



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council

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

Monday, August 26, 2013

7:00 PM

City Hall

WELCOME

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

Staff Present: Deputy City Administrator Michael Fischer; Assistant City Attorney Robert Hulsey; Police Chief Rusty Grant; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Grants Manager Danny Blitch; Assistant to Community Development Director Kristina Lappin; Community Relations Manager Julie Brechbill; Employee Relations Manager Michelle Hunter; Benefits Manager Karin Grindstad; Historic and Cultural Affairs Manager Morgan Timmis; City Traffic Engineer Muhammad Rauf; Traffic Operations Supervisor Mike Elliott; Administrator of Park Services Jeff Pruitt; Bulloch Hall Historic Site Coordinator Pam Billingsley; Smith Plantation Historic Site Coordinator Chuck Douglas; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.

Pledge of Allegiance

CONSENT AGENDA

1. **Approval of July 29, 2013 Mayor and Council Open Forum Minutes (detailed minutes to replace Council Brief adopted on August 12, 2013); Approval of August 12, 2013 Mayor and Council Brief.**
Administration
Approved
2. **Approval of changes to the Special Events procedures.**

*Community Development**Approved*

3. Approval of Budget Amendment #50544400-08-26-13 in the amount of \$70,000 to increase the Spring Drive Waterline Replacement Project Budget from \$350,000 to \$420,000.

*Public Works/Environmental**Approved***Approval of the Consent Agenda**

*Motion: Councilmember Wynn moved to Approve the Consent Agenda.
Councilmember Orlans seconded.*

The Mayor opened the meeting for public comment.

Public Comment:

Lee Fleck, Martins Landing in Roswell referred to Consent Agenda item #3 and said it is for the improvement of the infrastructure of the water plant distribution grid and asked exactly what budget line item account that would be charged to.

Mayor Wood asked Assistant City Administrator Michael Fischer to respond to Mr. Fleck's question.

Mr. Fischer said he did not have the information with him and asked if someone from the Budget Department could respond. (There was a pause and inaudible comments. Mr. Fischer spoke again). He said it would be transferred from the Atlanta Street 12" duct line water main project and would be put into the Spring Drive water line replacement project which would total \$420,000.

Environmental/Public Works Deputy Director Mark Wolff said it was budgeted as a capital item so it is a capital project. It is not out of the operational budget. Mr. Fleck asked if he was saying that it is not coming out of the general fund; it is coming out of the water fund. Mr. Wolff replied that is correct. Mr. Fleck thanked him for the answer.

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

Council Comment:

Councilmember Price referred to Consent Agent item #2 and asked for a summary of the changes of the special events.

Community Development Director Alice Wakefield said the proposed change to the policy for the Special Events deals with the resources that have evolved in special events particularly over the past year. There have been 40 events within the City that used City resources. They now have a situation where the A and C squads from the Police Department are going from 7-8 weeks without any time off. Currently 23 events have road closures and 11 events are on City property. There are 23 events on low impact routes and 17 events on high impact routes. Staff is proposing they offer four standard low impact routes and that there be no events that exceed 17 officers at one time. This means that events in excess of 17 officers will not be eligible for sponsorship; unless they do a low impact route.

Councilmember Price asked what change would be seen for someone who is trying to set up a run or a walk. Ms. Wakefield said they will be asked to go to a low impact route. Councilmember Price thanked Ms. Wakefield.

Councilmember Diamond referred to the calendar of projected events for 2014 and said it is a very helpful calendar. She asked Ms. Wakefield if after events are booked, would they be available on the website or another place where people could see what is already booked. Ms. Wakefield said the Convention and Visitors Bureau (CVB) does one but the City does not generally put events on the City's calendar unless they receive sponsorship from the City. Councilmember Diamond thanked Ms. Wakefield.

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. Recognition of Melinda Springman as Fulton County Principal of the Year.

Mayor Wood said Ms. Springman was not present at this time but announced that she is the Principal of Elkins Pointe Middle School and has been named Fulton County School district's 2013-14 Principal of the Year.

Community Development - Councilmember Nancy Diamond

**2. RZ-201301339, CV-201301341, 12055 Houze & 365, 375, 395 Rucker Rd., William R. Hole/D&B Development Inc., Land Lots 1281 and 1282. (This item was deferred from the August 12, 2013 Mayor and City Council meeting)
Presented by Bradford D. Townsend, Planning & Zoning Director**

Planning & Zoning Director Brad Townsend presented this item stating this is a rezoning application on House Road and Rucker Road. He displayed an aerial of the subject property on the overhead and indicated three two-acre parcels adjacent to Rucker Road and a large parcel that joins Houze Road with this particular property which is 16 acres. The applicant is requesting R-3A zoning for 44 lots. He displayed the zoning map of the proposed rezoning location and said the request was originally for 47 lots. There is a revised site plan that shows the applicant reduced it by 3 lots and has also included an open space tract. The application includes a variance to the minimum lot size width from 80 feet to 60 feet. He displayed the comparison providing it from the R-3A to the R-3A designation for the minimum width size as well as the comparison to the R-S9 un-adopted and un-approved, proposed UDC category. He displayed the layout including the 47 lots and the access to Houze Road. He displayed the site plan for the 44 lots including an open space tract as well as parking and said it has more of a curve in the access roads providing a little different lot configuration. He said this is the plan that is before Mayor and Council for approval. The Planning Commission recommended approval of this application

with the variance to the minimum lot size. Staff recommends approval of the resolution before Council this evening to 44 lots with the concurrent variance from 80 feet to 60 feet. He said two resolutions were placed at the dais this evening. They are the same resolution but one indicates the strikethroughs and underlines of what is being deleted. The other is a clean copy which would be used this evening for any amendments or changes to the conditions. Both copies list the same number of 15 conditions.

Mayor Wood asked Mr. Townsend to display the conditions on the overhead and review them for the benefit of the people in the audience.

Mr. Townsend said condition #1 deals with the site plan before Council this evening. Condition #2 controls the vehicular access to the Reserve at Crabapple stub-street indicating that there would be no vehicular access to the property. Condition #3 deals with right-of-way requirements to Rucker Road as well as that the developer shall pay \$1,850 per lot and staff recommends that this condition might include language that this money would be paid prior to the final plat that gives it some timing so they would know how many lots are being proposed and would pay it at time of final plat. Condition #4 relates to the stormwater concept plan to the Public Works Department. Condition #5 indicates that there is not a guarantee of the approval of number of lots related to the water plan. Condition #6 deals with peak flow from the proposed development that shall be reduced by 10%. Condition #7 deals with the existing dam and lake and residential driveway at 12055 Houze Road and how that is to be replaced. Condition #8 deals with the look of the front entry garages and that have to be 5 feet behind the main wall of the house. Conditions #9 and #10 relate to the visual and physical buffers related to the entire Rucker Road home frontage. The homes are to face in and not out and the buffers are to be approved by the Design Review Board. Condition #11 relates to the entrance street to be built dealing with the Houze Road lake bed. Condition #12 relates to the dedication along Houze Road and the design of that entrance to be right-in/right-out or full access and would be restricted during AM PM hours determined by the Roswell Transportation Department. Condition #13 relates to the natural buffer that backs onto Camber Trace and the existing driveway and details related to buffer landscaping and materials dealing with when it should be reduced and that the buffer would also be approved by the Design Review Board. Condition #14 relates to the natural screening and planting having to do with the existing houses in Barrow Downs and a required 40 foot "undisturbed" buffer. Condition #15 relates to planting of at least 66% of the City-required density units on the development to be approved by the City Arborist.

Mayor Wood asked Mr. Townsend to place the proposed site plan on the overhead.

Mayor Wood asked for Council questions to staff.

Council Comment:

Councilmember Dippolito said he would like to make a couple of comments. He said condition #2 says there will not be any vehicular access but that he has discussed at length with the Reserve at Crabapple and the developer and has also heard from the surrounding neighborhoods that they prefer no vehicular or pedestrian access. He said that could be a point of discussion. He said second, a lot of time and energy has been spent on both sides with the surrounding neighborhoods and the developer in negotiating this and a lot of time spent this week working to put together this resolution. He thanked everyone for their time and said unless heard otherwise tonight there is agreement among the parties to the conditions that were set forth here. He said he also agrees with Mr. Townsend's comment about the fees to be paid at the recording of the plat.

Councilmember Price asked what was being shown on the little curve. Mr. Townsend replied, parking spaces. Councilmember Price asked if the parking area would be more of a buffer or mowed grass. Mr. Townsend replied he did not think it has been completely designed but he was sure it would have some type of amenities. Councilmember Price asked if there would be a boundary between that subdivision and the next one. Mr. Townsend referred to the aerial and pointed out where the proposed buffer would be and said there is a buffer in their detention area and the homes don't start until after the cul-de-sac. Councilmember Price said she is asking if there is a fence or anything proposed there. Mr. Townsend replied he does not think there has been a boundary structure proposed at that location. Councilmember Price asked, "Neither proposed nor restricted?" Mr. Townsend replied there is none required.

Councilmember Diamond said she could answer that and said it is about a 16 foot drop from the edge of the stub road to the next property so it is kind of a natural delineation.

Mayor Wood asked to hear from the applicant at this time.

Applicant Presentation:

Don Rolader stated his address as 11660 Alpharetta Highway, Suite 630, Roswell, Georgia. He said he is present at this meeting with Bill Hole and David Hole who would be developing this project, and Steve Rowe from AEC who performed the design and drawing work. He said he concurs with the summary that was provided by Mr. Townsend and there is no need to duplicate that. He thanked Chris Foley from Barrow Downs, Herman Costen from the Reserve, and Michael Harmon from the Registry; he said this Resolution is the result of a lot of work and input from many people. All of this came about on April 24th of this year when Bill and David Hole presented Jackie Deibel and Brad Townsend a proposed plan that showed 9,000 sq. ft. lots with reductions of 60 feet and said that was when they first learned about an RS-9 and that Ms. Deibel and Mr. Townsend were kind enough to discuss that with them. As a result of all of the work that went into this resolution, it ends up meeting almost every requirement of the entire new ordinance, if it should be adopted, including the setback of the garages from the house fronts. He said it was something they fell upon and certainly did not plot to go around because they did not know it existed prior to that. This development has a dedicated green space and along with the Cottages at Crabapple are the only two in the area that have any dedicated green space. This is in compliance with the Comprehensive Plan and in harmony with the surrounding subdivisions. It has the staff's recommendation of approval and the Planning Commission recommendation of approval. It has been thoroughly digested by the Public Works Department which is how they came out with the design for the driveway and doing away with the lake. It has had substantial input from the Transportation Department and they met with them recently. In all of those ways, this is the culmination of a lot of effort from a lot of people. He said a clarification that was discussed with Brad Townsend, and they want everyone to understand, is that the developer has agreed to a voluntary contribution of \$1,850 per lot and that has to occur right before the recording of the final plat because they will not know how many lots they have until that is ready for recording. He said this development is unique in many ways and is less dense than most all of the things around it, and the lot size is equal to the biggest lot size of anything except Barrow Downs; all the other small lot subdivisions are the same size or smaller. He said the developer and the applicant, and he believes the homeowners associations as well, are in agreement with this proposed resolution; he hopes changes would not be made because a lot of work has gone into this is, and it is a good document as it is. He said they would reserve their remaining time for rebuttal and answer any questions that Council might have.

Mayor Wood asked for Council comment.

Council Questions for Applicant:

Councilmember Price said at the last meeting, Barrow Downs pretty much had their concerns addressed as did the Cottages at Crabapple but they heard a lot of issues from Crabapple Woods. They were concerned obviously with the access road and she asked what is the final agreed upon path of that road.

Mr. Rolader responded that this resolution allows for the road to be moved as far north on the property as it can be. It provides a buffer below the road all the way to the property line and includes landscape screening to knock down headlights and to reduce noise. It also includes a guardrail on the portion of the property where there is a grade differential. He said they focused on moving the road, improving the road, removing the lake and enhancing the buffers along the south side of the road and they believe the three things that would affect those homeowners the most being light, noise and public safety have been addressed to their satisfaction.

Councilmember Price asked what exactly the access at Houze Road is.

Mr. Rolader responded after their discussions with the Transportation Department, they anticipate it would be a full service entrance but would have qualifications in that it would be posted with signs that left turn traffic is not permitted during the morning and evening rush hours which they believe alleviates the problem to the benefit of all concerned.

Councilmember Price said, "Those signs would be interior." Mr. Rolader replied, interior to the subdivision.

Councilmember Dippolito asked for some clarifications. He said the way the condition is written regarding the access to Houze Road, it also allows for a right-in/right-out and he said there has not been enough engineering completed at this point to determine which those could be and said it would be one or the other depending upon that.

Mr. Rolader said it is up to the final approval of the Transportation Department.

