund of \$322,000, so do we need to take any more of that out?" Mr. Roach replied, "The transition costs that were budgeted in FY 2012 were rolled forward to FY 2013 and 2014. The additional funds in this current fiscal year we budgeted the remaining amount that would cover the ongoing contributions to the Pension Plan. As we discussed previously, this is kind of a moving target. At the time that we met in Committee, we had hired already 108 individuals into the new plan with 92 of those remaining and are employed. The very next morning we had 2 new police officers join us. That number is a bit of a moving target for us. The back payment and the catch-up provision we think is well accounted for with the transition costs that we budgeted. It is the amount going forward from December 1 when we go live, through the remainder of this fiscal year, which is a bit of a moving target. I may have to defer to Mr. Lee in Finance regarding the budget amount." Mr. Roach said staff feels comfortable, as was discussed in Committee if all individuals participate at the highest level of participation; we anticipated that we might come in \$11,000 over budget. He noted that there are individuals who leave the City's employ before vesting. There are also new individuals being hired into the plan. Mr. Roach reiterated that it is a bit of a moving target and is estimation at best, at this point. Councilmember Price replied, "What is the estimated figure. Is this calendar year or fiscal year?" Mr. Roach replied, "The contributions that are budgeted for are covering the fiscal year. The back payment is included in the transition costs that are being distributed through this budget amendment. There is an additional amount that is budgeted in the current fiscal year budget in the individual funds that the employees are employed through that would meet the obligations for December 1, going forward." Councilmember Price said, "Okay. So, you don't anticipate anything left from that \$322,000." Mr. Roach replied, "I apologize. I am not sure where the \$322,000 is coming from." City Administrator Kay Love replied, "Councilmember Price, we don't anticipate anything being left over from the transition costs. We expect the entire \$468,000 to be used. Once we know at what percentage the employees are going to participate for their voluntary contribution, we will have a better idea. Moving forward, the cost of the plan will be the percentage of payroll. The 10% of the plan that is the employer share, plus 5% that is the matching amount. Whatever the amount of covered payroll for that annual or a fiscal year, will be budgeted. We don't know what that is yet until we get into the budget process."

Public comments were invited. No public comments were made. No further discussion.

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

In Favor: 6

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

7. **Approval of a Text Amendment to Chapter 3, Alcoholic Beverages, Sections 3.1.2 and 3.2.5 of the City of Roswell Code of Ordinances and Article 6, Chapter 6.4, C-3, Highway Commercial District of the City of Roswell Zoning Ordinance to allow for Microbreweries. (First Reading)**

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

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this text amendment would add the use of a microbrewery to C-3 Designation within the current Zoning Ordinance, as well as add appropriate definitions in the Alcoholic Beverage Section of the City Code. Staff recommends approval of this action.*

*Council questions:*

*Councilmember Price said, "I understand that we have not had any provision for a manufacture of any kind prior to this, is that correct?" Mr. Townsend replied yes, that was his understanding. Councilmember Price said, "There was some reference in the Planning Commission minutes that there was an establishment in Roswell that was producing its own beer. Is that just somehow a slip through the cracks or was that not documented or?" Mr. Townsend replied, "I didn't know of that reference." City Attorney David Davidson replied, "They are actually a restaurant. They have a consumption on the premises license. This is to allow for just a microbrewery that is not going to be serving individuals at the establishment." Councilmember Price replied, "I understand that but the difference between a microbrewery and manufacturing, apparently there is a distinction in the Georgia law that apparently we did not have an ordinance or did we not need to have one but we are just sticking it in there, or?" Mayor Wood replied, "My understanding is we did not have a provision to allow for the brewing and distribution offsite, of beer. This is a new category." Councilmember Price said, "So, the manufacture in a restaurant they could do it under their pouring license?" Mayor Wood replied, "By state law there is a different category. If you brew it and sell it on site, you are under one category. If you brew and distribute you cannot sell it on site. State law distinguishes the two."*

*Councilmember Wynn directing her comments to Mr. Townsend, said, "One of the things the Planning Commission brought up is the definition. It has 'distilled spirits.' Would this allow for any type of distillery?" She noted that was a question that Planning Commission asked. City Attorney David Davidson replied, "The definition that we have is the definition of manufacturer, and the subset of that will be the microbrewery. That is only for malt beverages. Malt beverages are beer, basically. It is not distilled spirits." Councilmember Wynn said it would be beer, ale, and lager; she asked if it will only be for malt beverages. Mr. Davidson said, "The only thing we are allowing in the C-3 zoning is the microbrewery, which by definition is malt beverages only." Councilmember Wynn said, "When we were talking about Aqua Blue being able to manufacture the beer, but they are selling it per drink." City Attorney David Davidson said "Per drink, at the establishment." Councilmember Wynn replied, "They are not selling kegs or bottles for distribution to others." Mr. Davidson replied, "Right. They are not a retail establishment." Councilmember Wynn said that was what she needed clarification on.*

*City Attorney David Davidson conducted the first reading of the ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES AND ARTICLE 6, CHAPTER 6.4, C-3, HIGHWAY COMMERCIAL DISTRICT OF THE ROSWELL ZONING ORDINANCE stating: the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendments:*

*1.*

*Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by adding to Article 3.1, In General, Section 3.1.2(d), Definitions, new definitions to read as follows:*

*"Manufacturer" means any maker, producer, or bottler of an alcoholic beverage.*

*The term also means:*

- (A) In the case of distilled spirits, any person engaged in distilling, rectifying or blending any distilled spirits;*
- (B) In the case of malt beverages, any brewer; and*
- (C) In the case of wine, any vintner.*

*"Microbrewery" means a manufacturer of malt beverages that produces fewer than 15,000 barrels per year.*

*Chapter 3, Alcoholic Beverages, is further amended at Article 3.2, Licensing, by adding a new Section 3.2.5, Manufacturer, to read as follows:*

*Section 3.2.5 Manufacturers.*

*Any manufacturer of alcoholic beverages who is licensed by the State of Georgia and who has a place of business in the city shall procure a license under the same provisions applicable to retail licenses. The license fee for a resident manufacturer shall be set by the Mayor and Council and approved by Resolution.*

*2.*

*Further, the Zoning Ordinance of the City of Roswell is hereby amended regarding the uses permitted in C-3 zoning category. Article 6, Office and Commercial Zoning Districts, Chapter 6.4, C-3, Highway Commercial District, Section 6.4.2 Permitted and Conditional Uses is amended to provide that*

*"Microbrewery" be added to Table 6.1 as a "Permitted Use" in zoning category C-3 and "not permitted" in all other zoning categories.*

*Mr. Davidson stated that if approved, this would be the first reading.*

*Motion: Councilmember Diamond moved for Approval of a Text Amendment to Chapter 3, Alcoholic Beverages, Sections 3.1.2 and 3.2.5 of the City of Roswell Code of Ordinances and Article 6, Chapter 6.4, C-3, Highway Commercial District of the City of Roswell Zoning Ordinance to allow for Microbreweries. (First Reading) Councilmember Wynn seconded. Public comments were invited. No public comments were made.*

*Further Council discussion:*

*Councilmember Price said, "Did we sort out the numbering because it looked like it was going to be very complicated if we just moved all the other numbers down or were we going to try to expand one of the ones that is already there." Mr. Davidson replied, "This simply calls for them to re-number the Code of Ordinances. We are putting this as a type of license allowed, so it will go under that section and all the other sections will just move down. Muni Code does that for us. There is a provision in this ordinance to re-number the Code." No further questions.*

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 11/13/2013. The motion carried by the following vote:**

**In Favor: 6**

**8. Approval of an Amendment to Chapter 10.3, Occupation Taxes, Article 10.3.4(a)(1) of the City of Roswell Code of Ordinances. (Second Reading)**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Diamond introduced this item. Community Development Director Alice Wakefield stated this is an amendment to the provision of the Code of Ordinances that establishes the cost for the business license. This amendment is intended to clarify the cost. A business will pay \$95 as an initial fee, and \$5 for each employee. Ms. Wakefield stated the way it is currently structured causes confusion. Staff recommends approval.*

*City Attorney David Davidson conducted the second reading of an ORDINANCE TO AMEND CHAPTER 10, OCCUPATION TAXES, ARTICLE 10.3.4(a) (1) OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL stating: the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendment:*

*1.*

*The Code of Ordinances of the City of Roswell, Chapter 10, Occupation Taxes, Article 10.3.4.(a)(1), shall be amended by deleting said Section in its entirety and replacing said Section with a new Section 10.3.4.(a)(1) which shall read as follows:*

*Section 10.3.4 (a) Occupation Tax Levied: Limitations.*

*(1) Ninety-five (95) dollars plus five (5) dollars for each employee.*

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

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

**In Favor: 6**

**Environmental / Public Works Department - Councilmember Kent Igleheart****9. Approval of a Resolution to submit the necessary documents to the Georgia Environmental Protection Division (EPD) to apply for a Section 319(h) Fiscal Year (FY) 2014 Grant.**

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

*Councilmember Igleheart introduced this item. Environmental/Public Works Director Stu Moring said this will implement some low impact development type activities in the Groveway Community, the City's targeted re-development area. Mr. Moring explained that as a part of the project, it will demonstrate that specific technology and will have credits available to sell to private developers whose property is limited in their ability to manage stormwater. The money that comes in from the purchase of those credits will go into a revolving fund; the hope is that it will continue to build and create further opportunities for green infrastructure. This will be a 50-50 match. Mr. Moring said this would be to apply for a grant of \$200,000; a total project cost of \$400,000. He said the money has been identified in the grant match contingency fund. Mayor Wood said, "Would this need to come back to Council for a vote, if the grant is awarded to come back to Council for approval for our side of the match?" Mr. Moring replied, "I think if it is awarded, it will be next year and there will be specifics. Mr. Davidson would probably have to comment on the need to bring it back for a vote." Mr. Davidson confirmed that it would be brought back to Mayor and Council. No further Council discussion.*

