



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council

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

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Monday, October 8, 2012

7:00 PM

City Hall

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### WELCOME

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

**Absent:** 1 - Council Member Becky Wynn

### Pledge of Allegiance - Boy Scout Troup #1134, Saint Peter Chanel Catholic Church - Alex Wonovich and Noah Piper

*Staff Present: Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Dwayne Orrick; Deputy Police Chief Rusty Grant; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Buyer Charise Glass; Buyer Cassandra Harriman; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers; Recreation and Parks Events Coordinator Bobbie Daniels; Assistant to Historic and Cultural Affairs Manager Brandee Bryant; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Community Relations Coordinator Kimberly Johnson; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Andy Hale; City Clerk Marlee Press.*

*Staff Absent: City Administrator Kay Love, absent, excused.*

### CONSENT AGENDA

1. **Approval of September 24, 2012 Mayor and Council Brief.**  
*Administration*  
  
*Approved*
2. **Approval of City Sponsorship for the Centennial High School Homecoming Parade on Friday, October 12, 2012.**  
*Community Development*

Approved

3. **Approval of an Amendment to the Valet Parking Agreement with Patterson Parking, Inc.**

*Community Development*

Approved

4. **Approval for the Mayor and/or City Administrator to sign a change order with URS for the Hembree at Houze Roundabout Design contract in the amount of \$53,500.**

*Transportation*

Approved

5. **Approval to accept the Foe Killer Creek Oliveira Permanent Easement.**

*Transportation*

Approved

**Approval of the Consent Agenda**

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

In Favor: 5

**REGULAR AGENDA**

**Mayor's Report**

1. **Recognition of youth officials representing the City in the 62nd Annual Frances McGahee Youth Day Parade.**

*Youth Mayor Abby Jessen asked Morgan Rogers, Assistant Director of Recreation, Parks, Historic and Cultural Affairs to come forward and present this item. Mr. Rogers stated he was pleased to introduce the 62nd Annual Youth Day Parade, the Youth Officials, and the Grand Marshall of the Parade. Mr. Rogers stated the Youth Day Parade started in 1950, the year that Councilmember Jerry Orlans was graduating from high school, President of the United States was Harry Truman, the first Xerox machine was produced, a first class stamp cost three cents, the most expensive new Ford car cost \$1,750, and gasoline was \$.27 a gallon. Mr. Rogers stated that on February 8, 1950, the first modern credit card, Diners Clubs cards, were distributed; 200 cards were given these cards. He stated that on June 17, 1950, the first successful organ transplant was completed. On June 25, 1950, North Korea invaded South Korea and began the Korean War. On October 14, 1950, the first Youth Day Parade was held in Roswell, Georgia. Mr. Rogers said, "If a single event can define a community, then the Frances McGahee Youth Day Parade is*

Roswell.” He noted that 62 years ago, a group of ladies, including Frances McGahee, the parade’s namesake, gathered to raise money to provide recreational activities for the youth of Roswell. The parade began as a highlight of those efforts and is an important part of the history of Roswell. The youth that is honored tonight is the future of Roswell. Mr. Rogers noted that the Youth Day Parade is for the children. It is their day and they are in charge. Mr. Rogers teased that Mayor and Council are not eligible to ride in the parade, but in anticipation of this problem, the Recreation Commission has put together a “cracker jack” team of youth officials for this year’s parade. Mr. Rogers stated the youth group is from both Centennial and Roswell High Schools. He noted that each youth group would invite Mayor and Council to each ride in this most prestigious of parades. The youth groups were selected by their school administrators and teacher to represent their respective school.

Mr. Rogers asked the Roswell Youth Day Officials to come forward to be introduced and take the seat of their Roswell Official. The following Youth Day Officials were introduced:

Abby Jessen, from Roswell High School; represented Mayor Jere Wood.  
Becca Davis, from Centennial High School; represented Councilmember Jerry Orlans. Alexander Sun, from Roswell High School; represented Councilmember Richard Dippolito.  
Sam Jessen, from Roswell High School; represented Councilmember Nancy Diamond.  
Julia Ough, from Roswell High School; represented Councilmember Betty Price.  
Sohil Shyamsundar, from Centennial High School; represented Councilmember Kent Igleheart.  
Mary Stuart Shannon, from Roswell High School; represented Councilmember Becky Wynn.  
Stephanie Craigue, from Roswell High School; represented Kay Love, City Administrator.  
Caroline Freemeyer, from Centennial High School; represented Fire Chief Ricky Spencer.  
Grant Miller, from Roswell High School; represented Police Chief Derrick Orrick.  
Juan Fonseca, from Centennial High School; represented Debra Ewing, Recreation Commission Chair.

## **2. Reading of a Proclamation for Roswell Youth Day.**

Youth Mayor Jessen conducted the reading of the Proclamation for Roswell Youth Day. Mayor Jessen stated: The Youth of Roswell represent the future of our great City. The Youth of Roswell are an important part of the community. The City of Roswell for the past 62 years has celebrated its Youth with a City-wide parade and festival. The theme for the 62nd Annual Youth Day Celebration is “Youth: Roswell’s Gold Medal.” Youth Mayor Abby Jessen proclaimed Saturday, October 13, 2012, as Youth Day in the City of Roswell. The Mayor called upon all citizens to help celebrate and promote this most honored day in our community.