Councilmember Dippolito said to Councilmember Price that conditions #7 and #13 specifically address the concerns that Crabapple Woods had regarding the stormwater which is identified in condition #7. Currently there is a pond with a failing outlet structure and the idea is to pipe that section underneath the road and connect it directly to a storm system connection on the south side of Crabapple Woods. It was his understanding that the property owner with the lake does not want the lake so the lake would be just draining through this outfall structure and down directly into the draining system down in Crabapple Woods to alleviate all of the flooding concerns they had. With respect to concerns for safety, noise, privacy and the appearance of this road from Houze Road, condition #13 deals with keeping a lot of the natural buffer. There is a fairly good existing buffer that isn't technically a buffer but there are a lot of trees between the property line and the existing road. They would like to leave those and supplement the area with additional plantings to provide screening from the new road that is going to be installed to the north.

There were no further questions from Council. The Mayor opened the meeting for public comment.

Public Comment:

Herman Costen, stated he is the Treasurer and representative for the Reserve at Crabapple and here to discuss an issue that has already been taken out of the resolution which is the pathway connectivity between the Reserve at Crabapple and the new subdivision. He said he would make a brief presentation based on comments from their residents at a meeting onsite recently with David Hole. He said he has already talked about the wide discrepancy between the profile of the residents of the Reserve at Crabapple and the residents of the new subdivision and he would not talk about that again. He said he would provide reasons why the residents believe there should not be pathway connectivity between the two communities. The residents are very opposed and believe it would disturb the peace and quiet of the neighborhood, and they see no benefit to them for this connectivity. There is also the issue of the 16 foot drop at the end of stub to the grade level below that has to be addressed because the stub does not run up to the end of the property. There is a 22.5 foot distance between the curb of the stub and the end of their property and the drop off is all on their property. In order to ramp up to the 16 foot difference, there would have to be massive soil movement and disturbance of the green area that the developer has put in place to make the whole development look better and provide good green space. In addition, they would have to take out 25-40 trees some as high as 50 between between their property and the new development. Their biggest and most important concern is safety. He said try to envision the danger of a ramp where a child could go down on a bicycle or skateboard. A cage would have to be built around it or there would be a massive liability. Their final concern is about the future maintenance and liability of such a ramp and structure. He said for these reasons they are asking that the pathway be permanently eliminated. He emphasized that this connectivity scenario is completely different from the two developments across the street between Crabapple Registry and Crabapple Manor because the surface was flat and no trees needed to be removed and there were no safety issues. He said beyond these issues, the developer has done a tremendous job of putting this together. The green space that would be viewed coming down the street is in the middle of the development and ideally situated. The road to Houze is a major improvement in the traffic flow onto Rucker Road by dividing it between two roads. He said the proposed houses are beautiful. This development would be a real asset for their surrounding neighborhood and for the City of Roswell. For these reasons, they strongly recommend approval of this resolution.

Thomas Bard, stated his home address as 1410 Primrose Drive and said he was representing Crabapple Creek and Crabapple Walk subdivisions across the street from Houze. The only problem they have with the plan is the road to Houze and they have an issue with the signs that would indicate when people could turn left. Signs are good but at best are merely suggestions for most people. They would prefer a hard right turn-in/right turn-out only to help with the traffic so people are not cutting across the road. It would not be as bad if the road matched up with Crabapple Walk but the road is about 15-20 feet south of that and it does not create a good flow at all. He said he also believes that Saddle Creek, to the south of them would agree that a right turn-in/right turn-out is the best way for that road.

Anthony Russell stated that he lives in Crabapple Registry. He said he was pleased that there was consideration for the Houze Road connection not being right-in/right-out only and also consideration of the developer for providing funds for the future development of Rucker Road. He said the right-in/right-out on Houze would further congest Rucker Road that backs up at the Houze intersection very badly during rush hour. Having only right-in/right-out would help that intersection during rush hour but having unrestricted access would certainly not add as much congestion to Rucker as with the right turn only. He also expressed concern about the elimination of the pedestrian connectivity, and said that when Ashton Woods was developed next door to Crabapple Registry, Council required connectivity. He said

there was a good deal of slope between those properties that was eliminated by the builder and a significant number of very large trees cut to build the trail; he witnessed them being cut and disagrees with the earlier comment that there were no trees or dirt movement; anytime these subdivisions are built, huge amounts of dirt must be moved; adding a slope there should not be undue hardship on the builder. There seems to be inequity in what was required for them and what was being proposed for this development. The homeowners in his subdivision would be very disappointed to be treated differently and probably come back asking a lot of questions about how they could make their trail go away. If this is not required here then why was it required for them?

David Spaith stated his home address as 385 Camber Trace and said he lives just below the existing lake. He said he had spoken with Stu Moring, Director of the City of Roswell Public Works Department to inquire about having a hydrology study done before the road was approved. He also talked with the North Fulton County water department and they told him it would not be wise to have such a large street built on that property with the way the water flows from north to south. He said all of the houses on Camber Trace are below the property so the water would flow directly into the houses and a major storm would flood the first floor of their homes. He said the sewer storm drain would go right under his property. He expressed concern that there would not be enough studies done and asked that Council require a hydrology study for the property.

No further public comments. The public hearing was closed.

Council Comment:

Councilmember Dippolito said he would like to respond to some of the public comment. He read one of the conditions that states, "A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat" and said that addresses Mr. Spaith's concern. He said they would have to bring that forward to the City's Public Works Department who has been very involved to this point and would continue to be very involved. That would be discussed with them before the road was approved.

Applicant Rebuttal:

Don Rolader said he would address the comment involving the access to Houze Road stating that it was studied in depth by the City's department as well as by them and it would not be full access unless the department says it could be. It would require separation of 125 feet and they anticipate that would be there. Also, Houze is a state road and would require the approval of the GDOT. He believes they are safe relying upon the experts. From their standpoint, if it was restricted during peak hours it would make much better sense for the residents who might want to go to Roswell when it was not rush hour and they could come out that road and take a left and go down Houze Road which would be simpler than having to make three lefts. This was their rationale and it had the full input of the Department of Transportation.

The Mayor asked for final council comment before entertaining a motion.

Council Comment:

Councilmember Wynn, addressing Environmental/Public Works Deputy Director Mark Wolff about the hydrology study, asked if condition #4 covers that concern. Mr. Wolff said the condition is for the developer to meet with the City's stormwater engineer and discuss their concepts. After that, they are required to submit the hydrology study as part of their land disturbance permit. They first meet with the stormwater engineer to discuss their study and then as part of their submittal for the permit, they would submit the study and the staff approves that. Councilmember

Wynn said then a hydrology study is required. Mr. Wolff replied that is correct and the condition is actually a requirement of the City anyway. Councilmember Wynn thanked Mr. Wolff.

Councilmember Igleheart said that Mr. Russell had brought up an interesting point that Council had required connectivity between another development but not this one; he said he totally understands the points of those who don't want it. He said he doesn't have the answer but since they are talking before a motion, his preference would be that they stay all R-2 or at least have no variance. He said however he understands that a lot of things are happening with this piece of property relative to prior Fulton County decisions and the water issues and other things. Out of respect for the extensive work that has been done between everyone involved on both sides including the developer and the residents, he was willing to go along with what has come up but his preference would be to stay R-2 but he understands the situation.

Councilmember Diamond thanked everyone who had been involved with this and also expressed appreciation to Councilmember Dippolito for stepping back into Community Development recently when she had a death in her family and said he lost a lot of hours of his week as did everyone else involved. She said she appreciates that and stated that Councilmember Dippolito would be making the motion.

Councilmember Orlans complemented the developer and the neighborhoods and added that several neighborhoods had been involved in this issue and in order to get that many together and come to some good agreements on different things was great. He said the current site plan looked better than what was originally presented.

Councilmember Diamond said she recalls that the Crabapple Registry issue was that the neighborhood had only one in and out, that was their only entrance and exit so there was absolutely no connectivity any other way. But in this case, there are two entrances and exits. She said she had in her notes from the last meeting that they would like for Transportation or Recreation and Parks (whichever department ended up with that) to look at the gravel again and try to improve that aesthetically.

The Mayor called for a motion.

A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Item be Approved with the following Conditions:

- 1. The owner/developer shall develop the property in substantial accordance with the site plan stamped 'Received August 16, 2013 City of Roswell Community Development Department'.**
- 2. The owner/developer shall not provide vehicular or pedestrian access to Reserve at Crabapple stub-street.**
- 3. The owner/developer shall dedicate right-of-way along Rucker Road as required by the Roswell Transportation Department. The owner/developer shall provide a contribution of \$1,850 per platted lot to the City of Roswell to be paid prior to the recording of the final plat, for future installation of left and right turn deceleration lanes along Rucker Road as required by the Roswell Transportation Department.**
- 4. A stormwater concept plan, approved by the Public Works Department, shall be completed prior to the submittal of the preliminary plat.**
- 5. The number of lots within the subdivision is not guaranteed with the approval of zoning and is subject to all City, State and Federal laws and regulations.**
- 6. Peak flows exiting the proposed development shall be reduced by a minimum of 10% from the existing peak flow quantities for the 1 year through 100 year design storm event. The owner/developer will survey and document**

the existing stormwater problems on adjacent properties and use best efforts to mitigate those problems in the stormwater design of the subject property.

7. The existing dam, lake and residential driveway at 12055 Houze Road will be replaced by a water collection system that will channel collected surface water directly into the existing storm water sewer system as permitted by the storm water ordinance.

8. For homes with front entry garages, the garage doors must be positioned at least 5 feet behind the front wall plane of the house. The total width of the faces of the garage doors shall not exceed 50% of the width of the house. No individual garage door face shall exceed 12 feet in width unless the door is carriage style in appearance. Exceptions to the foregoing standards may be granted with the approval of the Design Review Board.

9. Visual and physical buffers consisting of a landscaped 3-4 foot-high berm, 10'-12' tall evergreen tree plantings and fencing will be constructed along the entire Rucker Road frontage. These buffers will be comparable in coverage to those already in place at The Reserve at Crabapple and Crabapple Registry and will be placed at least 5 feet back from the southern edge of the Rucker Road Right of Way. The design of the buffer will require approval of the Design Review Board.

10. The five houses fronting Rucker Road which were originally proposed to front this street will be "turned around" 180 degrees to face the interior of the subdivision.

11. The new Houze Road entrance street will be built on a roadbed constructed on a filled-in portion of the existing lake bed. This new (Houze) entrance road will be located north of the existing driveway location.

12. The owner/developer shall dedicate right-of-way along Houze Road as required by the Roswell Transportation Department. The design of the entrance shall be right-in/right-out or full access and will restrict left turns during AM and PM peak hours as determined by the Roswell Transportation Department.

13. The current natural buffer between the back property lines of the houses on Camber Trace and the existing driveway at 12055 Houze Road will be left undisturbed with the following supplements to mitigate concerns with safety, noise, privacy, and appearance. The owner/developer shall;

- a. Maintain a 35 foot buffer, where possible, with a minimum 25 foot buffer from the south property line to the new subdivision road.
- b. Along the south side of the new subdivision road from Houze Road to Lot #1, (i.e. along the same side of the road as the natural buffer behind the Camber Trace Properties), supplement existing plantings with mature, 10-foot Leland Cypress Trees or similar evergreen trees to effectively screen the houses on Camber Trace.
- c. Install screening to block the view of headlights of vehicles travelling on the new subdivision road
- d. Install screening to reduce the vehicular noise coming from the new subdivision road

The design of the buffer will require approval of the Design Review Board.

14. A natural visual screening of plantings will be placed along the eastern and southern property lines adjoining existing houses, which is designed to occlude the view of and from the existing houses, regardless of their zoning status. Existing houses in Barrow Downs, which require a 40-foot "undisturbed" buffer on such property lines, will be supplemented with comparable plantings where the current natural buffer is less than 40 feet, or where a non-occluded view would be created by the development.

15. The developer will plant at least 66% of the City-required density units on the development site, as approved by City Arborist.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-08-54

Mayor Wood announced that Melinda Springman had arrived and he invited her to come forward for recognition. Ms. Springman thanked the Mayor and Council for their willingness to recognize her. She said she was a teacher at Elkins Pointe Middle School when it opened over twelve years ago and she fell in love with the Roswell community then and it has been a joy over the years to watch how the City has grown and changed and embraced all of those changes. She said she was happy to back at Elkins Pointe Middle School and said they have done a lot of great things before she got there and they will continue to do great things. She thanked everyone for the honor of recognizing her school's work and her as well.

Mayor Wood issued a five-minute break in the meeting at 7:48 pm. The meeting reconvened at 7:52 pm.

Mayor's Report

3. The call to vote for Municipal Court Judge.

Mayor Wood asked Assistant City Attorney Bob Hulsey to bring the Council and the audience up to date on the status of the opening in the Municipal Court. Mr. Hulsey stated, "Yes, Mayor. Judge Hilliard resigned on August 5, 2013, which left a vacancy. Since that time, we have been having stand-by judges hold court. It appears to be working well. We haven't had any complaints, but it is not a long term solution. The City of Roswell Charter allows for the Council to call a special election for Judge within sixty days after a vacancy. Therefore, Council has until October 4, 2013, to call for a special election for the Chief Judge. Fulton County says however, in order to get that on the November ballot, that decision has to be made by September 3, 2013, which is next Tuesday. State law in contrast to the Charter, this is O.C.G.A. Section 36-32-2, says: Notwithstanding any other provision of this Chapter or any general or local act (which the Charter is a local act) the governing authority of each municipal corporation within the state having a municipal court as provided by the Act incorporating a municipal corporation, or any amendments thereto, is authorized to appoint a judge of such court. Any person appointed as a judge under this Code section shall possess such qualifications and shall receive such compensation as shall be fixed by the governing authority of the municipal corporation. It says this code section shall not be construed to require the governing authority to appoint a judge but such governing authority may appoint a judge if acting in its sole discretion, the governing authority determines that such appointment would be in the best interest of the municipal corporation. Under this section of state law, regardless of the Charter provisions mentioned before, Mayor and Council may immediately appoint a judge of the municipal court if they determine it to be in the best interest of the City. If Council decides to appoint a judge they should also propose a local Act to the State Legislature amending the City's Charter to allow for appointment of the municipal judge by Mayor and Council. This would bring Roswell's Charter in line with the general laws of the state and with the charters of other cities throughout the state. Currently, Roswell is the last city in Georgia to have an elected municipal court judge. Council could also choose a blended path by making a call for a special election before October 4, 2013, scheduling the election for either March or May 2014. Simultaneously, Council could request that the Legislature change the City's charter to allow for appointment of the chief judge. This would allow the City to

continue to follow the Charter up to and until such time as the Legislature amends the Charter to provide for appointment of the municipal chief judge. If the Charter is amended, and the Council then appoints a chief judge, the special election would then, then be can cancelled, as moot. If Council wishes to follow this path, the City would be forced to continue to use stand-by judges until the Charter is amended. These are the options before Council tonight as it considers what it needs to do in regard to the vacancy created by the resignation of Judge Hilliard."

Mayor Wood called for any Council questions.

Council questions:

Councilmember Igleheart stated, "I'm not sure if this is the right question for you but, the qualifying period for this election for November 5, 2013, ends on Friday." Mr. Hulsey replied, "Correct." Councilmember Igleheart stated, "We haven't really put out a notice that this position is open in the sense that you must qualify for this by Friday." Mr. Hulsey replied, "Correct." Councilmember Igleheart said, "If we have the election on November 5, this is a judgment call so I'm not sure how to ask this, is that actually sufficient to provide the notice to get people to be able to qualify. What happens in that qualifying window now?" Mr. Hulsey replied, "That is a policy decision for Council to make given the parameters I have outlined, you still have the option to have a special election either in March of 2014 or in May in conjunction with the General Primary, its expense is part of the equation the Council considers. Again, it is a policy decision Council has to make."

Mayor Wood said, "I guess the question could be if the Council chose to call for a special election in November tonight, when would the qualifying period be?" Mr. Hulsey replied, "It would be through Friday at 4:30." Mayor Wood replied, "They would have from tonight through Friday to qualify." Mr. Hulsey said, "Correct."

Councilmember Igleheart said, "If it is okay to make a comment, that concerns me that we would have that small a period with no notice really for that."

Mayor Wood said, "Other questions for Mr. Hulsey. Councilmember Diamond."

Councilmember Diamond stated, "March or May, are there other elections that fall in either of those dates?" Mr. Hulsey replied, "The General Primary is now scheduled for, I think they are tentatively talking about May 20th for the General Primary. The date is March is the next specified date by State Law. That is the only time we can do it is at that March time or the General Primary time in 2014." Councilmember Diamond, "To Kent's point about notice, the turnout unfortunately on judge's races historically is so low that if was all that was on the ballot, I would be concerned we are essentially appointing a judge because there would be that few people involved. I had asked for some information and I think it is forthcoming, this week I guess, about how these other cities; I am interested to know why every other city has moved to this and what that means. It seems counterintuitive to me, but do you have any, overall?" Mr. Hulsey replied, "I think that the reason municipal court judges have been moving toward appointment by cities, is that cities unlike the state government and the federal government, power is vested in only one branch of government, and that is Mayor and Council. There is a single governing body. With the State Constitution and the Federal Constitution, you have the division of powers that Judge Hilliard was so fond of discussing. That does not apply here. Mayor and Council are it. You have the question of judicial independence which other cities have achieved by appointing a judge to a particular term and during that term, the judge may be removed solely by Mayor and Council for cause or by action of the Judicial Qualifications Commission. That gives the judge the independence and gives Council the ability to have the judge be accountable. That has been the thinking;

there are over six hundred cities in Georgia, and Roswell is the last to directly elect its municipal court judge." Councilmember Diamond replied, "Do we consider those given our workload now, to be a full time job still?" Mr. Hulsey replied, "My understanding is it is still a full time job."

Mayor Wood said, "Other questions for Mr. Hulsey. Councilmember Price."

Councilmember Price said, "I am not sure if they are specifically for Mr. Hulsey or just comments. I'll make my comments and if he has a response I am happy to hear it. First of all, the end of Judge Hilliard's term normally would have been, what, the end of 2015?" Mr. Hulsey replied, "Correct." Councilmember Price replied, "So, the end of 2015. If, by our Charter, we are required I believe, to have a special election, according to our Charter, which I believe we are still following, although the word 'notwithstanding' I am not a lawyer so I am not sure notwithstanding means, but I know you read in detail State law but you did not read in detail our Charter, but our Charter does ask us to call for a special election. So, if we waited until May, would that be considered proper under our Charter?" Mr. Hulsey replied, "As long as the call is made within sixty days of the vacancy so if Council makes the call by October 4, 2013, that would be proper." Councilmember Price replied, "So we could call it for May of 2014 and that would be fulfilling our Charter." Mr. Hulsey replied, "Yes ma'am." Councilmember Price stated, "Also in this letter, is this letter privileged? This came from our attorney." Mr. Hulsey replied, "Yes, this is from David Davidson, the City Attorney to Mayor and Council." Mayor Wood stated, "The question was is this privileged information or is she free to read it to the public." Mr. Hulsey replied, "No, you are free to read from it." Councilmember Price stated, "In the letter dated August 19 from our City Attorney, who is not here this evening, which seemed to be to be an advocacy position for appointed judge as opposed to just getting us the facts, however, one of the things says having part-time and stand-by judges is not a long term solution. So, what is our definition of long term? Would long term be prior to May of 2014?" Mr. Hulsey replied, "I would say long term would mean longer than a year. It is up to Council to decide what long term means or what it chooses to do." Councilmember Price stated, "But, waiting until May to have an election would not violate this claim that we shouldn't consider stand-by judges in the long term." Mr. Hulsey replied, "I'm sorry, I could not follow." Councilmember Price stated, "I couldn't either." Mayor Wood stated, "The question was, Mr. Davidson said in the long term, we need to have a resolution other than temporary appointed judges." Mr. Hulsey replied, "Yes. I think what Mr. Davidson was driving at is that Council needs to set a decision by October 4th regarding whether it wishes to appoint or to continue to elect judges. That would provide the solution. The Charter allows Council sixty days to call an election, State law dictates when that election can be with the addition of the layer put on by Fulton County which conducts City elections, and it imposes deadlines which we must meet and if we don't then we have to default to the next available election date which is set by the State; that is why you get out to March. The State changed those parameters two or three years ago and specifically set the dates for special elections and restricted what cities could do." Mayor Wood stated, "Just to clarify, the City could either choose March or May as the date." Mr. Hulsey replied, "Correct." Mayor Wood said, "For another point of clarification, if it is March, there is a special charge for it; it would be the only thing on the ballot." Mr. Hulsey replied, "Correct." Mayor Wood said, "If it is May, as Councilmember Diamond pointed out, it is a special question but there is an election being held generally in conjunction with that." Mr. Hulsey stated, "It is a special question, and usually, the difference is about \$150,000." Mayor Wood replied, "Which is significant." Mayor Wood asked, "Other questions or comments before I entertain a motion. Yes, go ahead."

Councilmember Price stated, "I have got a number of things. One, I just did a little

research into what other states do because I know that in Georgia, I think based on the state law, a number of municipalities have been going to appointed, all but us now, since Alpharetta apparently has also gone to an appointed situation, but looking at other states, Alabama appoints judges; Texas has elected and appointed. Washington has a movement at the moment to get elected in all cities; prior to the current status, it has just been the big cities, and they define big cities as greater than 25,000 and those cities have an elected judge, and the smaller cities have an appointed judge. In Pennsylvania, they have elected judges, and I am talking all about municipal level. I am not talking about all levels, just the municipal level. In Pennsylvania they have elected judges and they have six year terms. Wisconsin has elected judges. South Carolina has appointed. In most big cities they are elected. In Ohio, they are elected and they have a six year term. Also, there is an interesting distinction between municipal courts and traffic courts. Traffic courts have a greater tendency to have an appointed judge as opposed to municipal judges which ours is because they handle a number of other ordinance violations besides just traffic. So, I think those are things to consider. I think it is interesting to follow the battle that is going on in the state of Washington right now because there are a lot of trust factors involved with the appointed systems they currently have and there have been a number of judges that have been replaced due to policy disagreements with their city because the cities were concerned that they weren't boosting their own revenues and decreasing their costs and that they were accused of 'meddling in court administration.' There is a movement there to have elected judges in all cities as I have said, not just the big ones which they currently have, greater than 25,000 people. So, I think our peers are not just Georgia, I think we need to look around the country and make sure that we are doing the right thing. Just because there is a tendency in Georgia to go away from elected officials we might want to look at the practices elsewhere and in what problems they run into when they get to that point. Again, our Charter is pretty clear that we are to call for an election, if we think that there is an issue that we might want to go to an appointed system. I don't believe that it is alright to take that from the people who have that ability to make that determination themselves. I would propose that if there is any sort of resolution or any sort of movement in the direction of having an appointed judge, that we at least run that by the electorate for their approval and we could certainly call for that as a question on this upcoming ballot or we could do it at another point. But, since we have until September 3rd to put any question on this fall's ballot, that is certainly something we can do that has not really been brought up before. I would be in favor of that. I think Mr. Dippolito has the privilege of making the motion on this matter since this falls in the realm of Administration but I would strongly recommend that we consider or discuss having a question on this fall's ballot as to whether or not we should change our current Charter which calls for elected judges, elect a judge in our municipal court to an appointed system. On the other hand, depending on how we want to fill that position in the interim I would hope that we do not appoint someone as the judge because I don't think that they should have an unfair advantage of being an incumbent at such time as we have the election, so I would hope that we could fill that on an interim basis and have that the designation of that person. So, those are my comments for the moment."

Mayor Wood said, "Any other questions or comments before I entertain a motion. Councilmember Dippolito do you have a motion?"

Councilmember Dippolito replied, "I was not aware that I was suppose to have a motion." Mayor Wood replied, "This does fall under Administration and Councilmember Price having reminded me of that, I think it is appropriate to give you the opportunity to make a motion if you wish."

Councilmember Igleheart stated, "If he is going to make a motion, can I make a

comment then?" Mayor Wood stated, "Yes sir, you may make a comment." Councilmember Igleheart said, "Because I am open to an appointed judge but I am very uncomfortable on making decisions just on really no notice for the public, either. I am not sure whether putting it on the ballot is the way to go but I do think we need to have some more public input before we make that final decision. Maybe it is putting it on the ballot."

Mayor Wood said, "Councilmember Wynn."

Councilmember Wynn stated, "I am not comfortable with putting this on November. I don't think there is enough time for anyone who is fully seriously considering being a judge here. It does not give them the time to I think be able to see if this is exactly what they want to do. I am not in favor of putting it on the November." Unidentifiable comments made were not completely audible. Councilmember Wynn replied, "I think I have the floor. I have the floor ma'am." Mayor Wood replied, "Once she has an opportunity to close then you will have an opportunity to respond." Councilmember Wynn stated, "I am assuming, Mr. Hulsey, that we could vote tonight to put the election on November." Mr. Hulsey replied, "You can." Councilmember Wynn replied, "Thank you. I don't think there is enough time tonight because that only gives somebody only four days to able to qualify. I also would like to have some more information about the pros and cons of appointed versus elected and see which way I would like to go because I am not married to one way or the other but I still like to see all the information. As for it being on the ballot for a question, I am not really gung ho about that but I have no qualms doing some type of special hearings or public hearings on that."

Mayor Wood said, "Councilmember Price you wanted to make a comment?"

Councilmember Price stated, "Only that we have to have the question to Fulton County by September 3rd. There is no way we could have a qualifying period, advertise it, et cetera to get it to Fulton County by September 3rd. There really is no way to have an election of distinguishing between candidates, among candidates by November. It is my understanding."

Councilmember Orlans said, "It is not practical and not fair, next to impossible."

Mayor Wood replied, "I think you all are arguing over a point which may not be important to decide if it there is a motion to call the election. Mr. Hulsey can answer that further."

Councilmember Orlans said, "I also think we need some time to look over the pros and cons of elected versus appointed. Also, I think we need to analyze whether we need a full time position no matter what we do versus a part time position. I think we need to get some more information together to review this whole issue. Thank you."

Mayor Wood stated, "Any other comments before we entertain a motion."

Mayor Wood stated, "Mr. Dippolito, I am going to give you the first shot at this motion if you wish it, or you can defer. You could pass on that because I know you weren't prepared." Councilmember Dippolito stated, "If one of my colleagues is prepared with a motion, I would be happy to refer it to them."

Mayor Wood said, "I see Councilmember Wynn's hand is up."

Motion: Councilmember Wynn stated, "I have no problem doing a motion. My motion would be to defer this until September 23rd to give enough time to get the information

that we need. I would defer it to September 11th but that is the radio tower and I don't want to clog it up on that one."

Mayor Wood stated, "Just to be clear what we are deferring. This is the consideration of do we call a special election under the Charter or do we exercise the right under the State law to make an appointment or do we go some other route." Councilmember Wynn replied, "Exactly. And since we have until October 4 to make that decision, I think September 23 should give us plenty of time to get all this information and disseminate that information."

Mayor Wood said, "We have a motion to defer this issue until September 23 Council meeting. Is there a second?"

Second to the motion: Councilmember Orlans replied, "Second." Mayor Wood said, "Second by Councilmember Orlans. Further discussion of the motion to defer? I'll hear from the audience after I hear from the Council. Councilmember Price."

Further Council discussion:

Councilmember Price said, "The only reservation that I have about that motion is that we give up any opportunity to put anything on the ballot this fall. I know we cannot put individual people on the ballot this fall, but we could pose the question of an elected versus an appointed judge to the people directly since that would be a right we would essentially removing from them should we at some point go to an appointed position, which is not to say we would do that in any case, but I am just saying if we wanted to determine that prior to October 4."

Mayor Wood stated, "That would be the subject of a different motion which I would entertain after we vote on the motion to defer. It would not be part of a motion to defer. On the motion to defer, any further comments? Yes."

Councilmember Dippolito stated, "A related question to that, if we wanted to put a question on the ballot, we need to decide that by September 23, is that correct?" Mr. Hulsey replied, "You have to get it to Fulton County by September 3rd." Councilmember Dippolito replied, "By September 3rd, then we would need to call for an election, special election by October 5th." Mr. Hulsey replied, "October 4th." Councilmember Dippolito stated, "Okay. If we place the question on the ballot, which we won't get the results until November, so would we call for a special election on October 4th and then potentially cancel that? I am trying to figure out logistically how does all this work."

Mayor Wood replied, "Let's do this Councilmember Dippolito because I have a small attention span. You've got a lot of ifs. The first question is, do we defer? The question of do we place a special question on the ballot we can take up immediately following this." Councilmember Dippolito replied, "Actually that plays into do we defer because it depends on when we defer to." Mayor Wood stated, "The vote is being deferred to September 23rd. It would be too late to put it on the calendar then. If we are going to put this on the calendar, Mr. Hulsey it would be September..." Mr. Hulsey replied, "If you are going to put a special question on the ballot the language has to be to Fulton County by September 3rd. That would really mean Friday." Mayor Wood responded, "So, I am saying we've got to make a decision tonight where we are going to put that on the calendar. It is separate from the motion to defer." Mr. Hulsey stated, "Mr. Mayor it is really not separate because Fulton County and the State may determine that it is moot because you already have got the option to elect or not elect. If you defer, you're just deferring the decision of when a special election is going to be. You maintain all of your options. You can appoint under State law." Mayor Wood replied, "Here was the question. The question with Councilmember

Price's suggestion, we put on the ballot a question to the public, it would be an essence, it is not a referendum. Let's ask that question. Can we put on the ballot: do you wish to elect a judge or not?" Mr. Hulsey replied, "I am certain that Council can do that. We are going to have to be a little more detailed because..." Mayor Wood stated, "I understand. But, I am saying that question, if we are going to put that on the ballot for November, we have to make a decision by September 3rd." Mr. Hulsey responded, "By this Friday. It has to be to them by September 3rd." Mayor Wood said, "By this Friday. Again, I see that as a separate question. They are related but the motion to defer can go forward without resolving the question of putting it on the special question ballot." Mr. Hulsey stated, "We would have to hammer out the language." Mayor Wood said, "Tonight." Mr. Hulsey responded, "Tonight, correct." Mayor Wood replied, "I don't want to try to hammer that out before I first get past the vote on this motion to defer."

Councilmember Dippolito stated, "Can I ask a follow-up question, bear with me for a minute. If we put the question on the ballot by September 3rd, we would have to call for a special election with that question on the ballot, we would still have to call for a special election by October 4th, just to retain that right to hold a special election. Is that correct?" Mayor Wood responded, "No. Well, if we were meeting our Charter, we would have to take action within sixty days; to meet the Charter we have to call that question." Councilmember Dippolito stated, "We would call for a special election, we would then at the General Election on November 5th, we would hear from the public about what they would like for us to do." Mayor Wood stated, "Correct." Councilmember Dippolito replied, "If they say that they would like for us to hold an election, then we are good and we hold that election in May as we have discussed. If they say they are okay with us appointing it, then do we have the ability to cancel the special election?" Mr. Hulsey replied, "Yes, because in your call for the special election, you can say 'if necessary.'" Councilmember Dippolito replied, "So, we really have nothing to lose by going ahead and putting the question on the ballot." Mayor Wood replied, "This is a complicated question and when you say nothing to lose. The question is, is this a question for Council to decide or is this a question of which there is going to be an education of the public and getting all the issues. Because, as you all have noted, it is not a simple yes or no question. There are pros and cons. It is not a matter of should you have the right to vote or not. Everyone has the right to vote. It is a complicated question and a lot of things to factor. What I am asking for right now, although this may influence your decision, is there is a motion and a second to defer. We can take up the question of, do we put something on the ballot and what is it, next or at a later time. I want to take a look at what else is on the agenda because this could take a while. We have a motion to defer. I want to hear any other discussion of the motion to defer. Does anyone in the audience have any comments on the motion to defer. Yes sir come forward. I will not be talking about the motion of whether we should appoint or not appoint a judge. If you would limit your comments on the motion to defer."

Public comments:

Lee Fleck, Martins Landing, stated, "I would like to bring all your attention to your own Charter. You don't need to defer to the State to an appoint. It is in your own charter under Section 7.60, subsection 2. It states: The City Council may at any time during an absence of the Chief Judge of the Municipal Court, appoint a judge pro-tempore who shall serve during such absence or period of time. Thank you."

Mayor Wood said, "Does anyone else wish to comment or have any questions regarding the motion to defer. Any further discussion by Council?"

Further discussion:

Councilmember Price asked, "Can you state the motion, please."

Mayor Wood said, "The motion is to defer the question of do we call a special called election or other options until the Council meeting on September 23rd, Mr. Hulsey, was that the date?" Mr. Hulsey replied, "No, October 4th. I am sorry. September 23rd. Correct." Mayor Wood replied, "The 23rd, we would defer this issue, which we have been discussing right now. Not the question on the ballot but do you appoint, do you call a special election. When you call the special election do you have to go to the legislature? All those issues would be deferred until the 23rd, and the Council has requested more information to help them make that decision. That is the motion. Motion to defer." Mayor Wood stated, "We already have a second. Any further discussion before I call for a vote?"

Councilmember Diamond stated, "This may be a Michael question or Julie question about how we go about getting the information to the public either way. Is there a timeline that generally it takes? Either way, we need to have a public discussion of appointed versus elected. So, I guess the question is can we do that in the short term or if we make it a ballot question, I am not sure how we get that. I know if we do it the 23rd, we have public hearings, we get the word out, we have the discussion. My guess is the media has already started on this. If not, we are going to have to do an education process and I am not clear how that is going to work."

Mayor Wood replied, "It is not clear at this moment how that would work. I don't want to get into the question how you are going to educate them until I first find out. You all are jumping ahead to the second motion which hasn't even been made yet. The question is a motion to defer. Let's not discuss the special called vote because until you first decide on this motion to defer. We have a motion and a second. Councilmember Orlans."

Councilmember Orlans said, "I think to answer Councilmember Diamond's question, is by the 23rd, we could still call for a special election in May of next year and still go through public hearings and still gather information and then follow-up with having that election or if the decision is to go to an appointment then we would not follow-through on the election and make a decision elsewhere."

Mayor Wood stated, "The motion right now is a motion to defer the question of do we call a special called election. That is all it is. We have a motion and a second to defer that question until September 23rd. All in favor of the motion raise your hands. That is Councilmember Orlans, Councilmember Igleheart, Councilmember Wynn, Councilmember Dippolito, and Councilmember Diamond. All opposed, Councilmember Price."

Mayor Wood said, "We now if someone wishes to make a motion to put a question on the ballot, Mr. Hulsey do they have time to do that if we hammer out something tonight?" Mr. Hulsey replied, "I would think so. I will have to check tomorrow on the special question part, but I believe we will be in time if we have the language and it is adequate by State law."

Councilmember Igleheart stated, "I would suggest given our history that we not try to hammer out something tonight to get language that is going to go to something that we'll decide something since we couldn't even do it just right now. We do have a committee meeting on Wednesday and I would suggest that we look at having a special called either before or after that meeting so that we can then have at least a day to try to come up with that."

Mayor Wood said, "Just for the record, I have to be at my niece's wedding out of town. I'm leaving Wednesday and so I will not be able to take part in that vote but

maybe that gives me an excuse. Don't feel bad about it, I just will not be there."

Councilmember Price stated, "I'm sorry that I did not bring it with me but I had scribbled out a draft motion to that effect at home, and really I don't think it would be that elaborate. Simply stating that according to the Charter of Roswell, our current system is to have an elected judge and then the question would be, 'do you favor retaining this system or going to a system of an appointed judge?' That is it basically, it but it would have to be very carefully worded which we could hone by Wednesday that doesn't lead anybody to any particular conclusion. It just needs to simply state what we have now, and would you wish to change it to a different system because that is what is being proposed to us. And, I know Mr. Fleck said we have that right now, and yes we do in the temporary sense, but in the long term sense, our Charter says that we elect. So, that is the question, in the future is, do we change our Charter to go to an appointed system or retain the current Charter which says we elect."

Mayor Wood stated, "Here is what I am hearing, is the Council may not be prepared to make a decision tonight but there is a wish of some Council members for a special called meeting to consider this between now and Friday. Is that a fair statement?" Councilmember Igleheart replied, "Yes." Mayor Wood replied, "Well, I would entertain a motion to that effect." Councilmember Igleheart replied, "Well, since we are already getting together on Wednesday, I would make a motion that we consider whether or not we put a special question on the November 5th ballot and a special called meeting at 8:00 on Wednesday, the 28th." Mayor Wood clarified, "8:00 a.m. Wednesday, the 28th Special Called Meeting to discuss ballot question regarding election or appointment of a judge." Councilmember Dippolito stated, "Second." Mayor Wood responded, "Motion and a second. Yes, Councilmember Price." Councilmember Price stated, "Seeing that we already have a meeting called at that time, is this going to precede that meeting or follow that meeting?" Mayor Wood replied, "The special called meeting would be at 8:00 a.m. You all could decide to, right now, it is to be at 8:00 a.m. If you wish to make a motion to amend it to be at a later time, I would entertain a motion to amend." Councilmember Igleheart responded, "If I can, I am saying 8:00 because if people do want to come to that then they know when it is. If we put it after the committee meeting, nobody can tell what time it is." Mayor Wood replied, "I understand. Right now, the motion is to hear this at 8:00 a.m. at room...., well, if it is a special called Council meeting, it might be at this dais. I would want to hear from staff where the best to call that, but you would want to have it on the record." Assistant City Attorney Bob Hulsey replied, "Mr. Mayor, I think it needs to be after 8:00 a.m. because we must give 24 hours notice and we are not going to be able to give the newspapers proper notice tonight, so we would send it out first thing in the morning so it should be at least 8:30 or later. I would suggest that the committee meeting is already scheduled for 8:00, you could have a special called meeting for 9 or 10 and simply adjourn the committee meeting, hold the special called meeting, and go back to committee." Mayor Wood stated, "Councilmember Igleheart do wish to amend your motion?" Councilmember Igleheart responded, "Yes I do. Does 9 work?" Mr. Hulsey replied, "Yes." Councilmember Igleheart stated, "If people would like to come, I would like to get it done for them as soon as possible and move on. Yes, I would make that the motion. 9:00." Mayor Wood stated, "Councilmember Dippolito do you concur?" Councilmember Dippolito replied, "Yes, I do." Mayor Wood clarified, "So, the motion is to have a special called meeting at 9:00 to consider the issue of placing a question on the ballot. Councilmember Diamond." Councilmember Diamond stated, "Could we have a couple of draft options from Legal on Wednesday?" Mayor Wood replied, "As many as you want." Councilmember Diamond stated, "I just, you know, us writing legal stuff doesn't go well, so if you could give us some starting places that would be helpful." Mr. Hulsey responded, "We will do that."

Mayor Wood stated, "Any further discussion. Councilmember Orlans."

Councilmember Orlans stated, "As you Mayor, I have some conflicts for Wednesday morning as well, so I may not be here. But, my one hesitation on the ballot question is you know, getting more than just a yes or no but getting information out to the public and having some public hearings, and having time to do that. Now, I guess we could still do it and compliment the ballot question, but then if feedback and changes and so forth, then you know, we said we're going against the ballot question. I have some conflicting thoughts about this whole, the process and how to do it and how to get public input on it."

Mayor Wood stated, "I am not going to open it up for public discussion tonight because we are going to have a special called meeting in which we will have specific points. All we are talking about tonight is, are we going to continue this discussion, and given that continued discussion, I am not going to open it up for public comment. I do want to hear from all the Council's comments before we vote on bringing this to a special called meeting. Councilmember Price."

Councilmember Price stated, "I think the concern that the public can't figure it out by the first Tuesday in November, is a little spurious after all we are in the middle of qualifying this week and we have no idea who may step up to run for City Council, we have no idea who may step up to run for Mayor but presumably between now and November, I think the electorate or those who choose to vote on that day will decide what they, how they want to vote. So, I think they could figure this issue out as well, and it has already been in the news and I think it will be, and I know the Women's Club is putting on a forum. There will be plenty of opportunities for people to hear the merits one way or the other and to discuss it in groups and I think be educated by November."

Mayor Wood stated, "The subject is, do we have a special called meeting Wednesday, at 9 a.m. We have a motion and a second. Any further discussion? All in favor of the motion raise your hands."

Unrecognized speaker from audience stated, "Point of order Mayor." Mayor Wood replied, "No sir, you are not being recognized. Mr. Fleck you are not recognized. If you wish to speak you are going to have to leave this room." Continued comments from audience were not audible. Mayor Wood responded, "Mr. Fleck do you wish to leave this room? Escort Mr. Fleck outside. Thank you Mr. Fleck." Mr. Fleck responded, "I'm trying to tell you..." Mayor Wood stated, "Are you willing to remain quiet? You can remain in the room if you will sit there quietly. Thank you sir."

Mayor Wood stated, "We have a, I've forgotten what the vote was. We had a motion and a second. A motion by Councilmember Igleheart, second by Councilmember Dippolito, wasn't it, to have a special called meeting on this coming Wednesday, which is, what date is that? The 28th at 9 a.m. to consider a ballot question regarding election or appointment of the judge. Any further discussion? All in favor of the motion raise your hands. That is Councilmember Orlans, Councilmember Price, Igleheart; that's unanimous. So, I encourage everyone who did not get a chance to speak tonight on that subject, we will have a full discussion that night. I did not want to drag this meeting out because that is the time for the discussion, is when the ballot question is proposed, and I encourage you all to come back."

A motion was made by Council Member Igleheart, seconded by Council Member Dippolito, that this item be placed on the Mayor and City Council Special Called Meeting agenda for 8/28/2013, at 9:00 a.m., to consider whether or not a special question is placed on the November 5, 2013 ballot regarding

election or appointment of the judge.

The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-09-60

Administration and Finance Department - Councilmember Rich Dippolito

4. Approval for the Mayor and/or City Administrator to sign a contract with the Jacobs Group to provide services for the Municipal Court Services Reorganization Plan in an amount not to exceed \$405,609 and amendments to the FY 2014 Approved Budget and Position Control.

Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer presented this item stating this was discussed in Committee for a reorganization plan for the Court Services functions in the City to go from 16.5 full time equivalent positions to 13.5 full time equivalent positions. Jacobs Group would provide the staffing for four (4) full time and one (1) part time position or 4.5 for Court Services functions themselves. There are currently four (4) Marshalls in that division that would remain with the City but be moved to the Police Department to be under that jurisdiction. Probation would remain within the City employment. There are currently two (2) Probation officers. A third senior Probation officer would be added for a total of three (3) in that department. The Solicitor is an employee with the City now and would remain a City employee at this time. The request is to approve Jacobs Group to provide the services for an amount not to exceed \$405,609.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Dippolito said he has concerns about not having enough information on Jacobs Engineering Group. They are a large publically traded company and very well respected in their field which is primarily engineering, but he would like to receive more information on them and their qualifications to fill this role prior to moving forward. He recommended a deferral.

Motion: Councilmember Dippolito made a motion to Defer Approval for the Mayor and/or City Administrator to sign a contract with the Jacobs Group to provide services for the Municipal Court Services Reorganization Plan in an amount not to exceed \$405,609 and amendments to the FY 2014 Approved Budget and Position Control.

Mayor Wood said he would not be here for the Special Called meeting and requested that Councilmember Dippolito defer it to the next regular meeting and asked if that would be suitable. Councilmember Dippolito replied yes. Mr. Fischer said the recommendation would probably be for 9/23/13 because the 9/11/13 agenda is very full. Councilmember Dippolito recommended deferral to the 9/23/13 regular meeting.

Mayor Wood said there is a motion to defer this item to the 9/23/13 regular meeting.

Second to Motion: Councilmember Diamond seconded.

Mayor Wood called for public comment on deferral of this item. There were no public comments. Mayor Wood asked for further comments from Council.

Council Comment:

Councilmember Price said there have been a lot of changes with the judge resigning and she understands there have already been some changes in Court Services. She asked if deferring this would put the City in a bind and would it put some people in limbo. She asked what would be the merits or problems for not discussing this or taking action inside of a month.

Mr. Fischer said if she was asking for his opinion on this, it would put the Division in limbo. There are employees who have been given information that some changes are going to be made, that they would be going from 16.5 positions to 13.5 positions which means three (3) positions would not be in the future. There is a lot of concern as to what that might mean to the current employees. He said from his standpoint this should be moving as rapidly as possible for their sake so they know what is going on. He said he understands Councilmember Dippolito's concern and they have been in some contact today and there are some questions that can now be cleared up. He said he feels bad leaving this open for a month when the announcement has already been made that changes are going to be made.

Mayor Wood said staff has made the announcement that they are recommending a change. Mr. Fischer replied correct. Mayor Wood said the Council has not made the decision to make the change. Mr. Fischer said thank you; that is correct. Mayor Wood said however the employees are in limbo because they do not know what the Council is going to do. Mayor Wood said he agrees with Mr. Fischer that in justice to the employees, the sooner this Council makes a decision, the better for the employees. Mayor Wood said for the record, no decision has been made yet.

Councilmember Price asked for clarification purposes if any employees received termination notice. Mr. Fischer replied absolutely not and no decision has been made from an organizational standpoint until the Council makes the decision for the reorganization and nothing will be done until that time. Councilmember Price said then that is just a rumor. Mr. Fischer replied that absolutely is a rumor. He said that no position has been changed in any manner with regards to this reorganization; that would be highly inappropriate. Councilmember Price thanked Mr. Fischer. Councilmember Price said this is a great idea but if some Council members are not comfortable with this tonight, she would support the deferral, but if they were voting tonight she would vote to approve.

Councilmember Igleheart said he agrees there may be some limbo here for a month but the most difficult decisions they make deal with individual employees. He said however, he thinks they would rather be in limbo for a month and have the best decision as opposed to having a decision right now that may or may not work. He understands they have been given a lot of information and because it is such a major decision, they owe it to everyone to make sure they have the full information. He apologized to those who might have to wait another month but ultimately that is the best decision.

Mayor Wood asked for further Council discussion. There was none. He said there is a motion and a second to defer until the 9/23/13 meeting. He called for a vote.

A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Item be Deferred and placed on the Mayor and City Council agenda for 9/23/2013. The motion carried by the following vote:

In Favor: 6

5.**Resolution appointing stand-by Judges for the City of**

Roswell Municipal Court.***Presented by Michael Fischer, Deputy City Administrator***

Deputy City Administrator Michael Fischer presented this item stating it is in fact their authority to be able to appoint stand-by judges in the time of a vacancy in the office. He said staff is requesting a resolution be passed with a list of stand-by judges so there can be more than one in the case of scheduling issues along the way. He said that Councilmember Price had asked earlier how long it would be appropriate for this to go on and he said long enough to get in an election. He said he had discussions with City Attorney David Davidson on the appropriateness of having stand-by judges; this is not a long-term solution if they don't want it to be. However, in moving forward with making sure the right thing is done on the call for the judge; they can use the stand-by judges in the meantime. He read the list of judges in the resolution as follows:

- Richard Hicks*
- Barry Zimmerman*
- Brian Hansford*
- Don Schaefer*
- Mazi Mazloom, and*
- Phyliss Collins.*

Mr. Fischer said staff recommends approving this list of judges for stand-by on a resolution by Council.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Price asked if there were any names of other judges who have served since Judge Hilliard resigned that are not on this list. Mr. Fischer replied yes. Mr. Hulsey replied that Judge Thompson served one day but it was determined that he was not eligible to be appointed because he is retired and is not currently a judge anywhere and is not a senior judge. He said all of these judges are eligible to be appointed under the City charter. Mr. Fischer said that is also the only one that he knew of. Councilmember Price asked if that means he cannot serve any longer. Mr. Fischer replied he could not sit on the City of Roswell's court unless he was an active judge or a senior judge. Councilmember Price asked by what authority Judge Thompson served as the City's judge in the interim. Mr. Hulsey said according to Robby Barkley, it was pursuant to Judge Hilliard's appointment which the charter does not give him. Councilmember Price said, "I don't have the charter at my fingertips here, but I'll take that as correct. Are there any others that have served, or this will prohibit anybody else because we don't have a senior judge to...well you're saying he can't..." (The remainder of the comment was inaudible.)

Mayor Wood said it would not prohibit anyone else but it would require another vote of Council to approve the nomination. He said there is a slate that is being approved here and they could add or subtract from that later.

Mr. Fischer said staff is asking for Council's approval to be able to call judges to sit in on a day in and day out basis. Sometimes it is very easy but at other times it can be very difficult depending on the judge's court schedule and the City of Roswell's court schedule and at times they go through a list very quickly and are unable to get anyone. He said they do not want to take it upon themselves to start calling individuals that Council has not approved which is why this list has been put before Council.

Councilmember Price said, "But we've never done this before." Mr. Fischer replied, "We've had a judge that has done that before." Councilmember Price said, "But

apparently we are saying that he didn't approve the proper people. Is that what we are saying?" Mayor Wood said, "No, we are saying that the judge has now resigned and he is no longer available to make appointments." Mr. Fischer said, "And you all need to do that." Mayor Wood said, "Once he resigned; he was not in the position to name people and now that is why this has come to this Council." Councilmember Price said, "So, if wanted to expand the list, how hard would that be? Mayor Wood said, "It would take a motion and a second and a vote of Council and they would have to be qualified under the terms of the charter." Councilmember Price said, "Do we know of any other interested people?" Mr. Fischer replied, "I do not." Councilmember Price thanked Mr. Fischer.

Councilmember Dippolito asked Mr. Fischer, "Is this the list that we currently have for stand-by judges that our prior judge would have called upon?" Mr. Fischer replied, "Yes; these are all people that have been in our courts even while our prior judge was here." Councilmember Dippolito thanked Mr. Fischer.

Motion: Councilmember Dippolito made a motion for approval of a Resolution appointing stand-by Judges for the City of Roswell Municipal Court. Councilmember Orlans seconded.

Mr. Fisher asked to make a comment for clarification. He said, "I'm not sure if Phylliss Collins was here with our previous judge in the past, but she has served already in the interim and was very well received, so she is on the list also. But, I'm not sure if she was here when Judge Hilliard was here."

Mayor Wood asked for further Council discussion. There was none. An individual from the audience asked to speak. Mayor Wood asked him to come forward and give his name and address.

Public Comment:

Richard Hicks, stated his home address as 1210 Falstaff Drive in Roswell and said he would like to add a name to the list. He recommended Roy Roberts who was the judge in Alpharetta for many years and is a magistrate and still has his municipal qualifications and he would be a good one to add and he is available.

Mayor Wood said he knows Judge Roy Roberts but he would like to make sure that Mr. Fischer contacts him first and this could be brought back to the next Council meeting to add him to the list. He suggested waiting until staff has had a chance to contact him. He said he concurs with Judge Hicks' recommendation.

Mayor Wood said there is a motion and a second to nominate this list and it can be added to later.

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

In Favor: 6

Enactment No: R2013-08-55

Mayor Wood issued a five-minute break at 8:48 pm. The meeting reconvened at 8:55 pm.

6.

Approval of a Text Amendment to the Zoning Ordinance to amend Chapter 18, "Outdoor Lighting." (First Reading)
Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer presented this item stating this is the first reading of this item and what they talked about in Committee, the very next day it went to the Planning Commission for initiation. They deferred it because they had just received the information but they will have it again before it comes back for the second reading. They are trying to get this in under a time crunch and it must be in by the end of September to be included on the application for the ARC Gold community. This is an outdoor lighting ordinance that takes the current one that is of a very broad scope and defines things better. He said there are two ordinances included in Council packets. One is the actual ordinance which is the clean ordinance and the other is a red line version that has the old ordinance next to the associated section that would have been taken out. Everything in the old ordinance is removed and everything in the new ordinance is put in. The new ordinance has more detail in definition than the old one. Staff is recommending that Council approve this ordinance on the first reading so they can continue to move it forward in order to enhance the night time environment in the City and part of that is the spillover of light that is going up into the air for no reason. In lieu of lighting objects and areas, it is lighting the sky and they are trying to avoid that. He said this goes well with the ARC green community's application that they are putting forth.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Dippolito said he was confused by what they were looking at. There are some red strikeouts and said he thought that the sum total of those red areas that were struck was the entire previous ordinance. Mr. Fischer replied that was correct; the red strikeouts are the old ordinance embedded in the new ordinance in order for them to see what was taken out. Councilmember Dippolito said then the old ordinance started at Section 18.2.5. Mr. Fischer said no it was 18.2.1. He said they are placed in the new ordinance next to the area that they corresponded with and not necessarily in order. He said for example 18.2.5 Type of Lighting is struck out and corresponds with the letter "c" in the new ordinance just above that and talks about the type of lighting that is prohibited. He said one ordinance says what someone is allowed to have and one says what they are not allowed to have so he put those two together. He said another example at the bottom of that page is 18.2.1 in the old ordinance that talks about cut-off fixtures and 18.2.4 A in the new ordinance talks about cut-off fixtures. He said he placed the old ordinance items next to the corresponding new ordinance item so they could see those are the items that are the same. The items shown in white are new details in the new ordinance that did not transfer over from the old ordinance.

Councilmember Orlans thanked Mr. Fischer for the explanation. He said the main issue they had with some lighting and keeping it focused down was security lighting that came up a lot with car dealers. He asked if that is still being handled here and that it could work both in controlling lighting but still allow them the security they need. He asked if they have been made aware of this and if staff has received any input from them. Mr. Fischer referred to Section 18.2.3 of the new ordinance on the second page, Exempt Lighting. He said one of those that is exempt is security lighting and they certainly don't want to be involved with telling people how to do their security lighting and have them blame the City for not having security lighting.

Mayor Wood asked if existing fixtures are grandfathered. Mr. Fischer replied they are as long as there are no major changes to the area; if there is more than a 50%

change to a particular area then all the lights must be brought up to standard. Mayor Wood asked if it is 50% by area or by price. Mr. Fischer replied by area. Mayor Wood asked for an example. Mr. Fischer read a section from the new ordinance as follows; "building additions or modifications of fifty (50) percent or more in terms of additional dwelling units" and said so if the dwelling is being changed or added to by more than 50% for example adding more than 50% to the store front of a building store front then they must bring all of their lights up to code. He said that would be a major change. Mayor Wood said then repaving parking or cosmetics would not trigger this. Mr. Fischer replied no, that would be considered a minor change and any new lighting that would go in with that plan would need to be the new code but the old lighting would not have to be changed. Mayor Wood said then it would have to be a major change in the commercial or residential that would trigger this. Mr. Fischer replied that is correct. Mayor Wood thanked Mr. Fischer.

Councilmember Diamond asked why this is being done separate from the UDC and how it came up. Mr. Fischer replied it is a timing issue. He said they knew they were going to be doing some lighting plans and the UDC does include most of what is being done here in as far as being able to get lighting plans now, they must be permitted and approved in advance. The reason they are doing this is because it would fit nicely into the application for a Gold Community but the UDC is not ready yet. However, this goes hand in hand with what is being done in the UDC.

Mayor Wood asked if these changes are consistent with what would be the changes in the UDC. Brad Townsend replied yes, if this was adopted it would just be rolled into the UDC. Mayor Wood said then it would not change things and asked if there would be another change after this. Brad Townsend replied no.

Councilmember Dippolito said looking at the charts on Section 18.2.4 and said there are maximum foot-candles at property lines and those are 1.0, 1.5 and 1.5. He said looking at the old regulations, they are .51 and 1.5. He said that actually looks like an increase in the maximum foot-candles and asked if that was correct. Mr. Fischer replied that was correct because lighting today can be better directed. He said they are trying to control and maintain the spillover. Councilmember Dippolito said this is attempting to control glare and spillover but doesn't reduce the amount of foot-candles. Mr. Fischer replied that is correct because it doesn't have to anymore with the technology in the new types of fixtures that are available. Councilmember Dippolito said the second half of that chart was struck but it looks the same so that actually is not a change from "Off-Street Parking Lots" to "Light industrial areas." Mr. Fischer replied correct.

Councilmember Dippolito asked Mr. Fischer his opinion of the key components to this ordinance or what it was actually accomplishing. Mr. Fischer replied it is a little more descriptive in the different types of lighting and what cannot be used. The old ordinance was very broad and there were a couple of lights that could be used but it did not get into specialty lighting which had to do with some of the search type lighting that have real intense beam lights that are used for special occasions that go up and all they are is glare in the night vision. It is a big deal to be able to define what kind of lights that shouldn't be used in the City and the other area is the special uses that are much more defined than they were before in how they can be used. Sports lighting obviously is a very special use. This also talks about gas station lighting and their down lighting they must have and how they can be mounted. It brings a lot of the old ordinance up to more of the modern standards with the details listed.

Mayor Wood asked if this would be brought back to Committee. Mr. Fischer replied it would be brought back to a second reading to Mayor and Council on 9/23/13. Mayor Wood asked if there was a Committee meeting before that. Mr. Fischer replied yes.

Mayor Wood asked if this could be put on the Committee agenda because he knows that Council has a lot of questions. Mr. Fischer replied yes it could be discussed more at the next Committee meeting and the second reading would be after the next Planning Commission meeting so Mayor and Council would also be privileged to their comments as well.

Councilmember Wynn said Mr. Fischer had said that this actually increases the foot-candles because of the new technology. Mr. Fischer said yes in some instances. Councilmember Wynn said she was not a lighting expert and did not know if this would be feasible but asked, for example if someone had old type lighting could they then use this table to put more foot-candles in a dated street light or parking light. Mr. Fischer replied no not directly; if someone changes the type of lighting from an older style light from the old regulations to a new one, then that must be approved first. It could raise the foot-candles as long as the new light directs that light where it needs to go.

Councilmember Wynn said she was not making herself clear. She said, "An existing parking light pole that is old, the old technology. Is this going to allow me to... Let's just take a property abutting an office or institutional was 1.0 foot-candle. It is now going to 11.0. Can I under this ordinance with the changes; can I go to the existing parking light pole and take out the 1.0 foot-candle light and put in an 11.0 or does the technology allow that?"

Mr. Fischer replied no because it has to do with the type of head and the reflector and what that pattern of light is. For example if there is an old light there, it could only be replaced with an old style light with a lower foot-candle if only that one light is being replaced. If the light head is changed, then it could be changed to the new style head that directs the light at a certain pattern that gives a higher foot-candle.

Councilmember Wynn said, "I don't know if we are talking apples or oranges here."

Mayor Wood said to Councilmember Wynn, "I think what he is saying is you can't just change the light bulb; you would also have to change the fixture."

Councilmember Wynn asked, "Is it possible to put in a higher foot-candle light in an existing old technology light?" Mr. Fischer replied, "Probably not. The head probably won't even take that type of a bulb."

Mayor Wood said, "Could we do this? Just make it clear. If it is not expressed, that you have to go to the new fixtures, if you increase the foot-candles." Mr. Fischer replied, "It is expressed." Mayor Wood said, "That is expressed so they cannot change the foot-candle without the new fixture." Mr. Fischer replied, "Anything new goes to a new fixture. The only difference is, if depending on how big of a project, do you change them all or do you just change the ones that you are working on."

Mayor Wood asked if that answered Councilmember Wynn's question.

Councilmember Wynn replied, "Yes, but I'm still thinking that if they can do it then how are we going to know until somebody starts complaining about the bleed. It answers my question. I appreciate it."

Mayor Wood asked for further Council comment.

Councilmember Dippolito referred to the part of the ordinance that talks about minor additions of less than 50% and said that requires an inventory and a site plan. He asked where it discusses any new lighting as Councilmember Wynn had talked

about. Mr. Fischer read the last sentence from Section 18.2.3.A of the ordinance as follows, "Any new lighting on the site shall meet the requirements of this ordinance with regard to shielding and lamp type." He said that would be anything less than 50%. Councilmember Dippolito said the beginning of this talks about additions or modifications of less than 50%. Mr. Fischer said that is anything that is small; if that light is changed it must be to a new light standard. Councilmember Dippolito asked about anything that is larger than 50%. Mr. Fischer stated everything on the piece of property would have to be changed. Councilmember Dippolito asked, "It is 50% of what?" Mr. Fischer replied it can be interpreted several different ways. It is in Section 18.2.3 that reads, "fifty (50) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision." Mr. Fischer explained that it would depend on if it is just the building then it could be the area of the dwelling or the square foot of the dwelling; if it is a parking area then it could be the size and the number of the parking spaces. Councilmember Dippolito inquired about a facelift done to a building that was more than 50% of the gross floor area. Mr. Fischer replied that it would then be a minor change, and if any lights are to be done then they must be to the new standard. Councilmember Dippolito asked if a facelift is done to a building then would the parking lot lights also have to be changed. Mr. Fischer replied they would not, if they don't change more than 50% of whatever they are doing. Councilmember Dippolito said that was what he was saying; if a new skin were put on a building but the parking lot lighting is fine, then that lighting would have to be replaced anyway just because you re-skinned the building. Mr. Fischer replied no, not unless the building is changed by more than 50% on the outside or the total square foot area. Mr. Fischer asked Brad Townsend if he was saying that correctly. Councilmember Dippolito said that it says, "additions or modifications" and said his question is what is considered a modification. Mr. Fischer replied that his interpretation is that if it is added to and the modification is more than 50% or... (remainder of sentence not audible). Mayor Wood said, "You are talking about gross leasable area." Mr. Fischer replied yes, of the area not just the skin. Councilmember Dippolito said he agrees with "additions" but "modifications" is kind of broad.

Mayor Wood asked Brad Townsend to look into clarifying the language to make sure that Councilmember Dippolito's concern were addressed and that it was defined.

Councilmember Dippolito said his concern is that they are trying to encourage redevelopment and if there was a site that was otherwise in good condition with relatively new lighting that was okay, but then they re-skin the building; it seems a shame to require that they update all the lighting when they may not really need to. Mr. Fischer said that is right but this ordinance is asking that they update the lighting because there is a lot of spillover at night and a lot of glare in a lot of lighting.

Mayor Wood said Councilmember Dippolito's concerns would be addressed. He said he thinks this is just a matter of making it clear that it has to be the leasable area or the area of the parking area has got to be increased by 50% whether it is called a modification or an addition. He said it would be helpful if staff could have the changes completed before the Committee meeting for Council's review.

Mayor Wood asked Mr. Hulsey to read the ordinance.

City Attorney David Davidson conducted the first reading of an ORDINANCE TO AMEND CHAPTER 18, "OUTDOOR LIGHTING", OF THE ROSWELL ZONING ORDINANCE stating: pursuant to their authority, the Mayor and City Council do hereby adopt the following amendment:

1.

Chapter 18, Outdoor Lighting, of the Zoning Ordinances of the City of Roswell,

Georgia is hereby amended by deleting Chapter 18.2, Outdoor Lighting Regulations, in its entirety and substituting therefor a new Chapter 18.2, Outdoor Lighting Regulations, to read as follows:

18.2 – OUTDOOR LIGHTING REGULATIONS

18.2.1. Purpose and Intent. The purpose and intent of this ordinance is to provide a regulatory strategy for outdoor lighting that will permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive or unnecessary; conserve energy and resources to the greatest extent possible; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.

18.2.2. Conformance With Applicable Codes. All outdoor illuminating devices shall be installed in conformance with the provisions of this ordinance, the Building Code and the Electrical Code as applicable and under appropriate permit and inspection. Where there is conflict between the provisions of this ordinance and other regulations, the most restrictive provision shall prevail.

18.2.3. Applicability. For all land uses, developments and buildings that require a permit, all outdoor lighting fixtures shall meet the requirements of this ordinance. All building additions or modifications of fifty (50) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this ordinance for the entire property, including previously installed and any new outdoor lighting. Cumulative modification or replacement of outdoor lighting constituting sixty (60) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.

A. Minor Additions. Additions or modifications of less than fifty (50) percent to existing uses and that require a permit, shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this ordinance with regard to shielding and lamp type.

B. Exempt Lighting. The following luminaries and lighting systems are exempt from these requirements:

- 1. Lighting for pools used at night.*
- 2. Underwater lighting used for the illumination of swimming pools and fountains;*
- 3. Temporary holiday lighting;*
- 4. Lighting required and regulated by the Federal Aviation Administration, or other federal, state or local agency;*
- 5. Emergency lighting used by police, fire, or medical personnel, or at their direction;*
- 6. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as kerosene and gasoline;*
- 7. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.*

C. Prohibited Lighting. The following lighting systems are prohibited:

- 1. Aerial lasers;*
- 2. Searchlight style lights;*
- 3. Other very intense lighting, defined as having a light source exceeding 200,000 lumens or intensity in any direction of 2 million candelas or more;*
- 4. Mercury vapor lamps;*

5. Neon lighting.

18.2.4. Outdoor Lighting Standards. All nonexempt outdoor lighting fixtures shall meet the following criteria:

A. Shall be full cutoff placed so as to allow no light above the horizontal as measured at the luminaire, except as herein noted in this ordinance (as in the case of period fixtures, cutoff fixtures may be used).

B. Shall be located, aimed or shielded so as to minimize glare and stray light trespassing across property boundaries and into the public right of way in accordance with the following standards:

At Property Lines Including Rights-of-Way - Maximum Foot-candles

At property line abutting a residential or an agricultural use 1.0

At property line abutting an office or institutional use 1.5

At property line abutting a commercial or industrial use 1.5

Off-Street Parking Lots	Minimum Foot-candles	Average Foot-candles	Maximum
Foot-candles			
Residential areas	0.5	2.0	
4.0			
Office-professional areas	1.0	3.0	
6.0			
Commercial areas	2.0	6.0	
12.0			
Light industrial areas	1.0	4.0	8.0

C. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half-way between the vertical and the horizontal) when the source is visible from any off-site residential property or public roadway.

D. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.

E. Multi use development lighting must conform to the standards of its respective use.

F. Illumination levels are measured from any height and orientation of the measuring device at any location along the property line, except the lighting of parking lots shall be measured at grade with the meter sensor held horizontally on the surface.

18.2.5. Special Uses. All lighting not directly associated with the special use areas designated below shall conform to the lighting standards described in this ordinance.

A. Outdoor Sports, Recreation Fields, or Performance Areas. Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall meet the following requirements:

1. Facilities designed for municipal leagues, elementary to high school levels of play and training fields for recreational or social levels of play, college play, semi-professional, professional or national levels of play shall utilize luminaries with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not utilized, acceptable luminaries shall include those which:
 - a. Are provided with internal and/or external glare control louvers or lenses, and are installed so as to minimize uplight and offsite light trespass and glare; and
 - b. Are installed and maintained so as to avoid aiming no more than 2.5 times the mounting height.

2. Illuminance. All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).

3. *Off Site Spill.* The installation shall also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as, performance areas, illumination levels shall not exceed 1.5 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along any residential property line.

4. *Curfew.* All events shall be scheduled so as to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.

5. *Setback.* All light poles shall be set back the greater of fifty feet or one foot for every foot in height from any residential property line or right-of-way.

6. This Section 18.2.5 shall not be construed to overrule any standards established in any Overlay Improvement District.

B. Service Station Canopies and Parking Structures.

1. All luminaries mounted on or recessed into the lower surface of service station canopies and parking structures shall be fully shielded and utilize flat lenses.

2. The total light output of luminaries mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels over the pumps, shall not exceed 50 foot-candles.

3. The total light output of illuminated areas of a service station other than as detailed in 2. above shall not exceed 15 foot-candles.

4. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, shall conform to the IESNA recommendation (RP-20).

5. Lights shall not be mounted on the top or sides of a canopy and the sides of a canopy shall not be illuminated.

C. Security Lighting.

1. Security lighting shall be directed toward the targeted area.

2. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light shall not be triggered by activity off the property.

D. Pedestrian Path Lighting.

1. Lighting post shall not exceed 16 feet from the finished grade.

E. Architectural Accent Lighting.

1. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.

2. Lighting fixtures shall not generate glare, or direct light beyond the facade onto a neighboring property, streets or into the night sky.

F. Temporary Lighting Permits.

1. Permits for temporary lighting will be granted by the Design Review Board or the Historic Preservation Commission, whichever has jurisdiction, if the total output from the luminaries does not exceed 50 foot-candles and the following conditions apply:

a. The purpose for which the lighting is proposed can be completed within thirty (30) days, except that the permit for a major construction project may extend to completion.

b. The proposed lighting is designed in such a manner as to minimize light trespass and glare.

c. Permits issued for temporary recreational lighting shall be extinguished by 10:30 p.m.

2. The application for the Temporary Lighting Permit shall include, but not be limited to, the following information:

a. Name and address of applicant and property owner;

- b. *Location of proposed luminaire(s);*
- c. *Date and times for the lighting;*
- d. *Type, wattage and lumen output of lamp(s);*
- e. *Type and shielding of proposed luminaries;*
- f. *Intended use of the lighting;*
- g. *Duration of time for requested exemption;*
- h. *The nature of the exemption; and*
- i. *The means to minimize light trespass and glare.*
- G. *Commercial Parking Areas.*
 - 1. *All lighting fixtures servicing parking lots, except floodlights, shall be cutoff fixtures, directed downward and not toward buildings or other areas.*
 - 2. *The minimum illumination level for a parking lot shall be 0.4 foot-candles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1.*
 - 3. *Floodlights should be aimed or shielded to minimize uplight.*
 - 4. *Light poles used in parking lots shall not exceed 35 feet in height.*
- H. *Street lights.*
 - 1. *All street light fixtures new, repaired (outside of normal maintenance) or replaced fixtures shall be cutoff.*

18.2.6. Variances.

- A. *Any person may submit an application to the Board of Zoning Appeals for a variance from the provisions of this ordinance. The application should include, but not be limited to, evidence about the following:*
 - 1. *How the proposed design and appearance of the luminaire are superior;*
 - 2. *How light trespass and glare will be limited;*
 - 3. *How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.*
- B. *The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.*

18.2.7. Submission of Plans and Evidence of Compliance. The applicant for any permit required by any provision of the laws of the City of Roswell in connection with proposed work involving outdoor lighting fixtures shall submit, as part of the application for permit, evidence that the proposed work will comply with this ordinance. Even should no other such permit be required, the installation or modification, except for routine servicing and same-type lamp replacement of any exterior lighting, shall require submission of the information described below. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of the City of Roswell upon application for the required permit:

- A. *Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site.*
- B. *Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers.*
- C. *Photometric data, such as that furnished by manufacturers or similar, showing the angle of cut off of light emissions.*

Additional Submission. The above required plans, descriptions and data shall be sufficiently complete to enable the Department to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans, descriptions and data cannot enable this ready determination, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

Subdivision Plats. All new subdivided properties shall submit information as described herein for installed street lights and other common or public area outdoor lighting.

Certification. For all projects, certification that the lighting as installed, conforms to the approved plans shall be provided by an illumination engineer/professional before the Certificate of Occupancy is issued. Until this certification is submitted, approval for use by the issuance of the Certificate of Occupancy shall not be issued.

Mayor Wood called for a motion to approve the first reading.

Councilmember Dippolito said he has concerns about this ordinance but for purposes of moving it along, he would make a motion to approve.

A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 9/23/2013. Mayor Wood clarified that there is a motion to approve this item on first reading with the understanding there would be further work done on this. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD2013-09-08

7.

Approval of a Resolution to accept the amended 2013 HOME Partnership Program Award in the amount of \$111,765 and approval of Budget Amendment 22115000-08-26-13 in the amount of \$37,107.

Presented by Michael Fischer, Deputy Director of Administration

Councilmember Dippolito introduced the item and noted that Grants Manager Danny Blitch would present it. Councilmember Dippolito asked Mr. Blitch to discuss the initial award and how this was being revised.

Grants Manager Danny Blitch explained that the original allocation for 2013 from the Department of Housing and Urban Development (HUD) was a total of \$74,658.00. He said they came to Council and received permission to accept those funds, passed a resolution together, and then submitted that paperwork to HUD, upon which they notified the City that additional funds would be received. A new agreement was received totaling \$111,765, staff is now asking for approval to accept the additional dollars.

Mayor Wood asked for Council comment. There was none. He called for a motion.

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

In Favor: 6

Enactment No: R2013-08-56

8.

Approval for the Mayor and/or City Administrator to sign a contract with Karelia Health for a wellness pilot program in an amount not to exceed \$129,600 and approval of Employee and City Insurance Premium Cost Sharing Ratio and Related

Premium Surcharges.*Presented by Dan Roach, Human Resources Director*

Human Resources Director Dan Roach presented this item stating this seeks to establish the employee wellness program with the intended outcome to bend the cost curve that affects the City with the healthcare expenditure back in the City's favor. There are a lot of factors that can't be controlled but they believe through an effective wellness program, the cost curve can be bent back in the City's favor. More importantly, this program has the potential to save employee lives and if one heart attack is prevented then this program would be money very well spent. This program would mimic the abbreviated pilot project that was done in 2012 comprised of a biometrics screening, blood work, height, weight, BMI, blood pressure, etc., and then risk stratification of individuals based on their test results. Following the risk stratification, they would go into an educational program and individuals would receive an educational session on knowing their numbers to understand what the values in their blood work means for them and how they could better avail themselves of wellness opportunities that are available. Individuals who are deemed to be in an at risk or high risk category would be enrolled in an eight-week coaching and wellness program to educate them about more healthy life styles to try to change those numbers in their favor. Individuals who are not in a risk stratification would go into a three-week educational program and then the program would be closed out with a biometric screen at the end. The results would be analyzed and then come back to Council for future years to determine if the wellness program is worth continuing. Mr. Roach said that staff is asking for approval of a one-year contract with Karelia Health to do a broader wide scale all-City employee program for wellness with Karelia Health in the program that he just described. To motivate participation in that program, a renewal was approved with Aetna in the July meeting for the medical insurance and that renewal carried with it a 6% increase. They have discussed sharing that cost increase with City employees at the rate of \$20 per pay period. If individuals choose to participate in the voluntary wellness program, staff is asking Council to approve a wellness credit so that they earn back the \$20 so the premium increase is going up \$20 per pay period; if an individual participates in the wellness program then that would be credited back to them as a wellness participation credit. They also believe that the continued use of tobacco products is counterproductive to the health and wellness program; staff recommends increasing the tobacco use surcharge from \$25 per tobacco user per pay period to \$35 per tobacco user per pay period.

Council Comment:

Councilmember Price said she was a little confused following the money. She thinks the program is a great idea, and obviously, everyone needs to be healthier, more fit and eating better. She said, "But talking about the cost, if the cost is \$300 per participation but we are going to charge them what will amount to \$520 per year although they could possibly get that back, but then we already have it in the budget for this year in excess of what would be needed for the program. I'm trying to figure out why we charge; I know it always helps to have financial commitment to do something but is that excessive in that we have already got it covered in our budget?"

Mr. Roach said they believe that the increase is set at a range that would motivate participation in the wellness program. Whether it is excessive or not he said he would have to leave that to others to address. They have talked in prior meetings about the difficulties that are faced with employee pay raises. The raise they received in July of last year was quickly absorbed by the social security tax recess ending. So the employees have effectively gone without a salary increase for a number of years if they consider the social security tax recess. He said he would leave the relative fairness of the premium increase to others to discuss. He said they have set it at a rate that they think motivates participation in the program. Mr. Roach

said, "The 6% premium increase from Aetna amounted to almost exactly \$280,000, and \$20 per pay period by the number of participants that we have on our medical insurance is about \$280,000. We set the premium increase to kind of offset the 6% increase that we got from Aetna for our renewal this year." Mr. Roach said they look forward to giving the employees the opportunity to earn it back through participation in the wellness program.

Councilmember Price said those are really separate issues. "The premium increase and this really are separate issues."

Mr. Roach said they have a wellness budget of \$175,000 so the \$129,600 that it would cost for the Karelia Health program is more than accounted for in the wellness budget. That is an accurate statement. If they just roll the program out and make it with no financial incentive to participate then they don't know that the participation would be as great as they would desire it to be.

Councilmember Price asked, "If people drop out or don't meet the criteria and they don't get the money back, what is the plan for that windfall?"

Mr. Roach replied that is a good question and they have been saving for a rainy day for a number of years. One of the issues they continue to address is whether or not the time is right to move into self-insured status from fully-insured status. So, anything that would come back into the program would go into the group benefits funds for that purpose and saved in a kind of reserve for the prospect of going to self-insured status.

Councilmember Orlans said he was glad to see the City moving forward with this; they talked about this a couple of years ago when he was over Administration; it does take time to get something implemented and to work up to this. He knew that Mr. Roach had a trial group going through it; he looks forward to this really helping long term on the health insurance experience, and help make the employees more motivated to be healthier which everyone needs. Councilmember Orlans thanked Mr. Roach.

Councilmember Wynn said this is a great thing to do. They say 65 is the new 40 and she hoped that was true. She added that this is not the only thing that the City of Roswell is doing. She said she was also in Weight Watchers, the City pays half of that monthly cost, and it has worked wonders. She said she reached her goal a couple of weeks ago. She said she was glad to see staff looking at adding more and more to what they could do because the employees are what make this City so great and they want to keep them healthy and strong. She thanked Mr. Roach for bringing this forward.

Councilmember Dippolito said he agrees that this is a great program. He asked Mr. Roach if employees that are not currently participating in the insurance program have the option of enrolling in this program. Mr. Roach replied yes, that has been addressed; at any time if there is a qualifying event during the plan year, then individuals can enroll in the insurance program, and their decision to opt in or out of the program could renew itself every year during open enrollment. They think it is effective to offer the program to all City employees, not just those who currently elect the City coverage; it would be open to all City employees. Councilmember Dippolito said he was a little confused by Mr. Roach's answer. He said a City employee who elects not to be in the insurance program could still enroll in the wellness program. Mr. Roach replied yes sir.

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

following vote:

In Favor: 6

Recreation and Parks - Councilmember Jerry Orlans

9. Approval of an amendment to the City of Roswell Code of Ordinances, Chapter 14, Sections 14.4.1 through 14.4.5. (First Reading)

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

Assistant City Attorney Robert Hulsey stated this is for the establishment of the Roswell Arts Commission. Mr. Hulsey conducted the first reading of an ORDINANCE TO AMEND CHAPTER 14, PARKS, RECREATION & CULTURAL AFFAIRS, ARTICLE 14.4, CULTURAL ARTS BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL, stating: pursuant to their authority, the Mayor and City Council adopt the following amendment:

1.

Chapter 14, Parks, Recreation & Cultural Affairs, of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by deleting Article 14.4, Cultural Arts Board in its entirety and substituting therefore a new Article 14.4, to read as follows:

Article 14.4 Roswell Arts Commission

Section 14.4.1 Establishment of the Roswell Arts Commission

The Mayor and Council hereby create and establish a Roswell Arts Commission. The Commission shall consist of seven (7) members serving staggered terms. Four-year terms shall be staggered with initial appointments as follows: two (2) members for a term of four (4) years; two (2) members for a term of three (3) years; two(2) members for a term of two (2) years; and one (1) member for a one year term. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Vacancies shall be filled for the remainder of the term in the same manner that original appointments are made.

The Commission shall elect by majority vote a chairperson from among its members. The chairperson shall serve for one (1) year or until a successor is elected. Only actions of the Commission which are taken from a majority vote of those members present shall have any effect to recommend or promote any purpose herein contemplated. Four (4) members or more of the Commission shall constitute a quorum.

Section 14.4.2 Qualifications for Service.

Each member shall be and remain at all times, during his or her incumbency, a resident of the City. No person shall be eligible for appointment, and no person shall be permitted to serve, on the Roswell Arts Commission that serves as a staff member of or on the board of any group or organization which performs or presents at the Roswell Cultural Arts Center. If any member ceases to meet these requirements, the member's office shall be deemed vacant and the member's term ended.

Section 14.4.3 Duties and Responsibilities.

(a) The Roswell Arts Commission shall have the responsibility, and it shall be the Commission's principal purpose and duty to be the primary advocate for the arts; to study and make recommendations to the Mayor and Council concerning creating a

strong thriving culturally rich arts community and creative economy through collaborative relationships, financial support, services for, and promoting development of arts organizations, artists, cultural activity, and cultural tourism in the City.

(b) The Roswell Arts Commission will advise the Mayor and Council on matters pertaining to the arts, culture, and cultural tourism.

(c) The Roswell Arts Commission shall also have the responsibility and it shall further be the Commission's discretionary duty to:

(1) Monitor, evaluate and assist in efforts to implement the community cultural plan by presenting, advising or recommending matters related to the plan. Examples of matters relating to the plan include, but are not limited to, recommendations on visual and performing arts facilities development, funding for cultural events, activities and programs, and planning for cultural initiatives.

(2) Assist the City in obtaining state, federal and local and private funding for arts and cultural initiatives.

(3) Provide cooperation and assistance to the Mayor and City Council, Planning Commission, Design Review Board, Historic Preservation Commission, and Recreation Commission with any review or evaluation which may assist in preserving or promoting the arts and culture in the City;

(4) Review and recommend to City Council the resident status for resident companies at the Cultural Arts Center; review and recommend rules and regulations governing the use of the Cultural Arts Center subject to the approval of City Council, advise staff of the Cultural Arts Center and other cultural facilities of the City as designated by the City Council, in the scheduling of events, approval of lease agreements for the use of the Cultural Arts Center and other cultural facilities of the City as designated by the City Council; Evaluate and provide strategic oversight for cultural programs and initiatives except those developed under the auspices of the Recreation Commission, the Convention and Visitors Bureau or some other city department with authority to so act.

Section 14.4.4 Absences.

The minimum attendance requirement for a Board member shall be two-thirds (2/3) of the regularly scheduled meetings. Failure to adhere to minimum attendance requirements during any twelve-month period shall cause such member's position to be declared vacant.

Section 14.4.5 Assignment of Liaison.

The City Council member assigned as liaison to the City's Administration Department shall serve as an ex officio nonvoting member of the Roswell Arts Commission. The Administration Department Head shall appoint a staff member to serve as staff support to the Roswell Arts Commission.

Mayor Wood called for a motion.

Councilmember Orlans said there was a question from committee having to do with Section 14.4.5, and that each Councilmember had received a handout that included three alternate readings for this section. He said the one they are asking to be approved tonight as part of this ordinance is the third option labeled "CAB Alternate Suggestion Language #2." He read as follows: The city council member assigned as liaison to the Administration Department shall serve as an ex officio nonvoting member of the commission. The City Administrator shall appoint a staff member to serve as staff support to the Roswell Arts Commission. Councilmember Orlans said the Cultural Arts Board is in agreement with this.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Price said, "I think the option #2 is probably preferable based on our discussions at Committee; that was the sense I got. But as I look at it; I'm wondering where it says ex officio. And whenever I have served as an ex officio you lose interest because you think that it doesn't matter if you are there or not. I don't know if that is critical that person be voting or just be an observer." She said she was looking for feedback.

Mayor Wood clarified that the practice has been that the liaison for any board is not a voting member; they are there as a councilmember who has influence, whether they are voting or not. Mayor Wood said he does not want to start changing the makeup of how these boards are run; ex officio means they are encouraged to go and be a liaison; he does not want to see councilmembers voting on boards. Councilmember Price thanked the Mayor.

Assistant City Attorney Bob Hulsey said the ordinances prohibit councilmembers from serving in other voting capacities. Mayor Wood said that solves that question; he called for a motion.

Motion: Councilmember Orlans made a motion for Approval of an amendment to the City of Roswell Code of Ordinances, Chapter 14, Sections 14.4.1 through 14.4.5 on First Reading with changes to the wording of Section 14.4.5 as indicated by the CAB Alternate Suggested Language #2, and be placed on the Mayor and City Council agenda for 9/11/2013.

Mayor Wood said that would be for the Administration Department to be the liaison; currently, the Recreation Department is the liaison. Councilmember Orlans replied that there is not actually a liaison currently, but it is kind of the Recreation Department.

Second to the Motion: Councilmember Dippolito seconded. Councilmember Dippolito stated that as current Administration Department liaison, he is delighted to fill this role.

There was no further Council comment. Public comments were invited. None were made.

A motion was made by Council Member Orlans, seconded by Council Member Dippolito, that this Item be Approved on First Reading, with changes, and placed on the Mayor and City Council agenda for 9/11/2013. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD2013-09-09

10.

Approval of an Operational Review of the Historic Homes (Smith Plantation, Bulloch Hall and Barrington Hall) and approval of Budget Amendment 27575402-08-26-13.

Presented by Joe Glover, Recreation and Parks and Historic and Cultural Affairs

Councilmember Orlans said the purpose of this operational review is to investigate the potential to develop the historic sites into a regional cultural tourism destination, and to leverage financial sources to ensure financial sustainability. It has been proposed that the cost be shared between the City and the Convention and Visitors Bureau, in a 50/50 cost sharing arrangement.

Councilmember Orlans said he would move for approval of the operational review.

Mayor Wood asked for the cost. Councilmember Orlans replied the estimated cost is \$25,500. Mayor Wood asked if that also requires a budget amendment.

Councilmember Orlans replied yes. Mayor Wood said then they would be approving the review along with \$12,500. Councilmember Orlans replied yes.

Motion: Councilmember Orlans made a motion for Approval of an Operational Review of the Historic Homes (Smith Plantation, Bulloch Hall and Barrington Hall) and approval of Budget Amendment 27575402-08-26-13. Councilmember Diamond seconded.

Council Comment:

Councilmember Price said, "In 2008 when the first study was done, that was part of my time, so I guess I'm trying to figure out if this is an additional study or is this to implement that study or is this a parallel or how does it fit with the prior study. Because we do have this tendency to study, study, study and spend, spend, spend and I just hope that we would get something for this amount of money."

Councilmember Orlans said that was a sales and marketing study which he thinks also came up with the theme of the Trilogy in putting the homes together. This scope of work would complement that prior study, and build upon it; it is more into the operational view and strategic planning and maximizing what they can out of it. He said they would be interviewing a lot of people to get information and feedback on what was going on then to make a study of where this should go.

Mayor Wood asked if this has the support of the Cultural Arts Board. Mayor Wood asked if this is the recommendation of staff. Councilmember Orlans said that the Cultural Arts Board is really more into the arts than the homes. Mayor Wood said this had been part of their jurisdiction. He asked again if this comes with a recommendation of staff. Deputy City Administrator Michael Fischer said this does and explained that the staff has discussed what to do with the homes and how to best utilize the homes. He stated that to be able to do a study that moves into the operational side, to determine how to bring more tourism in to make the homes more of a destination, rather than just a sales and marketing aspect of it, certainly would be a study that would be well worth putting on top of the 2008 study. Mayor Wood thanked Mr. Fischer.

Councilmember Wynn said she wanted to be sure that this question is asked. She said that she sees it on the scope of work but wants to make sure that they would be involving the directors of each home and their staff because each home is very distinct with its own unique qualities. Mr. Fischer said surveys would be done with some of the visitors and on the individual homes, because as Councilmember Wynn

said, each one has different characteristics. That would be a part of this study. Councilmember Wynn said she was not at the committee meeting when this item was discussed, and the CVB was chosen to be the lead entity. She asked what the reasoning behind that was. Mr. Fischer replied it was because of their tourism connections. Councilmember Wynn thanked Mr. Fischer.

Councilmember Price said, "Basically it is a match of the CVB. We are providing half of the \$25,500 but they are managing the study." Mr. Fischer replied that is correct; it is coming out of the Hotel/Motel funds, which has to be used for tourism; it is very specific as to what it can be used for and this is an appropriate expense for that.

Councilmember Price asked if anyone from any of the homes had anything to say.

Mayor Wood said he would like to hear from at least one person from each of the historic homes, their thoughts on this study.

Stewart Arey, 275 Spring Creek Road said he is the President of Friends of Barrington Hall. He said they learned about this about a week ago and it is interesting, but there is some wonder about the ultimate goal of the point of it. It is easy to say they want to promote tourism for the community and the three houses but he questioned if this was the way to do it, by studying what goes on at each house and if that would get to the ultimate goal of what they are trying to do.

Councilmember Price said, "I see that they have proposed a scope of work, but all I see is the...well, there is a scope of work here but it doesn't seem very specific to me, but I'll reserve further comment at this time."

Public comment was invited. None were made. There were no further council comments.

Mayor Wood said the three historic homes in Roswell are an incredible resource. The City has a huge investment in them but he believes the City is not taking full advantage of that. This is a way of asking how they can do a better job with the City's historic homes. The Council recognizes that they are a big part of the City's heritage and a big part of the tourism effort. He is hopeful that this study would better utilize the historic homes, better market them, and better enhance them. Mayor Wood noted that the City has done a marketing review but has never done an operating review; if staff believes this would be helpful then he would support this.

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

In Favor: 6

Adjournment - 9:42 p.m.