*Motion: Councilmember Igleheart moved for Approval of a Resolution to submit the necessary documents to the Georgia Environmental Protection Division (EPD) to apply for a Section 319(h) Fiscal Year (FY) 2014 Grant. Councilmember Price seconded. Public comment invited.*

*Public comment:*

*Janet Russell, said she was somewhat confused by this. Ms. Russell said, "We are asking for \$200,000 from the state, the county, somebody, and we are going to match them with \$200,000 so that we don't have to have developers pay stormwater management fees but every citizen gets on their water bill a \$7.95 charge for stormwater management. Is that what I just heard?" Mayor Wood said, "If that is what you heard, we probably did not make it clear. The concept is to come forward with some stormwater management projects that if a developer came in and was having to do stormwater management projects on site, rather than doing them on his site at his cost, it has nothing to do with the impact fee, he could pay the City to do this sort of water clean-up downstream, they would have to meet the same requirements for keeping the water quality the same, and the detention the same. It is an effort recognizing we have got small lots in the parts of town, a dense community. It is trying to say is there a way to have shared stormwater treatment and detention facilities. This would be able to say there is some way to do it offsite, and have the developer, rather than doing onsite, pay us for the cost of what it would cost onsite. We don't have the specific plans. As was said, it would come forward with a specific proposal. Before we move forward, Council would have to approve the expenditure. This is to try to say there is an effort to try to do this. I have always been a big proponent of shared detention facilities offsite; it is easier to maintain and more cost effective." Ms. Russell replied, "So what we are doing is we are offering developers a discount." Mayor Wood replied, "No, we are offering developers, rather than doing it on their property, we are saying if you will pay us, we will do it for you, but it is not a discount." Ms. Russell replied, "This City is not known for paying the*

best price.” Mayor Wood replied, “My guess is, if it costs the developer more to do it with the City, then he will do it onsite. The developer would be given the choice of doing it onsite or doing it through the City.” Ms. Russell asked if this money would be limited to only the Groveway development. She noted that a citizen on Alpine Drive, who is an engineer, had recently spoken about development going on that is causing flooding. She said the City needs to make sure that this money is equally available to anyone who needs it, not just Groveway Development. Mayor Wood replied, “There has been no specification at all. We have not identified an area in which we will do this. We will look at a pilot program at the time. We will have a discussion of where it would be there. There is no specific site in mind yet. This will come back to Council with a specific proposal, there will be a public hearing on that matter and you will have an opportunity to address it when it comes back, if it comes back. We haven’t gotten the grant yet.” No further discussion.

**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

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

#### **10. Approval of the Intergovernmental Agreement (IGA) between Fulton County and the City of Roswell for the 800 MHz Radio System Access.**

*Presented by Rusty Grant, Chief of Police*

*Councilmember Wynn stated there should be two corrections made in the agreement. Councilmember Wynn stated that on the first page regarding the number of radio units for use, the number 607 should be changed to 500; this should be changed in two places on the first page of the agreement regarding the number of radio units.*

*Councilmember Wynn introduced this item. Roswell Police Chief Rusty Grant confirmed that he had a corrected version of the agreement, which had been emailed to City Attorney David Davidson.*

*Chief Grant stated this is the IGA between Fulton County and the City of Roswell for the current radio system that the City of Roswell utilizes every day for Fire and Police. Chief Grant noted, that the City is in the process of creating a new radio system. This does not affect the new radio system. The cost for 500 radios will be \$86,298, from January 1, 2014, until December 31, 2014. Chief Grant noted that the agreement does contain a clause that allows for reimbursement to the City should the new radio system be up and running before December 31, 2014.*

*Council questions:*

*Councilmember Price asked what was paid this year. Chief Grant replied that he was not certain exactly but it would have been more than this figure because there were more than 500 radios on the system. Councilmember Price asked if the rate was comparable, lower or higher. Chief Grant replied, “The number that I am aware of before the 500 was 607. It would have been just over \$100,000 for this current.” Councilmember Price said that is this year, but what about last year. Councilmember Wynn clarified that the previous amount for 607 radios was \$104,756.06, as shown marked out on the agreement in the Council packet. No further questions or discussion.*

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

In Favor: 6

**City Attorney's Report**

**11. Recommendation for closure to discuss personnel and real estate.**

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

In Favor: 6

**Adjournment - with no further business, the Mayor and Council meeting adjourned at 7:45 p.m.**