## **3. Reading of a Proclamation for Kids Day America.**

Youth Mayor Jessen introduced this item and invited Dr. John Webster to come forward for the reading of the Kids Day America Proclamation. Youth Mayor Jessen conducted the reading of the proclamation: On October 13, 2012, Dr. John Webster of Roswell Health and Injury Center, will be joining Doctors’ offices around the nation by hosting Kids Day America, an annual event that promotes the health, safety and environmental awareness among children and their parents;

*Kids Day America is a day where children can have fun and receive valuable information about health awareness, fire safety, bicycle safety, recycling, drug awareness and other important topics to keep children healthy and safe; The Roswell Fire Department will educate children on fire safety and prevention, and the Roswell Police Department will be fingerprinting children so each parent can receive an Emergency Child Identification Record sponsored by Audacious Faith; Local community health professionals such as Thomas Eye Associates, and Dr. Webster, Doctor of Chiropractic, will be offering free medical screenings. Sharp Shooters USA will be teaching children gun safety, Natural Foods will educate children on accidental poisoning prevention, and Covenant Eyes will be advising children and their parents on internet safety; and Kids Day America will be held on October 13th from noon to four p.m. at Roswell Health and Injury Center in conjunction with the support of our local business partners and medical professionals. Youth Mayor Jessen proclaimed October 13, 2012, as Kids Day America in the City of Roswell and urged all citizens to recognize the dedicated efforts of our business partners and medical professionals to educate our children and our community on the importance of health, safety, and environmental issues. Youth Mayor Jessen asked Dr. Webster if he had anything to add to the proclamation. Dr. Webster stated he had flyers to distribute explaining the event which is for children and ties in so well with the Youth Day Event. Dr. Webster stated he and his family are honored to be a part of this community. Photos were taken of the Youth Officials with Dr. Webster, Mayor and Council.*

*Morgan Rogers stated this year's theme for the Youth Day Parade is "Youth, Roswell's Gold Medal." He stated that Roswell's youth are the best; each deserve a gold medal and a spot on the champion's podium. Mr. Rogers stated that is selecting this year's Grand Marshal, the Recreation Commission chose an individual that truly represents what the youth of this community is capable of accomplishing. Mr. Rogers stated Rachel Germaine, is a member of the United States Junior Olympic Luge Team and competed in the first Junior Olympics held in Austria this past winter. He said Rachel placed 14th in the world in this fast paced sport where the speeds often top 70 miles per hour. Mr. Rogers stated Rachel is a very dedicated, focused young lady and an outstanding slider. A brief video was shown.*

*Mr. Rogers introduced Rachel Germaine. Ms. Germaine expressed her appreciation for the honor of serving as the City's Grand Marshal for the 62nd Annual Youth Day Parade. She stated her journey to become an Olympian began about four and a half years ago in the not so popular sport of luge. From the beginning, she heard all the reasons that she should let go of her dream, that she was too old, too short, too light, you live in Roswell, Georgia, how many lugers have ever come from the south. Ms. Germaine said she knew the odds were against her but from the first time she went down the ice track, she knew she wanted to not only be an Olympian but to win a gold medal for the United States. She said the journey has not been without pain and suffering. In any sport, one learns by trial and error, but unfortunately when a mistake is made at 70 miles per hour on an ice track, it is a bit more painful than a mistake made on a soccer field. Luge requires that one be a fast learner. The financial commitment is a huge challenge. Ms. Germaine noted that the challenging economy has taken a toll on the US Luge Association. She said five years ago, her position on the team would have been fully funded. Her reality and that of her parents is that it will cost as much as \$17,000 this year to train for the Junior World Cup Circuit. She stated that she has a job to help finance it and continues to be blessed by friends and family who have helped support her through the years. The sacrifice of giving up a normal high school life has been tough. Most of the year she spends training in Lake Placid, New York or traveling the World Cup Circuit. This fall she traveled to Norway and Germany. She said the final challenge is physical. She is on a very intense weight training program focused on increasing her power so that*

she has an explosive start when racing. She has a trainer in Georgia and trainers at Lake Placid from the Olympic Training Center. Ms. Germaine stated she wanted to tell a little bit about the sacrifice in chasing her dream because it is relevant to Roswell's celebration of youth this year. She said that what she has learned is that along the way, many experts may state a dream is silly or unobtainable. Ms. Germaine said that as a youth, this could either make one realize their dream will never be achieved or it will drive one to prove the experts wrong. She said she received a quote from her mother that Tim Tebow memorized when he was six years old: "Hard work beats talent when talent doesn't work hard." She said she has also been comforted over the years by Philippians 4:13. Ms. Germaine said, "My message to the Youth of Roswell is, whether your dream is to be an Olympian, a musician, an artist, a scientist, or whatever it might be, do not expect your dream to be handed to you. If it is really important to you, work hard to meet your dream then work even harder." She further stated that sacrifice and challenges will be a part. She encouraged all those who are mentors of our youth to learn about the dreams of our youth and help them work through those challenges. The future of our community and our great country are dependent upon our youth of today.

Mayor Wood expressed appreciation on behalf of the City of Roswell. Mayor Wood said he was incredibly impressed by her determination in chasing that dream. She is an inspiration to everyone. He asked how she got on that luge track in the first place. Ms. Germaine replied that her Dad, Bob Germaine, was a National Team Slider during the 1980's and a member of the US Senior National Team, a step higher than her current level. Ms. Germaine stated her Dad brought up the idea; she tried it out at Lake Placid, made the team and has reached this point only 4.5 years later. Bob Germaine stated that his daughter Rachel has well surpassed anything that he had achieved. Photos were taken of Councilmembers with Rachel Germaine and her parents. Mr. Rogers noted that Rachel has a website should anyone wish to donate support.

#### **4. Presentation of the new mascot of the Roswell Historical Society (RHS).**

Youth Mayor Jessen invited members of the Roswell Historical Society to the podium. Judy Meer, President of the RHS, stated their mission is to collect, preserve, share, and promote the history of the City of Roswell and environs. Ms. Meer stated she was very impressed to see so much acknowledgment given to our children in Roswell. She said there is obviously so much that draws people to Roswell and then contributes to the development of our children. Ms. Meer noted that the Roswell Historical Society started 42 years ago. Over the years, RHS has distributed workbooks to third graders about the history of Roswell. This year, RHS decided to come up with something new to try to share pictorially and in stories, some of the history of Roswell. She introduced Elaine Deneiro, RHS Archivist and Joanna Harnett, next president of RHS. Ms. Deneiro, stated Rucker, The Lost County Dog, is a publication of the Roswell Historical Society. It is a fictitious children's book about a lost dog in Roswell. The book introduces children to some of the history in Roswell and also showcases our vast photographic collection at the research library and archives which is a joint agreement between the RHS and the City of Roswell. The book may be purchased at the RHS, the Chandlery, and at 425 Market Place Antiques. All elementary school children in Roswell receive a free copy of the book for their library that will be donated by Spencer Rowan, a Buckhead businessman. Ms. Deneiro said Rucker, the RHS new mascot, has his own web page on the RHS website. She encouraged everyone to visit it often to learn about new events and contests for the children of Roswell. In November, Rucker will appear at local businesses in the historic district. The first child to spot Rucker and email him at his email address will win a free t-shirt. Rucker has his own blog and is his own unique

version of the history of Roswell; Rucker in Roswell @ [blogspot.com](http://blogspot.com). Ms. Deneiro invited Mayor and Council to Rucker Fest, a RHS event held on the Town Square on Sunday, October 21, 2012, noon until 5 p.m. There will be pet vendors, doggie face painting, demonstrations of working dogs, training, refreshments, and contests for the dogs, dog Halloween costumes, obedience, dog owner look-alike, and pet photography. Ms. Deneiro stated all proceeds will go to the RHS. The Humane Society and Angels Among Us will have dog adoptions available. Mayor Wood was presented his own copy of Rucker, The Lost Country Dog. Mayor Wood expressed his appreciation.

5.

### **Reading of a Proclamation recognizing October 2012 as Roswell Arts and Humanities Month.**

Youth Mayor Jessen invited Brandee Bryant to come forward. The Youth Mayor conducted the reading of the proclamation stating: The month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades; The arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and The arts and humanities enhance and enrich the lives of every American; and The arts and humanities play a unique role in the lives of our families, our communities, and our country; and The nonprofit arts industry also strengthens our economy by generating \$135.2 billion in total economic activity annually and by supporting the full-time equivalent of 4.13 million jobs; and The twenty five arts and cultural organizations of Roswell also contribute significantly to our community's quality of life and should be acknowledged and recognized for all their contributions. Youth Mayor Jessen proclaimed October 2012 as Roswell Arts and Humanities Month and called upon all our citizens to celebrate and promote the arts and culture in our community by recognizing this special celebration and through participation in the cultural events offered throughout the City.

Ms. Bryant invited any other arts and cultural organizations present to stand with her at the podium. Ms. Bryant stated she had provided an updated Arts and Cultural Organizations Directory for 2012-2013. Ms. Bryant expressed her appreciation to Mayor and Council for the opportunity to present a rich cultural arts program to the City. She provided an updated arts and humanities calendar for the month of October celebrations. She noted that the Smith Fall Farm Days would occur on October 13; Roswell Presents Friday Nights Alive Project Seven Contemporary Dance Company on October 19; Chili Cook-off on October 27.

Jane Swift, Roswell Fine Arts Alliance, stated they are not new to the City of Roswell. They have been in existence for over 40 years. There will be a juried art show beginning on October 12 and will run for a month, at the Bank of North Fulton. Ms. Swift invited Mayor and Council to the opening reception.

Judy Meer, President of the Roswell Historical Society, stated they just held their fourth annual event to raise money to restore the Hembree Farm House on Hembree Road. Ms. Meer noted she would present more later on in the meeting.

Gittel Price, Roswell Photographic Society marketing director, stated they have a juried exhibit showing for the month of October which includes 95 images juried by the curator of the High Museum. Ms. Price invited Mayor and Council to attend the reception and awards, this Friday, October 12, 2012 at the Roswell Visual Arts Center.

Deb Brown, Atlanta Dance Theatre, stated they are celebrating their 31st year as a

*Roswell Arts Community participant. They are looking forward to their 22nd annual performance of Babes in Toyland at the Roswell Cultural Arts Center in December.*

*Lynn McIntyre, Chattahoochee Nature Center (CNC), stated 43% of the total audience of all of the cultural organizations, is provided by the Chattahoochee Nature Center, the local non-profit science center. Science is part of culture. Ms. McIntyre stated the CNC also has a permit exhibit by the Georgia Nature Photographers. She invited Mayor and Council to the reception on October 14, 2012. She noted that there are so many events happening at the CNC that they could not all fit in the heritage brochure but a complete listing is shown on their website.*

**6. Recognition of the City of Roswell winning two Silver Circle awards from the City County Communications and Marketing Association (3CMA).**

*Youth Mayor Jessen invited Community Relations Manager Julie Brechbill to the podium. Ms. Brechbill stated she was very pleased to bring back to the City of Roswell two communications awards from the recent City County Communications and Marketing Association conference. This association is one of the national professional groups to which the City belongs. These awards were won for the City of Roswell's Face Book page and for an internal educational video developed for City of Roswell employees. Youth Mayor Jessen expressed her appreciation to Ms. Brechbill for these accomplishments.*

**7. Presentation of the National Purchasing Institute (NPI) Annual Achievement of Excellence in Procurement Award for FY 2012 to the City of Roswell.**

*Youth Mayor Jessen invited Director of Finance Keith Lee to the podium. Mr. Lee stated that as he presents this award, he would like to introduce Charise Glass and Cass Harriman who are buyers for the City in the Finance Department. Mr. Lee stated that both Ms. Glass and Ms. Harriman, along with Richard Brownlee who could not attend this evening, are responsible for managing the procurement process, the innovation in Purchasing, as well as leadership and professionalism for the bidding process. Mr. Lee stated that he would like to congratulate them as well as the City staff, and Mayor and Council, for a job well done in achieving this award in Excellence in Procurement. This is the eighth consecutive year that the City has received this award from a National Procurement Institute program. It is a public sector affiliate for the Institute of Supply Management. The program evaluates the procurement process against nineteen criteria including staff training, formal bid process, and the communications with our vendors. Youth Mayor Jessen expressed her appreciation for this accomplishment.*

**Police Chief Dwayne Orrick introduced the new Deputy Police Chief Rusty Grant.**

*Youth Mayor Jessen invited Roswell Police Chief Orrick to the podium. Police Chief Orrick introduced Roswell's Deputy Police Chief Rusty Grant. He stated Deputy Chief Grant has 31 years of law enforcement experience. His career began in Rockdale County when he was eighteen. His career experience includes working for the Georgia Bureau of Investigation, where he became a special agent, eventually Special Agent In-Charge, ending his thirty-one year career with the GBI as the Agent In-Charge of the Canton office. He holds a Master's Degree in Public Administration, and a Bachelor's Degree in Business Administration. He graduated from the FBI National Academy and is a graduate of the State of Georgia Law Enforcement*

Command College where he now serves as an Ad-hoc instructor. He has participated and shown his leadership across the state for many years. Most recently he led the effort to developing the process handling the synthetic cannabinoid process through rules with the Pharmacy Board in Georgia. Chief Orrick noted that the state had been working on that for six months; Deputy Chief Grant called and within two days of his recommendation, he was at the Governor's Office for a presentation with approval. Deputy Chief Grant also worked with the Intelligence Unit at the G-8 Conference held on the coast of Georgia a few years ago; the SWAT Team at the 1996 Atlanta Olympics; and dignitary protection at the 1992 National Democratic Convention. Chief Orrick stated, "He is a great addition to our agency and we are so proud to have him come in to continue the leadership of our City as being a premier organization." Chief Orrick noted that his most important job is being the father of two small boys.

Deputy Chief Grant expressed his appreciation to Mayor and Council and Chief Orrick. He stated that he is excited to be at the City of Roswell, has been working here for one week, and looks forward to working with the Mayor and Council.

Youth Mayor Jessen noted that this concluded the Mayor's Report. The Youth Officials retired their positions at this time. She encouraged everyone to attend the Youth Day Parade, Saturday, October 13, 2012.

#### **Recreation and Parks Department - Councilmember Jerry Orlans**

**8. Approval to Accept a Donation to the Friends of Roswell Parks in the amount of \$5,000 to fund the Play it Forward Scholarship Program.**

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

*Councilmember Orlans introduced this item. Morgan Roger, Assistant Director Roswell Recreation, Parks, Historic and Cultural Affairs Department stated it was his pleasure to bring forward this information to Mayor and Council. He explained that the Play It Forward Program within the Friends of Roswell Parks is a program established to help families experiencing difficult financial times to continue participating in the Roswell Recreation programs. Mr. Rogers stated Zulu Racing has donated \$5,000 to this fund. He noted that Roswell, New Mexico is probably the more famous city named Roswell because of reported UFO sightings, but several weeks ago, Zulu Racing held an "Area 13.1" half-marathon race here, with close to 2,500 runners participating.*

*Mr. Rogers introduced Michael Buckelew and Kirk Chides from Zulu Racing to make the formal presentation.*

*Mr. Buckelew thanked Mayor and Council for this opportunity. Mr. Buckelew referred to Rachel Germaine's statement regarding holding onto dreams and stated that this race was created to honor the life of a close friend of his, Matthew E. Russell, the son of Willie and Flossie Russell of Roswell, who are known by many in Roswell. Mr. Buckelew stated the Russell family is very close to his family. He noted that he and his wife were invited by the Russells to visit South Africa three years ago but at the time he was involved in much missionary and social work in Atlanta, other cities in Georgia, the Dominican Republic, and Honduras. He explained that running is his ministry. He competes in ultra-marathons and Iron Man Events. Having seen the amazing work that the Russells have done such as digging fresh water wells for an impoverished village and building greenhouses on the eastern cape of South Africa,*



he wanted to take his running ministry world-wide. He explained that Zulu Racing working with Nike and other large retailers host a small run and then at the end, provide shoes to the village children. Often these children come from orphanages. This creates a lot of energy and excitement in a village that doesn't have much hope otherwise.

Mr. Buckelew stated that two weeks after Matthew Russell passed away on December 7, 2011, he had a dream of "alien creatures or some form of creatures in the sky overlooking a sea of runners." He mentioned it to his business partner, Curt Childs, who told him to go for his dream and create this run in Matthew's memory. Mr. Buckelew expressed his personal appreciation to Mayor and Council as well as City employees Morgan Rogers, Sgt. Ken McCray, Mike Elliott, and Kristina Lappin. The race was capped at 2,100 runners with a wait list of 1,500 runners. Runners were represented from 25 different states and five international countries, phenomenal for that number of runners. Mr. Buckelew stated he received calls from the cities of Miami and Denver. Both cities plan to launch the same race next year.

Mr. Buckelew stated this dream he had for his friend raised \$18,200 for the Matthew E. Russell Foundation to support that fund which will be used to help build a library to further education. Mr. Buckelew noted that he is a Roswell native, grew up here, and played Little League Baseball at Roswell Area Parks. He stated that it means a great deal to him and to the Russell family to be able to give this donation to the Roswell Recreation and Parks Department and this particular program. Mr. Buckelew expressed his appreciation to Mayor and Council for allowing this event to be held in the City and would like to hold this same event again next year in Roswell.

Photos were taken of Mayor and Council and Tom Pratt, of the Recreation Commission receiving the check. Mayor Wood expressed appreciation to Zulu Racing for the race and the donation. He encouraged Mr. Buckelew to bring this race event back to Roswell next year.

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

#### **9. CU12-02, 1184 Alpharetta St., David Cain/Bank of N. Georgia, Land Lot 427.**

##### ***Presented by Jackie Deibel, Planner III***

Councilmember Diamond introduced this item. City Planner Jackie Deibel stated the subject property is located at 1184 Alpharetta Street, Land Lot 427, 1st District, Second Section. Existing zoning is C-3, Highway Commercial. The property is formally the North Bank of North Georgia. The applicant has requested conditional use for this property to use the existing structure and property for a used car dealership. Ms. Deibel explained that to the north of the property are single family homes zoned R-2 and a current existing used car dealership zoned C-3; property south of the property across Alpharetta Highway is zoned C-3 with commercial businesses; east of the property is a small amount of City property and commercial zoning on the other side; west of the property is a vacant commercial building zoned C-3; and R-2 zoning for single family home, north west of the property. She noted that as shown on the site plan, the structure is existing. All parking is located to the rear of the structure along Prospect Street, which faces the residential homes. Ms. Deibel stated that on September 18, 2012, the Planning Commission recommended denial of this conditional use request during that public hearing. The Community Development staff recommends denial of the request. The reason for denial is that it is an inappropriate use of the property in the current layout and parking area.

Mayor Wood invited Council questions. There were no questions from Council at this time.

*Applicant:*

Tom Fortner, Bill Duggan, of the Quin Group Commercial Real Estate Firm, representing Mohammad Shad, the potential purchaser for this property. Mr. Fortner stated Mr. Shad is in the auto industry with many new car dealerships throughout Georgia, Marietta Mitsubishi, Georgia Fine Cars at Gwinnett Place Mall, Shad Mitsubishi at Georgia Mall, and Roswell Mitsubishi. The request for conditional use is for a used car lot and office to support this car lot and the other businesses owned by the potential purchaser. Mr. Fortner stated they intend to utilize the property as is with no changes other than what may be reasonably required by the City. There will be no parts and no repairs on site. He said the applicant chose this property because it fit the stated requirements of Roswell for a used car lot. He said it is properly zoned; it is properly sized at over three-quarters of an acre; it has an existing permitted building for an office; it is a perfect location fronting on a busy road with existing similar uses across the street in front of the property and across the street behind the property. Mr. Fortner stated most of the complaints, including the Planning Commission, were that the parking lot is across from residential. He said, "If this was a request for a development or re-development permit or a rezoning from a residential or lesser zoning, that would make a lot more sense to me but it is an existing property." It is already zoned C-3 commercial. He said regardless of the outcome tonight, the parking lot will still be across the street from residential. He said, "With the current zoning, which is a heavy zoning in Roswell that property available will be available for almost every commercial use that is in Roswell, including all the ones that I heard mentioned at the last meeting as being objectionable." Mr. Fortner stated that if approved, the applicant intends to run the property professionally, cleanly, and in strict accordance with the City regulations.

*Council questions:*

Councilmember Price stated she had heard that the applicant was interested in purchasing the property to the west. Mr. Fortner stated they had no intention at this time of purchasing that.

Councilmember Price asked if the City included the required set back, buffer, and etc., how many spaces did the applicant figure, according to how many spaces the City requires, would there be left. Mr. Fortner replied, "That was kind of new to me last time. We would have to look at that if that is required. I think they had talked about putting in a buffer that would eliminate fourteen parking places which in my mind I think that property would require four per thousand for any use. I don't see how the City could put in a regulation that would make that property as it exists in violation of its own code." Councilmember Price asked if that is part of the City's used car establishment buffers. She asked if the applicant is prepared to move forward with those restrictions. Mr. Fortner replied that they would look at that to see exactly what those restrictions were.

Mayor Wood asked staff if that buffer would be required if this Council approves; would it count the buffer that Councilmember Price mentioned.

Ms. Deibel stated C-3 zoning next door to residential would require a buffer of forty (40) feet.

Mayor Wood asked if this Council granted this application, how would this buffer have to be addressed; what would happen. Planning and Zoning Director Brad Townsend replied, "That would be determined by Council. If you are granting it with the survey and the site plan that is given to you, it is an as-is situation and would be

grandfathered in for the current site.” Mayor Wood replied that he did not legally understand grandfathered with a new zoning. Mr. Townsend clarified that it is not zoning, it is conditional use. He said if Council chose to apply conditions on it and felt that it was important, it would be possible to increase the buffers which would eliminate additional parking spaces. Mayor Wood replied, “If Council approved it tonight, the buffers would not be required.” Mr. Townsend stated that is correct.

Mayor Wood asked Councilmember Price if that helped to clarify the status. Councilmember Price asked if approving a conditional use for their request would not require any buffer. Mr. Townsend replied it would not unless Council chose to increase the buffer. Mayor Wood said that would have to be a condition of the conditional use. Mr. Townsend stated that is correct. Councilmember Price said she knew there were some letters and comments made by citizens attending the Planning Commission hearing indicating that there are three entrances currently on Prospect Street and one exit coming out, since it was a bank, coming out onto Alpharetta Highway. She asked if the applicant’s purposes would maintain it that way or would they want to have ingress and egress on Alpharetta Highway. Mr. Fortner replied, “We are prepared to utilize it as it is. If we could use it for ingress and egress that seems like that would reduce use on that residential street but if it is required to be as-is, then we are prepared to use it as-is.” Councilmember Price asked staff if that would require any lanes for deceleration. Mr. Townsend stated the use would not require additional turn lanes, deceleration, or acceleration. Councilmember Price asked if they wished to use that as ingress, could Council condition that or just not require it. Mr. Townsend stated the site as is has access to Alpharetta Highway. He said if Council is granting the applicant the conditional use as-is, it still has that ingress and egress to Alpharetta Highway. Councilmember Price stated, “Even though it is currently exit only.” Mr. Townsend replied, “No, it would only be exit only.”

No further questions from Council.

Mayor Wood noted he would open the hearing to the public. The applicant would be given opportunity for rebuttal to respond to any new information brought forward.

*Public comment:*

Ian Mari, resident of Liberty Lofts and president of their HOA. Mr. Morey stated he also sits on the UDC committee and the Vision 2030 committee at the City of Roswell. Mr. Morey stated he is opposed to this proposed used car parking lot. He noted that the City is trying to move the car lots out. He said the bank is exit only which will create traffic backing up and would not be fair to the residents of Prospect Street. Mr. Morey stated the car lot on the corner causes more trouble than it is worth. He encouraged Council to vote against it.

Vivian Benson, 209 Prospect Street, stated her bedroom window is at the area of the proposed buffer to allow parked cars. Ms. Benson said it is possible all night long to hear the car horns going off on the cars adjacent to her on that corner, caused by people stealing hub caps from those cars. Ms. Benson stated her concern that the car lot would not be kept clean. She noted that there are oil spills on the street from the existing car lot at the corner; they do not respect the existing buffer zone. Ms. Benson said she is opposed to this proposed car lot and hoped that the Council cares more about the residents than a used car lot.

Jack and Shelly MacArthur, 234 Prospect Street, stated they live in the house next to the existing car lot on the corner. He is opposed to this proposed new used car lot. He noted that the buffer for that lot was cleared all the way to their property line. Mr. MacArthur agreed that the owner of the existing car lot at the corner of Strickland does not respect the buffer.

Mayor Wood asked if Mr. MacArthur was referring to the owner of the existing car lot. Mr. MacArthur replied yes. Mayor Wood asked if there is any connection between the owner of the existing car lot and the proposed owner of the new car lot. Mr. MacArthur stated that he did not know of any connection. Mr. MacArthur noted that every time the car lot changes management, sometimes the same cars are still there. He noted that the owner has been there a long time but this is about the fourth car lot that has been there. There seems to be a lack of communication between the owners and the people who are there and that they "can do certain things that they can't do." He said once the new owner is given the opportunity to do the car lot and he wants to rent it out to someone else, and they are existing, there is not really much else to be done to enforce that except to send Code Enforcement out or take them to Court. He noted that the lot next to them was taken to Court. It took over a year and a half to get two rows of trees planted between their house and the used car lot existing there. Mr. MacArthur noted they had to put up with the lights and noise until then. He said the biggest concern he has is for his two boys who like to go to Roswell Area Park because they are close to it. He noted that there is too much traffic on that road due to the demos and that it is a cut through road. Another lot across the street is not providing safety for them or any other pedestrians on that street. He used a graphic to show the locations of the entrances and their houses. Ms. MacArthur indicated where the elementary and middle school bus stops are located. She noted that her family has been dealing with this car lot for approximately ten years; they do not really want to be surrounded by used car lots; it is very disruptive to their neighborhood which is a residential area. She said she had reviewed the City's 20-30 Plan and did not think that a used car lot is an intended use by the City for that property. She thought that the intention of the 20-30 Plan is for office use since it is a large piece of property; that would be ideal. She pointed out that there are over eighteen used car lots on Alpharetta Highway from the river to Mansell Road. Ms. MacArthur noted that many people have lived there their entire life. The past mayor lives on their street and walks there for exercise. She said he should not have to look at used car lots while he walks. She said her family was there before the used car lot next door them was approved. She noted that Council was kind enough at that time to give them the privacy back once they took the trees down that was once a 73 foot buffer. She agreed that the current used car lot owner constantly goes into the buffer. It is very difficult for Code Enforcement to constantly keep them in compliance. She asked Council to carefully consider this, once it has been approved, they cannot really undo it, as their experience has shown, it is grandfathered in. Ms. MacArthur stated the lot itself is now no longer large enough by the City's own standards, passed in 2008, that the car lot is too small to park cars, and has created this problem where they do not have enough places to park the cars. She reiterated what her husband said regarding the potential to lease the car lot out to another person who does not have to comply and the neighbors are forced to constantly call Code Enforcement and take pictures to protect their property.

Eric Schumacher, 145 Prospect Street, stated he recently had moved there from Liberty Lofts, where his neighbor was one of the Roswell Councilmembers and knew that he understood the issues with re-developing this area to a family friendly walk area. Mr. Schumacher stated he had read the previous meeting minutes on this item and understood that the intention is to reduce the number of car dealerships in the area and to promote a better esthetic and a better use of this particular space. Mr. Schumacher agreed with Ms. MacArthur's statements that approving conditional use is almost permanent. He stated that he would hate to see the City potentially "shooting itself in the foot" by potentially giving conditional use on a property today, obviously to help out. He said the Bank of North Georgia has done a lot for the area; they are owned by the larger bank, Synovus Bank. They are looking to sell this property. They have a contingency on this purchase which is conditional zoning for a

used car dealership. They have a buyer who would like to put in a used car dealership. This may be the first offer but it is definitely a contingency on their purchase. He said the actual applicant here is Bank of North Georgia and not the used car dealer. He said in this way, the Bank of North Georgia and Synovus Bank which is a very large company, is asking for us in Roswell to loosen up our objective in this area. He noted that this property is in the top end of the mid-town overlay, where the City has talked about doing something different there. To allow a used car dealership to come in will not help long term; once it is conditional it is in and will continue to be used car dealership. He said if they want to buy the lot next door and park cars on it that are not for sale, they would be allowed to do that; it is possible that several properties in this area like is seen farther down Alpharetta Highway where the car dealerships have expanded to sites next door; they may not have conditional use zoning for used cars but they are parking cars there. Mr. Schumacher stated that would add to the blight in this area. He mentioned that this property is on a residential street; it is C-3 zoning which will probably be there for a while unless someone else buys it and puts in a residential property based on the incentives now in Roswell. The incentives are to improve the area and attract the kinds of businesses and residential mixed-use for this area. He stated this property is unique; the parking lot is only .45 acre which is not large enough based on the original idea of three quarters of an acre. If cars are inventoried on site, it will require security lighting and visibility which may not necessarily be the case if it was another type of use, such as office use.

Greg Vojnovic, 620 Grimes Bridge Landing, stated the biggest challenge is that municipalities control land use; this is a commercial need where someone wants to sell the property to someone who wants to have a use for it. Mr. Vojnovic said his objection is not along the lines of most of the folks who live on Prospect Street. Their objective is that they do not want a used car lot near there. He said no one would want to have a used car lot, oil change place, fast food restaurant there; these businesses as part of our community should be in the right places. He noted that the land is zoned C-3, so it is the high density commercial use. He objected to a conditional use without a buffer. A plan was presented to the City without a buffer. He said a forty-foot buffer is required for residential properties against commercial use to provide a buffer for adjacent residents. Mr. Vojnovic said he also objected that the applicant has not presented any type of an alternative plan or compromise to help minimize their impact and effect on the neighborhood. He encouraged Council to vote against conditional use without a buffer.

*Applicant rebuttal:*

Mr. Fortner stated that as far as an alternative plan, the applicant was looking at this "as-is" and as grandfathered, therefore, did not see a reason for an alternative plan. No further rebuttal.

*Council comments:*

Councilmember Price stated this certainly requires a judgment on the part of Council because of the C-3 zoning. She said she thought that most of us feel that we have a lot used car lots in the City and do not want to particularly encourage them. She said this property is abutted by three used car lots, so it is hard to say that this is not an inappropriate area except for the fact that it abuts private property and is not in line with the City's plan for that area. Councilmember Price asked if the City is not inclined to approve conditional usage in C-3 car lots, and there have been a number that have come or potentially came before Council, would the City consider putting a moratorium on this use in certain areas of the City.

Mayor Wood stated that before a moratorium is considered, he suggested there be a

discussion with City Attorney David Davidson regarding the circumstances in which a moratorium is appropriate. The Mayor said he thought that goes beyond the scope of this item being discussed tonight.

Councilmember Igleheart said that having been in the middle of creating this change, a moratorium had been discussed but that it does not work specifically for the way things have to go forward. He said this was put in place to prohibit exactly what is currently proposed and in fact attempted to reduce what is there. Councilmember Igleheart said, "I think the last thing I think we need to do is actually increase what is there. Pretty much any argument I can make has already been said. I certainly would not support this."

Councilmember Diamond stated Council appreciates the applicant's ownership of Mitsubishi, where it is, and what it provides to the community. She said Council does not make any judgment about how they might operate any type of operation in the future or who they might lease to. Councilmember Diamond stated that based on the comments heard tonight she could not support this.

**A motion was made by Council Member Diamond, seconded by Council Member Orlans, that this requested conditional use to allow for a used car establishment located at 1184 Alpharetta Street be denied. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: R2012-10-49

**10.**

**PV12-02, Small Tract, 90 East Crossville Rd., Land Lot 407, Sobi Salon.**

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

Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this is a request for small tract status in order to enclose a carport on the house. He noted that a variance is also requested from the forty-foot front streetscape requirement based on the existing location of the structure. The property did receive adaptive re-use approval in 2011 to use the existing structure as a salon. The applicant applied to the Design Review Board for approval to convert the house into a business. Mr. Townsend stated the applicant then requested to change the exterior of the building by enclosing the carport. This change could not be approved administratively and does require Council's approval for the adaptive re-use. The enclosure of the carport would add an additional five hundred (500) square feet of usable space to the interior of the salon but it does require Mayor and Council to adopt it for small tract status. Mr. Townsend noted that the Community Development department recommends approval of this application with the variance of the existing structure and tying it to the site plan included in the backup material of August 12, 2012.

***Council questions:***

Councilmember Diamond stated there seems to be a gap between the ability to administer changes and the "drastic change" ordinance of small tract status. She said because the footprint is not changing and this is just the most miniscule of changes to the front and has been previously discussed, if the garage door was on the side or on the back, Council would not be having this discussion. Councilmember Diamond recommended tweaking the ordinance so that "we can do what we are trying to do here and do it legally. Small tract status really doesn't fit here. And, yet

*obviously, this is not what anybody envisioned when they said no changes to the exterior. You are not building up, and towers, and all that." She stated if the applicant was okay with giving Council some time to fix this, the applicant could be served better and have it go all the way through at the same time since Parkway Village does not require the going through the entire zoning process.*

*Mayor Wood explained that what is being discussed is amending the adaptive use provision of the Parkway Village Status to allow a minor façade change. Councilmember Diamond stated, "Basically, the letter (a) of our requirements says: no change to the front exterior building elevation. I would like to have some kind of wording that allows for administrative review in the case of some changes that don't affect the footprint and the size of the building." Mayor Wood asked if she was proposing an amendment to the ordinance. Councilmember Diamond replied yes. The Mayor asked, if the Council decides to move forward with the amendment to the Zoning Ordinance and the City initiates that, would there be any charge to the applicant to do this change. Mayor Wood stated the answer is no. He asked how much time that would take. Planning and Zoning Director Brad Townsend replied that a text amendment usually takes three to four months. Mayor Wood explained that by state law, it would have to go to the Planning Commission, be advertised, and then have two readings. There would be a necessary delay in time. Mr. Townsend agreed. Mayor Wood stated that was what Councilmember Diamond was proposing.*

*Councilmember Orlans asked City Attorney David Davidson if Council could put a variance on the adaptive re-use to allow this to go forward since if the carport was enclosed, or was covered in the front, Council would not be hearing this item. Councilmember Orlans said, "Can we not do a variance of this." Mr. Davidson replied, "No, the whole ordinance on this one is because they are doing an exterior change, so the very reason they have to go for small tract is the very reason in the ordinance. You cannot just vary the whole thing." Councilmember Orlans asked if the only way to move it forward tonight is to approve the small tract status. Mayor Wood stated, "As I understand, the answer to your question is no."*

*Councilmember Igleheart stated Council has expedited things in the past; Council has had readings almost within the same week. He noted that he was not suggesting this been done that fast.*

*Mayor Wood asked if there was any way to expedite this change. Mr. Townsend stated he would defer to Legal regarding requirements of text amendments. He stated it definitely takes two readings and definitely takes a Planning Commission hearing. Mr. Davidson replied that a special called Planning Commission meeting could be held but the problem would be the advertising. Mayor Wood suggested including in the motion that the Council could move to do this on an expedited basis. He noted that it might shorten the time but maybe not substantially shortened because the City has legal requirements imposed by the state any time the Zoning Ordinance is changed. Councilmember Igleheart replied meetings could be held back to back and possibly cut the time in half. Mr. Davidson replied two readings by Council could be done back to back; the Planning Commission meeting could be combined before the Council's first reading. Mayor Wood stated the motion could include a recommendation to include an expedited hearing process.*

*Councilmember Price asked if "something could be waived in this situation." She asked if the Design Review Board (DRB) has reviewed the design. Mr. Townsend replied that the DRB reviewed it when it went through adaptive re-use when the exteriors were not being changed. He clarified that the DRB has reviewed this with the change enclosing the carport. Mr. Townsend clarified for Councilmember Price that it would require DRB review before the issuance of the business license.*

*Mayor Wood suggested listening to the City Attorney's recommendation.*

*Councilmember Price stated she certainly did not want to pass small tract status just so this could move forward because that would eliminate the ability to collectively put any of those public parcels together because none of them can achieve the 7 acre hurdle. She said that she did want to see Council approve this in the interest of saving time, but it puts the City in the terrible position of eliminating any assemblage of properties there. She also said she hated to see this go through a huge process to allow them to close that in which seems like a very minor modification of an adaptive re-use. Councilmember Price stated that if the City Attorney says there is no other solution, then she hoped it could be fast tracked but it seemed like "overkill."*

*No further comments.*

*Mayor Wood asked the applicant what their thoughts were on what the Council is proposing. He asked if the applicant understood what was discussed.*

*Applicant:*

*Behnaz Motlagh, Mimar Design Group, introduced Ms. Sobi, the owner of the property. Ms. Motlagh stated the applicant understood what Council had discussed but time, especially four months, is of concern to her to get this business opened, especially since remodeling is being done.*

*Mayor Wood stated staff hopes to move it quicker but there are certain state requirements. The Mayor suggested that she perhaps renovate that portion which they hoped to use and finish it up in two phases; there was no reason why it would not get past the first phase. He assured the applicant that this Council is very supportive of her project. Ms. Motlagh replied they are doing the first phase but understood that they have to wait until for second phase. Mayor Wood asked staff if there is any reason why the applicant could not open up the first phase and then start doing business under the first phase, and then complete the second phase. Ms. Motlagh confirmed she understood what he was suggesting. The Mayor stated they may not have all the square footage initially but would have all but this last portion which the applicant has said they wish to renovate. Ms. Motlagh agreed. She asked if it needed to go to DRB because it is a very small change; she asked if there could be a waiver. Mayor Wood asked staff if there was any reason why this could not go to the DRB now so that they would have this part of the process done. Mr. Townsend replied, "If Council was approving it tonight, staff was actually going to probably do it as a minor." Mayor Wood said, "We don't anticipate this having to go to DRB." Mr. Townsend stated they don't anticipate that for this exterior change. The Mayor stated that hurdle should be resolved. He said if the Council initiates the change, he anticipated that it would be accomplished between two and four months. Ms. Sobi stated she had hoped it would be done sooner because her family will be supported by this business.*

*Councilmember Diamond moved to amend the ordinance to address item (a) change in front exterior building elevation within the footprint of the existing building; expedited to the degree that is possible.*

*Mayor Wood asked if the adaptive re-use requires Council action. Mr. Townsend replied no. Mayor Wood responded, "So, if we approve this, they do not have to come back to us other than the ordinance change, nothing else has to come back." Mayor Wood stated there is a motion to amend the adaptive re-use ordinance by Councilmember Diamond. Councilmember Dippolito seconded the motion. Public comments invited. No public comments were made. No further discussion by Council.*



Council chose to amend the adaptive reuse ordinance rather than approve a small tract status.

Mayor Wood asked if staff understood that this is a City initiated change. Mr. Townsend replied yes.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, to amend the adaptive reuse ordinance and to expedite it to the degree it is possible. This amendment to the ordinance is considered a city initiated change. If the adaptive reuse amendment is approved, this applicant will not have to come back to Mayor and Council. The motion carried by the following vote:

In Favor: 5

**11. Approval of an Intergovernmental Agreement (IGA) between the City of Roswell and the Downtown Development Authority (DDA).**

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Diamond introduced this item. Director of Community Development Alice Wakefield stated this is a request from the DDA to approve an IGA for their funding \$82,925 approved in the FY 2013 Budget as "seed money." In addition, the DDA is asking for an additional \$60,000 for a Master Plan of the area directly impacted by the proposed transportation design for Highway 9 beginning at Norcross Street and extending south to Oak Street, including the Initial Economic Impact Study of the subject area. She noted that were members of the DDA in attendance.*

*Mayor Wood asked if this was for approval of this initial budget or just the IGA. Ms. Wakefield replied this is the approval of the IGA for the remittance of the funds. The Mayor asked if the IGA dictates how that money is spent. Ms. Wakefield replied no. Mayor Wood asked if that could be coupled with the budget so that it is known how that money is spent. Ms. Wakefield replied yes. She said if the Mayor was speaking of the \$82,000, she knew that funding is used basically as their start-up funds; using it to pay for their attorney fees; insurance.*

*Mayor Wood stated when he approves \$82,000, he would prefer to also have the budget in which they intend to spend it, at the same time, rather than \$82,000 however they want to spend.*

*Dave Schmidt, Treasurer of the DDA, stated they did go through a budget that was largely built on several large line items, legal for one; getting counsel just to start the DDA. