



# 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, August 9, 2010

7:00 PM

City Hall

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### WELCOME

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

### Pledge of Allegiance

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Fire Chief Ricky Spencer; Deputy Chief Charles Booker; Deputy Fire Chief Tony Papoutsis; Fire Marshall Paul Piccirilli; Administrative Assistant Donna Dobson; Environmental/Public Works Director Stuart Moring; Environmental Education Specialist Laura Aikens; Community Development Director Alice Wakefield; Community Development Deputy Director Clyde Stricklin; Planning & Zoning Director Brad Townsend; Economic Development Manager Bill Keir; Director of Transportation Steve Acenbrak; Transportation Deputy Director David Low; Transportation Planning Manager Chris Chovan; Community Relations Manager Julie Brechbill; Building Operations Technician Doug Heieren; and Deputy City Clerk Betsy Branch.*

### CONSENT AGENDA

1. **Approval of July 12, 2010 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on July 26, 2010) and approval of July 26, 2010 Council Brief Minutes.**  
*Administration and Finance*  
Approved
2. **Approval to award a design contract to PB Americas Inc. in the amount of \$71,168 for the Holcomb Bridge Road over GA 400 Pedestrian Improvement project.**

*Transportation*

Approved

3. **Approval to award a design contract to Clark Patterson Lee in the amount of \$59,526 for the Sidewalk Gap Closure - Batch #1 project.**

*Transportation*

Approved

4. **Approval to award a design contract to Gresham Smith & Partners in the amount of \$41,260 for the Sidewalk Gap Closure - Batch #2 project.**

*Transportation*

Approved

5. **Approval to award a design contract to URS Corporation in the amount of \$35,096 for Bus Stop Amenities.**

*Transportation*

Approved

**Approval of the Consent Agenda**

*Motion: Councilmember Wynn moved to approve the Consent Agenda. Councilmember Orlans seconded. Public comment invited, none was heard. The motion passed unanimously.*

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

**In Favor: 6**

**REGULAR AGENDA****Mayor's Report**

1. **Proclamation of Deputy Fire Chief Charles Booker.**

*Mayor Wood presented a proclamation honoring Deputy Fire Chief Charles Booker who retires August 16, 2010, after serving 45 years with the Roswell Fire Department; his began his career with the Roswell Fire Department as a volunteer firefighter. Fire Chief Ricky Spencer expressed his gratitude for Deputy Chief Booker's many years of loyal service and dedication to the safety and well being of Roswell's citizens. He noted that Deputy Chief Booker's efforts helped to pave the way for the entire Fire Department. Members of the Roswell Fire Department were in attendance to honor him.*

**Mayor Wood read the proclamation.**

2.

**Approval of a Resolution of the City of Roswell to oppose "One Penny Sales Tax" as currently proposed.**

*Mayor Wood stated this resolution regarding the Transportation Act was intended for Council's review and consideration; it is not really an opposition to a tax, but is a request to revise what has been proposed. Mayor Wood stated this resolution was drafted by the North Fulton Municipal Association, a combined effort of Eva Galambos, Mayor of Sandy Springs, Mike Bodker, Mayor of Johns Creek and Mayor Wood. Their position is consistent with all other mayors in Fulton County, with the possible exception of Kasim Reed. The group has had numerous discussions about our position regarding this transportation bill.*

*City Attorney David Davidson conducted the reading of the RESOLUTION OF THE CITY OF ROSWELL TO OPPOSE "ONE PENNY SALES TAX" AS CURRENTLY PROPOSED, stating "WHEREAS, the citizens of Fulton and DeKalb Counties have for more than 30 years paid a one penny sales tax on every dollar spent to build and maintain a regional transportation system, the Metropolitan Atlanta Regional Transit Authority, and*

*WHEREAS, MARTA benefits all of the citizens of metropolitan Atlanta by carrying them to their jobs and schools by reducing the number of cars clogging metropolitan Atlanta's roads, and by reducing air pollution, and*

*WHEREAS, the legislature has proposed an additional one penny sales tax to pay for regional transportation projects in metropolitan Atlanta, expressly excluding MARTA, and*

*WHEREAS, under the State's proposal the citizens of Fulton and DeKalb counties will have to pay two cents in sales tax for regional transportation projects, while their neighbors in Cobb, Gwinnett, Cherokee, Clayton, Douglas, Fayette, Henry, and Rockdale Counties will only have to pay a one penny sales tax for regional transportation:*

*NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Roswell oppose the imposition of an additional one penny sales tax for transportation in Fulton and DeKalb Counties unless the surrounding counties form and fund a regional transit system or, in the absence of such action, the Legislature passes legislation requiring the surrounding counties to form and fund a regional transit system.*

*Councilmember Wynn inquired about the version of the resolution Council received in their packets versus what the City Attorney had just read. Mr. Davidson repeated reading the last paragraph of the resolution. Mayor Wood confirmed there had been a late revision to the resolution; Council's packet did not include all of the proposed language by the mayors.*

**Council questions:**

*Councilmember Orlans stated his recollection was that it would be another year or two before there would be vote on this. Mr. Davidson replied it would be in 2012, if a referendum occurs. Councilmember Orlans thought that considering the length of time the legislature has to address this yet, the resolution may be premature. He stated "I think we all have some concerns about the bill, the way it has gone so far." Hopefully, during the next legislative session, this will be addressed, still providing a year and a half before the referendum. He noted that he had not yet read the bill.*

*Councilmember Orlans suggested that perhaps Todd Long could attend a Council work session regarding this bill and asked Council to consider tabling the resolution until more information is available, or until the time of vote is closer and we have tried to work with our legislators in the upcoming session.*

*Motion: Councilmember Orlans moved to table the resolution.*

*Mayor Wood responded to Council Orlans stating "The reason I am bringing it forward right now is the legislators need to know what our position is. So, if the position is that we don't mind paying an extra penny, I would support your position. But the list of projects and the debate is going on now. If we wait until after the debate to take a position, it's too late. I was asked by someone, 'Well, let's wait awhile before we take position; let's not bring the subject up.' Well, if we don't bring the subject up now, we've waited 30 years; we might wait another 30 years. I believe we need to take a position, so I'm saying let's cease being conservative and cautious; let's cease saying let's not make any waves, let's take a position and say where we stand. Councilmember Orlans, I believe if you defer this, you will be saying 'We don't want to take a position; we want our legislators to take a position, we are afraid to take a position.' I am not afraid to take a position, I think we need to take a strong position, and I believe by inaction, it would be saying we are not taking a position. Councilmember Orlans, not taking a position is not accepting your responsibility and saying 'I am fine with continuing to pay a penny.' I am not fine with that, I am adamantly opposed to us taking the burden and if this Council is not willing to stand up now, when will you be willing to stand up. If you've got some questions, I will be glad to answer them, but if you are saying 'I don't want to take a stand' Councilmember Orlans, we are elected to take stands."*

*Councilmember Orlans responded "All I am saying is, there is a lot more information to get. You may have your opinion set. I am saying I don't think this is the time for the Council, in my opinion, and we have five other opinions here, to actually vote on your resolution at this point in time."*

*Mayor Wood stated "Councilmember Orlans I would remind you it is a resolution which has been proposed by the North Fulton Municipal Associations and not my resolution. If the Council does not wish to take a position, that is their call."*

*Councilmember Price asked what other municipalities are on board with the resolution; did this come out of the North Fulton Municipal Association.*

*Mayor Wood stated "Mountain Park has passed it. Sandy Springs has deferred it. It is up for consideration. I spoke with Bodker today, he supports this language. This was revised with his amendment. I am not sure what their Council is going to do, or what Milton Council is going to do, and I'm not sure what this Council is going to do. I know what my position is."*

*Councilmember Dippolito said "I guess I would have appreciated a little bit of a heads up on this so I knew it was coming forward, so I could take a look at the bill, because like Councilmember Orlans, I haven't even had an opportunity to look at the bill. Why did Sandy Springs defer their vote?"*

*Mayor Wood stated he was not present at the meeting and could not provide an answer. He said "I know that Mayor Galambos is supporting this position, but their Council choose to defer it and not to vote, but I couldn't tell you why."*

*Councilmember Dippolito stated he understood that a draft will be provided on August 15th of each region's project and program list. He said "So, I think there is some*

*additional information forthcoming. It seems like we are putting the cart before the horse, particularly because we haven't had an opportunity to read the legislation. I agree with Councilmember Orlans, we need to make an informed decision and right now we have nothing except a resolution. We don't have any of the information."*

*Mayor Wood replied "I am sorry that Mr. Dippolito and Mr. Orlans were not able to read this resolution. It was passed in the legislative session. It has been a big subject of discussion, and I hope you will take an opportunity to look at it. As far as the list of projects, it's not going to affect the basic problem with this. The basic problem with this is we are going to be paying two pennies and everybody else is going to be paying one penny, for a regional solution. I was talking to someone today and they said 'Well, the counties that don't ride MARTA why should they pay for MARTA?' Everyone who drives on our roads should pay for MARTA because that is taking traffic off the roads and without MARTA we would have grid-lock. If this city and if this county does not take a stand we will be paying another penny, an extra penny, as opposed to our neighbors for another two years. So, I hope if the Council does defer it, they will take the time to read what the legislature has passed. I hope you will take that time. It has been available and I hope you will take the time to read it."*

*Councilmember Orlans said "I don't necessarily disagree with the idea that that's not the way to go as far as us paying two cents versus other areas paying one cent. That is not what I am trying to say. I am trying to say we need to work with our legislators. There are a lot of things we need to look at for transportation and I am just saying that tonight is not the night to jump into your resolution. Learn more about it."*

*Councilmember Wynn said "I think we had issued a letter, during the legislation, terms regarding our concerns about this extra penny sales tax. I think one of the things that had been brought up was to have Fulton County and Dekalb County exempt from the one cent sales tax if we were obligated to pay the MARTA sales tax. I just wanted to know where that train of thought had ended up, since I did not see that in the resolution. My understanding with the resolution is we are saying yes to MARTA or regional transportation system, but no other options. I was curious about that option; if we want to put it into the resolution."*

*Mayor Wood replied "That would be appropriate to add if that is the direction to go. The key to this resolution is it is saying we oppose the imposition of an additional one penny sales tax. Unless the surrounding counties also participate in regional transportation or the legislature changes it. The legislature changes this to exempt Roswell, from that one penny that would be included in this resolution. So, the resolution is not saying we oppose the one penny, the resolution is not saying which project should be done, it is simply saying it is inequitable for Roswell to be paying two cents and East Cobb residents, who are getting the same benefits are paying one penny."*

*Councilmember Wynn replied she understood and appreciated the Mayor's statement regarding this legislation and surrounding counties to form and fund a regional transportation system, or the legislature passing legislation requiring the surrounding counties to form and fund a regional transit system. She further stated "I don't see any other options about exempt. I would like to be able to maybe to hash this out a little bit more about exactly where we want to go with this. I don't know if I want to just tie it all into a regional transit system, but if there is a way we could be exempt from that other penny, because to me, it is not economically feasible for Fulton and Dekalb to be paying two cents more when everyone else is paying one. I am just trying to find other options."*

Mayor Wood replied that if the legislature passed that other option, he would support it.

Councilmember Diamond stated "It seems like we are on two different arguments and we keep going back and forth between them. I came ready to talk about the resolution, which I think is pretty much what we have said since the retreat back in the winter; that we were pretty much on the same page as that. I would be interested to hear from the gentlemen here, who are a little closer to it, as far as the timing, and help us to understand that a little bit more."

No further Council comments.

Public comment:

Michael Paris, President and CEO of the Council of Quality Growth, stated the Council of Quality Growth represents industry interest across the region. They have been involved in the transportation issues for a long time and worked very hard in the past legislative session to see House Bill 277 passed; the Council of Quality Growth is pleased with the outcome. House Bill 277 it is not perfect for everybody but it does set us on the right track to help solve our transportation problems in the region. Mr. Paris clarified that the vote does not occur for two years, July 2012. He noted they have been involved with many other groups in the region, including the Chambers and others in public groups, and are just now beginning to form how to go forward. He explained that a lot of work will have to take place; the bill calls for round tables in the project selection process, which is fairly complex. The companion piece is how we educate ourselves, all of us, as to what that means, how we get the public in each part of the region understanding what it means to them. This is the very beginning of the process. Mr. Paris noted that he understands the problem, and certainly understood the Mayors' concerns about the one cent versus two cents and the burden that Fulton and Dekalb counties have carried over the years. Mr. Paris said "We do have a concern that this a little premature, and we would certainly offer our help and of others in our groups to come and work with you all and try to understand what the bill is about and going forward, what the best steps would be."

Al Nash, member of the GRETA Board and former Chairman of the Council for Quality Growth, stated "I want to be real careful not only for Roswell, that we jump too early and we are out and send a signal that we are opposed. I can share with you that living here as a citizen in Roswell and North Fulton, I share the same concerns that you have and we, when I say we, its been a collective as Michael described of the community working; there is going to be some refinement to 277 and I can tell you that this item that we are discussing has been thrown out there and there is some discussion with that. It will take the legislature this year to refine that. I want to be real careful. I am a little concerned with the way I heard Mr. Davidson read the resolution, that it sends a signal, a sound bite that we're opposed to it. I think you are opposed to it as 277 currently is, but if we can get this refinement done, and I think what Michael has offered is to let us try to work with the municipalities and the concerns and see if we can't work to get this to make a lot of sense. I am the first to say that we need a regional transit system; it does not make any sense to have two counties carry that. Michael and I would be happy to answer any questions and we respectively request it possibly be tabled, or at least made clear that it is only opposing the MARTA piece of it."

Mayor Wood replied "Mr. Paris and Mr. Nash, I want to make it clear to you and to the press, that I do support a regional transportation tax. Any revisions to this to make that clear I would be open to, because that is my position, but it is also my position that it be an equitable tax. That would mean if it is a regional tax, we should all be paying the same amount for regional transportation. What I am hearing from you,

and I understand from the entire Council, is that we all recognize MARTA is part of a regional system and is an integral and essential part of the regional system. The legislature has said specifically in the bill the Metropolitan Atlanta Rapid Transit Authority shall not be authorized to use any of the proceeds from the special district transportation sales and use tax for expenses and maintenance and operation of the transportation system. The legislature has expressly excluded MARTA, and that is the part of the bill which I think we need to object to. I don't know of any other way to state an objection other than out front, and I object to it. I am open to any revisions that would make it clear that we are not opposing the regional transportation tax. I have supported that regional tax before Mr. Nash joined the GRETA Board and before Brandon Beach joined the DOT Board. The best time to begin a debate and raise a question is early on, to make a point. If this Council wishes to defer it to further refine the language, or not take a position, that is their voice, but I want to make it clear to everybody where I stand. I think I made that clear."

Mr. Nash said he respected the Mayor's position.

Ed Sendt, 1345 Parkmont Street, stated he hoped that within the next twenty years Roswell will be part of the whole "transportation scene."

Council comment:

Councilmember Wynn stated she supported the idea to defer the resolution until there is more specific language added. She agreed with the Mayor regarding an equitable tax; perhaps an option to be exempt from the one cent sales tax, and MARTA included.

Councilmember Wynn seconded the motion to defer.

Further discussion on the Motion to Defer

Councilmember Dippolito stated "I support the Regional Transportation Bill. It is important that this moves forward in form or fashion. I also agree with you Mr. Mayor, we need to have an equitable solution. What makes me very concerned is opposing the imposition of the one penny when we really don't understand how that impacts the surrounding counties and the equitable nature of all that. Perhaps, one way, is we support an equitable solution. So, we are supporting the House Bill but looking for some changes, recommending an equitable solution and pointing out that we don't feel this particular solution is equitable at this time, as drafted."

Councilmember Price noted that as the Mayor and Council meeting began, a GMA (Georgia Municipal Association) memo came through to them. She stated "I don't believe I have seen this before, asking for our comments by September 30th. So, if we defer tonight, I think we would have time to formulate a response that everybody would be comfortable with, or am I mixing up two different issues." Mayor Wood replied he could not tell what the issue in the memo was about since he had not read the memo she referred to. Councilmember Price responded "Maybe if we all read the memo, seeing that we just received it and it seems to be related, I would agree that we look at this, and take this matter up at the next meeting."

Mayor called for the vote on the Motion to defer, he noted that no specific date was clarified.

1st Amended Motion:

Councilmember Price moved to amend the motion for Council to take it up at the next meeting.

Mayor Wood clarified there was an amendment to the motion to take it up at the next

regular meeting of Mayor and Council. The motion to amend failed for a lack of a second.

Councilmember Dippolito said he did not think it was a good idea to leave it open ended; two weeks may not provide Council enough time.

*2nd Amended Motion: Councilmember Dippolito moved to amend the motion to bring this item back to Mayor and Council at the first meeting in September.*

*Councilmember Wynn seconded the 2nd Amended Motion. The motion passed 5:1.*

*Councilmember Dippolito, Councilmember Diamond, Councilmember Wynn; Councilmember Igleheart; Councilmember Price voted in favor. Councilmember Orlans was opposed. Councilmember Orlans stated "There are too many issues to coordinate and we don't know if we will have all of those things settled by the first week of September." Mayor Wood clarified that the motion is not to pass it at the next meeting, but to bring it back for discussion. Mayor Wood said "Councilmember Orlans, if this Council is not comfortable with taking a vote at the first meeting of September, you can make another motion to defer." Mayor Wood clarified that the amendment passed 5:1.*

*Vote on the Main Motion to Defer: The motion passed unanimously.*

*Mayor Wood asked that the Council members read and review House Bill 277. The Mayor directed City Attorney David Davidson to provide Council a copy of this house bill and his review of the bill. The Mayor further encouraged Council to consider all the options. The item will return to Mayor and Council on September 13, 2010.*

**A motion was made by Council Member Rich Dippolito, seconded by Council Member Becky Wynn, that this Item be Deferred and placed on the Mayor and City Council agenda for 9/6/2010. The motion carried by the following vote: Council Member Rich Dippolito, Council Member Nancy Diamond, Council Member Becky Wynn, Council Member Kent Igleheart, and Council Member Betty Price voted in favor. Council Member Jerry Orlans was opposed, wanting additional time to gather more information on House Bill 277.**

In Favor: 5

Opposed: 1

3. **Approval of reappointments to the Board of Zoning Appeals, Cultural Arts Board, Design Review Board, Historic Preservation Commission, and the Housing Authority.**

*Mayor Wood nominated Hayden Branch, Michael Brennan, Glenn Maggiola, and Lee Rainwater for reappointment to the BZA. Mayor Wood asked for any exceptions or oppositions to any of these appointments; none were heard. Mayor Wood nominated Lee J. Howard for reappointment to the CAB; no exceptions or oppositions to this appointment were heard. Mayor Wood nominated John Carruth and Roberto Paredes for reappointment to the DRB; no exceptions or oppositions to either of these appointments were heard. Mayor Wood nominated Judy Meer, Richard Hallberg, and Lonnie Mimms for reappointment to the HPC; no exceptions or oppositions to any of these appointments were heard. Mayor Wood nominated Jasper Tanner for reappointment to the Housing Authority; no exceptions or oppositions to this appointment were heard. No further discussion.*

*Motion: Councilmember Wynn moved for the Approval of the reappointments of Hayden Branch, Michael Brennan, Glenn Maggiola, and Lee Rainwater to the Board of Zoning Appeals. Councilmember Orlans seconded. The motion passed*



unanimously.

*Motion: Councilmember Orlans moved for the Approval of the reappointment of Lee J. Howard to the Cultural Arts Board. Councilmember Dippolito seconded. The motion passed unanimously.*

*Motion: Councilmember Diamond moved for the Approval of the reappointments of John Carruth and Roberto Paredes to the Design Review Board. Councilmember Dippolito seconded. The motion passed unanimously.*

*Motion: Councilmember Wynn moved for Approval of the reappointments of Judy Meer, Richard Hallberg, and Lonnie Mimms to the Historic Preservation Commission. Councilmember Orlans seconded. The motion passed unanimously.*

*Motion: Councilmember Diamond moved for Approval of the reappointment of Jasper Tanner to the Housing Authority. Councilmember Igleheart seconded. The motion passed unanimously.*

**A motion was made by Council Member Becky Wynn, seconded by Council Member Jerry Orlans, that the Board of Zoning Appeals reappointments be approved. A motion was made by Council Member Jerry Orlans, seconded by Council Member Rich Dippolito that the Cultural Arts Board reappointment be approved. A motion was made by Council Member Nancy Diamond, seconded by Council Member Rich Dippolito that the Design Review Board reappointments be approved. A motion was made by Council Member Becky Wynn, seconded by Council Member Jerry Orlans that the Historic Preservation Commission reappointments be approved. A motion was made by Council Member Nancy Diamond, seconded by Council Member Kent Igleheart that the Housing Authority reappointment be approved. The motion carried by the following vote:**

**In Favor: 6**

#### **Environmental / Public Works Department - Councilmember Becky Wynn**

**4.**

#### **Introduction of Keep Roswell Beautiful Green Business Designation Program.**

*Presented by Stuart Moring, Director*

*Stu Moring, Director of the Public Works/Environmental department noted that Roswell is fortunate to have many citizens with a great interest in protecting the environment. He stated the City of Roswell developed a sustainability program and was the first to receive the Silver Level designation for its sustainability program. Keep Roswell Beautiful (KRB), a volunteer organization of Roswell citizens, has developed a program to recognize those businesses in the community that are pressing forward with environmental improvement, stewardship, and sustainability. Mr. Moring stated city staff commends this program.*

*David Smith, past Chairman of Keep Roswell Beautiful, stated they were aware of many small and large businesses within Roswell involved in the "green movement." KRB's first goal was to recognize those businesses helping to preserve the environment and doing their part to go green. The second goal was to encourage businesses to take their first step, pointing out small steps to become a more sustainable business and also protect the environment as a whole.*

*The Keep Roswell Beautiful Green Business Designation Program has four main areas of focus for which criteria can be met: pollution prevention; energy conservation; solid waste reduction; water conservation. The program has three levels designed to be easily obtained. KRB formed a committee to conduct "audits" to determine the level achieved by the business that has applied to participate. Businesses which meet any of the three levels will receive a window cling for the business front indicating their level in the Keep Roswell Beautiful Green Designation Program and, certification.*

*Mr. Smith noted that KRB met with the North Fulton Chamber of Commerce during the formulation of this program; the certification program will be for Roswell only, but they would not oppose extending it to other municipalities interested in participating. The program is modeled after similar programs used in municipalities in California. For promotion purposes, they are considering tying this Keep Roswell Beautiful Green Program in with the "Find It All in Roswell" program and the periodical Roswell Connects.*

*Currently, there are three applications in the process; the City of Roswell is the first applicant. Audits and walk thru will begin in the next few weeks, with the first recognized businesses to happen in early September.*

*Mayor Wood commended Keep Roswell Beautiful for bringing this program forward; it is a program which is beneficial for Roswell and for the world. He congratulated Councilmember Wynn and the Environmental/Public Works department and Councilmember Igleheart's Green Ribbon Committee who played a part in the program development.*

*Councilmember Wynn stated she has been proud member of Keep Roswell Beautiful for almost four years and is highly supportive of the development of this Keep Roswell Beautiful Green Business Designation Program. She thanked David Smith for being so proactive in its development. Councilmember Wynn asked if suggestions from Council would be accepted related to businesses for which they have seen some type of evolution in conservation and might be eligible for this type of award. Mr. Smith stated that would be acceptable; information regarding the program is posted on the Keep Roswell Beautiful website.*

*Councilmember Dippolito expressed his appreciation for this program. He inquired about existing national criteria to obtain the designation of a "green business." Mr. Smith stated KRB had researched, but could not find any national criteria or a national program. The majority of their information came from the city of Monterey, California, the first municipality to put this type of program together. The LEEDS designation is the first certification program seen on the national level. Councilmember Dippolito asked if this program could be promoted and encouraged nationally. Councilmember Dippolito inquired about the designation level the City of Roswell might receive. Mr. Smith replied the City of Roswell is far ahead of the curve on many things related to sustainability; the audit would need to be completed but he thought it would certainly be a Level 3.*

*Councilmember Igleheart noted that Keep Roswell Beautiful members were the ones who developed the Keep Roswell Beautiful Green Business Designation Program. He stated this program is particularly commendable because it clearly shows that which can be done by businesses to protect the environment.*

*Mr. Moring clarified there is no cost to the city related to the Keep Roswell Beautiful Green Business Designation Program.*

*Councilmember Price commented about the use of commercial air fresheners.*

**Stu Moring, Environmental and Public Works Director and Eric Smith from Keep Roswell Beautiful** discussed the program and its benefits.

### **Community Development - Councilmember Betty Price**

5. **RZ10-05, CV10-01 & CU10-03, 2925 Holcomb Bridge Rd., Land Lots 825, 832, Ramco-Gershenson, Inc.**  
*(The applicant has requested a deferral to the September 13, 2010 Mayor and City Council hearing.)*  
**Presented by Bradford D. Townsend, Planning & Zoning Director**

*Councilmember Price introduced this item. Planning and Zoning Director Brad Townsend explained that a deferral was requested by the applicant until the September 13, 2010, Mayor and City Council meeting. This is the second deferral for this application and the last time it may be deferred; it is necessary for this item to be heard on that date. Councilmember Price stated she felt "in the dark" on this item and hoped that at that time Council would have the information needed to proceed. Mr. Townsend clarified that this item would be heard at the Planning Commission's public hearing on August 17, 2010; all staff back-up material will be included in the September 13, 2010 Mayor and Council meeting packages.*

*Mayor Wood invited public comment for this item; no comments were made. The Mayor noted there would be another opportunity for public comment when it returns to the Council.*

*Motion: Councilmember Price moved to defer RZ10-05, CV10-01 & CU10-03, 2925 Holcomb Bridge Rd., Land Lots 825, 832, Ramco-Gershenson, Inc. Councilmember Wynn seconded. No further discussion. The motion passed unanimously.*

**A motion was made by Council Member Betty Price, seconded by Council Member Becky Wynn, that this Item be Deferred. The motion carried by the following vote:**

**In Favor: 6**

6. **Sidewalk Cafe License SC10-03, ZEST Restaurant, 957 Canton St.**  
**Presented by Brad Townsend, Planning and Zoning Director**

*Councilmember Price introduced this item. Planning and Zoning Director Brad Townsend presented this item and provided pictures of the restaurant frontage, pointing out the sidewalk location requested for the license and a five-foot clear path along the full sidewalk on the front of the restaurant. Staff recommended approval with the following conditions:*

- 1. The site plan approved is stamped "Received" by the City of Roswell Community Development Department on August 4, 2010.*
- 2. The barrier and all furniture must match all specifications included on the pre-approved list included in the sidewalk cafe application.*
- 3. The post and chain shall feature two chains to meet ADA accessibility requirements.*
- 4. The applicant shall obtain a license for land use from the City of Roswell and all applicable permits prior to construction.*

*Council questions:*

*Councilmember Dippolito asked if Conditions #2 and #3 are part of the ordinance. Mr. Townsend replied "The two chains was not part of the ordinance; it is part of the ADA requirement. We are just making it clear that they are required. We have an approved list, so Condition #2 could actually be stricken." Councilmember Dippolito noted that the two chains are always included. He asked if there should eventually be a change to the ordinance. Mr. Townsend answered yes. Councilmember Dippolito stated the applicant has only asked for a license on one side of the restaurant; why did the applicant not apply for both sides of their entrance. Mr. Townsend replied that the original application included a request for tables and chairs on the side that contains a light pole but in order to maintain the five-foot required clear area, the pole would need to be removed. Staff recommendation was to remove the request for tables on the side containing the light pole.*

*Councilmember Orlans asked how the five-foot bypass was determined in the area of the sidewalk tables. He discussed the sidewalk dimensions indicated on the site plan drawing as compared to those dimensions listed on the photographs staff provided. Mr. Townsend referring to the photograph displayed on the overhead projector, pointed out those tables which were eliminated to maintain the five-foot location, as well as the width at the location of the light pole.*

*Councilmember Price asked what brought this before Council that staff could normally handle on its own; was it the fact that the chains were changed. Mr. Townsend replied all sidewalk café licenses can only be authorized by Council because it involves the use of the public right-of-way. Councilmember Price recommended that the ordinance process be started regarding the use of two chains so that it is an issue Council will not have to face again.*

*Motion: Councilmember Price moved to Approve Sidewalk Cafe License SC10-03, ZEST Restaurant, 957 Canton St. Councilmember Diamond seconded.*

*Further discussion:*

*Councilmember Price inquired if the applicant was present. Mayor Wood confirmed the applicant was in attendance. Councilmember Price asked if the applicant was interested in tables on the other side and if there was any other way for him to achieve that; "I.E., were they interested at their expense to move the light pole, for instance."*

*Mayor Wood clarified that Councilmember Price had made the suggestion that if the applicant agreed to move the light pole, she might consider the additional seating; it could be expensive to relocate the light pole.*

*Applicant:*

*Ron H Pao, stated he had originally applied for four tables but was denied, due to the light pole and the inability for a five-foot clearance. He was concerned about the unknown cost to move the light pole.*

*Mayor Wood suggested that Council consider approving this application tonight; the applicant could check with staff into the cost of moving the light pole, and could re-apply to expand the area.*

*Mr. Pao asked if the two tables would be approved.*

*Mayor Wood confirmed that the motion was to approve his use of two tables as the site plan indicated. The Mayor stated he thought that Councilmember Price was open to approving the moving of the light pole, if the applicant was willing to pay for*

*moving it.*

*Councilmember Wynn noted there are restaurants in the city with approved sidewalk café licenses that have tables on the sidewalk without any types of barriers, despite being warned numerous times that this was against state laws and City of Roswell ordinances. She stated this state law must be enforced and adhered to.*

*Councilmember Price stated she did not want to encourage the applicant to move the light pole, "They are probably equidistant and it probably would not be advisable, but all that could be looked at." Mr. Pao replied that it would depend on the cost to move the light pole; he agreed with Councilmember Price that a change of location for the light pole would need to be appropriate.*

*Councilmember Price said "The motion just rests with the two tables with all conditions of staff. No further discussion.*

*Vote: The motion passed unanimously.*

**A motion was made by Council Member Betty Price, seconded by Council Member Nancy Diamond, that this Item be Approved with Conditions. The motion carried by the following vote:**

**In Favor: 6**

**7.**

**Approval of a Resolution to create the Groveway Stakeholder Committee and appointment of the Committee members.**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Price introduced the item. Alice Wakefield, Director of Community Development stated the purpose of the Groveway Stakeholder Committee is to assist the Atlanta Regional Commission (ARC) and staff in the development of implementation tools such as form based zoning, design guidelines, and/or other revisions to the City of Roswell's development regulations to implement the Groveway Community charrette.*

*Mayor Wood asked to view the specific list of committee members. The Committee appointees are: Gail Bohannon, Ralph Mills, Donna Smythe, Sabin Strickland, Frank Lewis, David Lyon, Booker Nuckles, Virginia Patterson, Lou Conti, Dan Pile, Bill Bartlett, Roberto Paredes, Charles McMillan, and Annie Ruth Manning. The Mayor asked if all these appointees are Roswell residents. Ms. Wakefield replied yes.*

*Council comment:*

*Councilmember Price asked if all the appointees are willing to serve. Ms. Wakefield replied it was her understanding that all appointees were willing to serve.*

*Motion: Councilmember Price moved for Approval of a Resolution to create the Groveway Stakeholder Committee and appointment of the Committee members, as presented. Councilmember Dippolito seconded. Councilmember Price clarified her motion included the resolution. No further discussion. The motion passed unanimously.*

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

**In Favor: 6**

Enactment No: 2010-08-37

8. **Approval of additional Comprehensive Plan Advisory Committee (CPAC) members.**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Price introduced the item. Alice Wakefield, Director of Community Development explained this was a request for expansion of the CPAC Committee to include the following four additional appointees who have expressed their willingness to participate: Gail Bohannon, Alfredo Ortiz, Booker Nuckles, and Jorge Gentry. Ms. Wakefield confirmed for Mayor Wood that all of these appointees are Roswell residents.*

*Council comment:*

*Councilmember Orlans inquired whether Ms. Wakefield had recently spoken with Mr. Ortiz about his willingness to serve. Ms. Wakefield replied it was her understanding that Mr. Ortiz expressed his willingness to serve. Mayor Wood confirmed that in his conversation with Mr. Ortiz approximately one week ago, Mr. Ortiz expressed interest in serving.*

*Motion: Councilmember Price moved for Approval of additional Comprehensive Plan Advisory Committee (CPAC) members. Councilmember Wynn seconded. No further discussion. The motion passed unanimously.*

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

**In Favor: 6**

Enactment No: RES 2010-05-25

9. **Discussion of the City's CDBG Program**

*Councilmember Price introduced the item. Alice Wakefield, Director of Community Development stated this is a procedural approval of a resolution to accept these Community Development Block Grant funds for the Arts Village Infrastructure project. Ms. Wakefield explained that as mentioned at Committee, there is urgency for the spend-down of the funding for the 2010 funding year. This request is to approve the acceptance of \$502,282 in grant funds. Mayor Wood inquired if this project is the Oak Street project. Ms. Wakefield clarified this Arts Village Infrastructure improvements project is in the Arts Village, which is part of Groveway and part of Oak Street; it is broad based for flexibility. Ms. Wakefield, in response to Mayor Wood's inquiry regarding what specific infrastructure improvements are involved, stated it involved the improvements proposed at Oxbo Street.*

*Council comments:*

*Councilmember Price noted that Council had prioritized the use of these funds during their Committee discussion of this item; she asked if that should be discussed or was this acceptance of the grant and Council would determine where that money would go at some point in the future. Mayor Wood clarified that this was acceptance of the grant, not the final vote on how it will be spent. Ms. Wakefield agreed.*

*Motion: Councilmember Price moved to approve the Acceptance of the 2010 CDBG grant for Arts Village Infrastructure Improvement project. Councilmember Orlans*

*seconded. No further discussion. The motion passed unanimously.*

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

**In Favor: 6**

Enactment No: 2010-08-38

10.

**Approval for the Mayor and/or City Administrator to sign agreements for utility relocations with Georgia Power, AT&T, Charter Communications, and Meer Electric for the Oak Street Streetscape Project totaling \$705,953.**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Price introduced the item. Alice Wakefield, Director of Community Development stated this approval was for Mayor and/or City Administrator to sign agreements for utility relocations with Georgia Power, AT&T, Charter Communications, and Meer Electric for the Oak Street Streetscape Project for the relocation of the overhead utilities. Ms. Wakefield noted that it was discussed several times in Committee. She further stated that Clyde Stricklin, Community Development Deputy Director had worked hard to bring the costs down to \$705,953. Ms. Wakefield stated this would be Phase One of the project. The Mayor asked what amount has been budgeted for the entire project. Ms. Wakefield replied this is the only amount that the city has budgeted for Phase One; "It is my understanding, that it was anticipated that phases two and three would be done by developers as they come on board; \$1.4 million." She confirmed for Mayor Wood that moving the utilities is Phase One and that no money has been allocated yet for Phase two. Mayor Wood asked what Phase Two involves. Mr. Stricklin replied "In this project there are some utilities that are in the area of Phase Two that are required to make the utilities in Phase One work. We are calling it Part 1 and Part 2 of placing the conduits underground for AT&T and Charter." Mayor Wood noted that communication utilities will be placed underground; power wires will be placed overhead, in anticipation of further improvements to the streetscape. Mr. Stricklin agreed; in response to the Mayor's inquiry about the costs for the further improvements, he said "The streetscape, as per the original estimates, is \$496,000; it is in the budget." Mayor Wood noted that the total project cost is approximately \$1.2 million (\$705,953 plus \$496,000). Mr. Stricklin confirmed that figure was correct; those funds are available. Mayor Wood asked what the original budgeted amount was, how much was allocated; what the approved amount in the budget for this project is. City Administrator Kay Love explained that "These are multiple program years CDBG funding. We had 2009 funding and 2010 funding for the Arts Village Infrastructure. We had allocated some money in the General Fund through Capital Projects. Right now, we are spending only CDBG money for this portion." Mayor Wood clarified that when he said "allocated" he was asking if the Council had approved \$1.2 million for the combined projects. Ms. Love replied that was correct and confirmed that the city is within budget and actually under budget. Mr. Stricklin replied that the project is under budget by approximately \$195,000. Mayor Wood commended staff for their budget efforts.*

*Councilmember Dippolito expressed his appreciation to the Community Development department for all their effort on this project to determine the best solution toward the redevelopment of the Groveway area; it is a step in the right direction by the city towards helping to beautify the some of the streetscape.*

*Motion: Councilmember Price moved for Approval for the Mayor and/or City Administrator to sign agreements for utility relocations with Georgia Power, AT&T, Charter Communications, and Meer Electric for the Oak Street Streetscape Project totaling \$705,953. Councilmember Dippolito seconded. No further discussion. The motion passed unanimously.*

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

**In Favor: 6**

**11.**

## **Discussion of the Special Events Process**

*Councilmember Price introduced the item. Alice Wakefield, Director of Community Development stated this is requested approval for the first reading of an amendment to the special events ordinance. This proposed amendment was discussed at Committee on July 28, 2010. One of the first steps discussed was to amend the ordinance to remove the provisions related to the fee amount and; to amend the provision where the City Administrator, or his/her designee, will have the ability to waive the application fee. At the second reading of this proposed amendment, a resolution establishing the fee that was agreed upon in Committee will be brought forward to Mayor and Council. That fee includes Tier One: \$150 application fee for events using City resources; Tier Two: \$50 for all other events. Ms. Wakefield further stated "Also included will be a non refundable fee that was just mentioned, that will be part of the policies and procedures that we are currently cleaning up and working on. Also, we will put in the policies and procedures manual that applications may be received one year in advance, but no later than 90 days. The cap will be maintained for those sponsored events at \$3,000." Also discussed was the limiting of the number of events on the same day; having the ability to accept applications in advance will allow better review of city resources needed; recurring events will be placed on an annual list for Mayor and Council approval earlier in the budget year and budget process; setting the Chattahoochee Nature Center apart on a separate line item for approximately \$10,000 (this would be the same as was done for the Roswell Bike Festival). Ms. Wakefield reiterated this approval is for the first reading of the amendment to the ordinance.*

### *Council questions:*

*Councilmember Price stated that if we pass an ordinance at some point, then the fee structures exist somewhere else, in a separate location; she asked if that is changeable by Mayor and Council or by department, or how. Ms. Wakefield replied it would be changeable by Mayor and Council. Councilmember Price asked "Is there is a body somewhere where all these fee structures are going to be housed if our ordinance just says 'according to a fee structure' somewhere." Ms. Wakefield replied that each department has a list of the various fees for the various processes. She stated the Community Development will make it very clear what the fee structure is for the special events and it will be part of the policy and procedures manual.*

*Mayor Wood asked City Attorney David Davidson to explain why the city has taken the approach of having the fee separate from the ordinance and how revisions are done. Mr. Davidson stated "The reason the Council has done it in the past was that it allows the Council to go in and change the fees for various licenses by just having one reading of a resolution." He explained that when it is necessary to make a change, it is possible to make the change with one action of Council, with one reading; if it is kept in the ordinance, a revision approval would require two readings, necessitating that it be brought forward to Council for two months.*



*Councilmember Igleheart asked how will the city deal with a situation whereby a person comes in just three weeks ahead of a planned event (far less than the 90 days) for a special event not requiring city resources. Ms. Wakefield confirmed that type of situation will be dealt with in the policies and procedures.*

*Mayor Wood noted the Ordinance to Amend Article 14.3, Special Events including authority for the City Administrator to waive the application fees. He asked if that is typically done in other ordinances; does the City Administrator provide discretion over whether a fee is charged or not. Ms. Wakefield replied "I cannot speak for other ordinances. The current ordinance says 'the Mayor.' This was presented at the last Committee meeting and that was the recommendation of the Committee, but the current ordinance says 'the Mayor.'"*

*Mayor Wood said he was trying to understand how this authority was shifted from the mayor, who is an elected official, to the city administrator who is a non elected official. Mayor Wood further stated that he did not think he was present at the Committee discussion Ms. Wakefield referred to. Ms. Wakefield said "I am going to defer to the elected officials but the staff's proposed amendment just showed a non refundable application fee; there would be no waiver of the fee." Mayor Wood added that generally speaking, we try to leave these discretionary calls to the elected officials who answer to the public; he asked why this was changed.*

*Councilmember Diamond stated her understanding was that it was done for simplification; it is an administrative function, administrative staff is here full time and can answer more quickly and efficiently.*

*Councilmember Price asked if there has been a problem with these requests going through the Mayor's office; has it been a burden to the Mayor's office; has this been communicated to the Mayor that this was going to happen. Ms. Wakefield replied that it has not been a problem for staff; staff made the change based on what came out of the Committee meeting. Ms. Wakefield noted that she did not specifically send an email or notification to the Mayor.*

*City Administrator Kay Love said she did not notify Mayor Wood and noted that the Mayor was not present at the Committee meeting. Minutes of that meeting were done as routine. In regard to the minutes, she further stated "We don't discuss those unless there is a particular question, so I did not have any communication with the Mayor about the current process, or proposed process, or changes."*

*Mayor Wood said it has not been a burden upon him but he wondered whether there has been a problem of any Council members with the Mayor having that discretion. Mayor Wood stated "I believe that when it comes to discretionary calls, it needs to be an elected official decision, whether it is the Mayor or the Council. I think it appropriate for the elected official who has to answer for his decisions to the electorate versus City Administrator who is not answerable to the electorate."*

*Councilmember Dippolito stated he believed it was a matter of trying to remove an administrative burden off the Mayor, but he was okay with the Mayor retaining that authority.*

*Councilmember Diamond stated this was one of those areas where they questioned whether the Mayor and Council really needed to be involved in the decision; it was a matter of trying to simplify the process for the applicant.*

*Councilmember Orlans noted that he did not attend the mentioned Committee*

meeting, but after a review of the revised two tier approach, he found it to be clearly stated as far as the \$150 for events using city resources and \$50 for events not using city resources. Councilmember Orlans questioned why a waiver would be needed; the revision is back to the staff wording of just having the fee without a waiver. Mayor Wood replied he did not know enough about it to address that, but whether it is waived or not could be a political decision that is best left for elected officials who have to answer for political decisions, rather than staff who shouldn't be pressured to make political decisions.

Councilmember Price asked the Mayor how many waivers have been requested of him. Mayor Wood replied that he had no recollection but City Administrator Kay Love would possibly have kept track of that information. Ms. Love replied that she thought the ones which had been waived were ones which she and the Mayor discussed; it probably was two or three. Ms. Love added "There is a difference in waiving the fee versus city sponsorship. I would say a couple." Mayor Wood replied that he did not recall what those were and noted that a sponsorship by the city typically involves more than just a waiver of the fee. Ms. Love added that sponsorships are discussed by Council at Committee. The Mayor further stated the city looks at the benefit to the city, the charitable purposes of the event, and whether it is something the city wants to encourage when considering a waiver of the fee.

Councilmember Orlans stated that in regard to revising the permit fee down, he pointed out that it is \$50, for anyone, with no use of city resources, and just a \$150 application/permit fee if using city resources; he asked again why there should be a need to waive it at all and suggested removing the waiver. Mayor Wood replied these are all decisions for Council to make. The Mayor said he was not prepared to provide specifics tonight; when the fee has been waived, it was for good causes of which both he and City Administrator Kay Love deemed it appropriate to do so.

Councilmember Orlans suggested that the waiver be reviewed again before the second reading of the amended ordinance. Mayor Wood agreed that could be done.

City Attorney David Davidson conducted the reading of AN ORDINANCE TO AMEND ARTICLE 14.3 SPECIAL EVENTS OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL, GEORGIA NOW, THEREFORE, PURSUANT TO THEIR AUTHORITY, the Mayor and Council of the City of Roswell, Georgia, do hereby adopt the following Ordinance:

1.

Section 14.3.4 Permit Application and Fee is hereby deleted in its entirety to be replaced by the following:

**Section 14.3.4 Permit Application and Fee**

An application for a special event permit shall be submitted to the community development department with a nonrefundable payment based on the fee structure established by the City of Roswell. Upon written request and submittal of appropriate documentation, the City Administrator or his/her designee may waive the application fee for fundraising for charitable events if he/she determines that such fee is overly burdensome and does not promote the general welfare of the city.

The following information shall be provided:

- (a) Purpose of the special event;
- (b) Name, address and telephone number of sponsoring organization or individual;
- (c) Proposed date, location and hours of operation;
- (d) Schedule of proposed events;
- (e) Projected attendance at the event, plan for parking, plan for restroom facilities and sanitation concerns; and

2.

*All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.*

*Mr. Davidson noted that if approved, this would be the first reading of the amended ordinance.*

*Motion: Councilmember Price moved for Approval of an ordinance to amend Article 14.3, Special Events, of the Code of Ordinances of the City of Roswell, with striking "City Administrator" replacing with "Mayor." (First Reading) Mayor Wood clarified the motion was to approve the amendment with the substitution of "Mayor" for "City Administrator" in the waiver section. Councilmember Dippolito seconded. The Mayor noted this was the first reading of the proposed amended ordinance and there would be an opportunity for Council to further revise it. No further discussion. The motion passed unanimously.*

**A motion was made by Council Member Betty Price, seconded by Council Member Rich Dippolito, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 8/23/2010. The motion carried by the following vote:**

**In Favor: 6**

#### **Transportation Department - Councilmember Rich Dippolito**

12.

**Approval to remit \$263,307.77 to the Georgia Department of Transportation (GDOT) to fulfill the City's 20% obligation towards GDOT's construction contract with Southern Concrete Construction Co., Inc. for the construction of the SR9/140 Intersection Improvement project.**

*Presented by Steve Acenbrak, Director*

*Councilmember Dippolito introduced the item. He commended the Transportation department for all their efforts over the years working with GDOT regarding the median breaks for this project. Councilmember Dippolito explained there was the insistence of GDOT to add medians to the state highways; City Council had concerns that the medians were too long which would negatively impact the surrounding properties. Transportation staff worked with GDOT Board members and others to shorten some of those median breaks so that it provides safety, as well as good access for the surrounding properties. Steve Acenbrak, Director of Transportation thanked Councilmember Dippolito for his remarks and stated the concept of context sensitive design where national standards are applied to our specific situations, results in projects that improve safety, improve traffic "through-put" and allows local access to the business community. It is a struggle to balance all those competing needs. Mr. Acenbrak stated "This is an exciting time. We have been waiting for this particular project for quite awhile. This is the heart of our city; it has congestion problems, it has access problems, and it has safety problems. The scope of this project is to add dual left turns, basically in the east and west direction which complements the southbound direction. It includes the safety median breaks, which were tailored specifically for our particular area after a great deal of work." The project framework was signed by the Mayor and City Council in June of 2004, and provided for the twenty (20) percent match of the \$1.3 million construction award. Mr. Acenbrak said the city's share is \$261,307, a very reasonable cost for the magnitude of the improvements the city would receive from this project.*

Mayor Wood complimented staff and Council as well as the community for working together on this project since 2004, keeping transportation projects in the queue, and staying persistent. This project will bring long term, permanent improvements. Mayor Wood stated he supported the project.

*Motion:* Councilmember Dippolito moved for Approval to remit \$263,307.77 to the Georgia Department of Transportation (GDOT) to fulfill the City's 20% obligation towards GDOT's construction contract with Southern Concrete Construction Co., Inc. for the construction of the SR9/140 Intersection Improvement project. Councilmember Wynn seconded. No further discussion or comments made. The motion passed unanimously.

Mayor Wood inquired when the project was scheduled to begin and end. Mr. Acenbrak replied he did not have the contractor's schedule, but he could assure that movement related to the project would begin in the next sixty (60) days. Mr. Acenbrak explained that the project would take about one year; it was agreed that the road would not be closed during construction and will be done "under traffic" with shifting lanes, to ultimately have a much safer, more effective road network. Mayor Wood said he understood that this project would dovetail with the current projects on South Atlanta Street. Mr. Acenbrak replied "There is a little bit of a break, it will come together. We will span that break. What we will have is continuous improvements from Norcross Street all the way up to Commerce Parkway at some point in the very near future."

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

**In Favor: 6**

### **Administration and Finance Department - Councilmember Jerry Orlans**

13.

#### **Approval of an Ordinance to authorize Fulton County to conduct a Special Election for the City of Roswell. (Second Reading)**

*Councilmember Orlans introduced this item and stated this was the second reading of the ordinance to authorize placing a question to the electors on the November 2, 2010 ballot, as to whether an act shall be approved which authorizes the city to exercise redevelopment powers under the Redevelopment Powers Law.*

*City Attorney David Davidson conducted the reading of AN ORDINANCE OF THE CITY COUNCIL TO AUTHORIZE FULTON COUNTY TO CONDUCT SPECIAL ELECTION stating NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ROSWELL, and it is hereby ordained and established by authority of the same, that the Mayor is authorized to enter into a contract with the Fulton County Department of Registrations and Elections to conduct this election using ExpressPoll or other such measures approved by the Georgia Secretary of State, which contract is attached hereto and incorporated herein, by reference.*

*Mr. Davidson noted that if approved, this would be the second reading. The election for redevelopment powers will be conducted the first Tuesday in November, November 2, 2010, as a part of all the elections on the ballot for that date.*

*Motion:* Councilmember Orlans moved for Approval of an Ordinance to authorize

*Fulton County to conduct a Special Election for the City of Roswell. (Second Reading) Councilmember Igleheart seconded. No further discussion. The motion passed unanimously.*

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

**In Favor: 6**

Enactment No: 2010-08-14

### **City Attorney's Report**

14.

#### **Recommendation for closure to discuss personnel, acquisition of real estate, and potential litigation.**

*Motion: Councilmember Wynn moved for approval of the Recommendation for closure to discuss personnel, acquisition of real estate, and potential litigation. Councilmember Dippolito seconded. The motion passed unanimously.*

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

**In Favor: 6**

#### **Correction to the July 12, 2010 minutes.**

*Motion: Councilmember Price moved for Correction to the July 12, 2010 minutes. Councilmember Wynn seconded. The motion passed unanimously.*

**A motion was made by Council Member Betty Price, seconded by Council Member Becky Wynn for correction of the July 12, 2010 minutes. The motion carried by the following vote:**

**In Favor: 6**

### **Adjournment**

*After no further business, the Mayor and Council Meeting adjourned at 8:43 p.m. for a work session discussion regarding the North Fulton Comprehensive Transportation Plan; and Storm Water Utility. Closure followed the work session.*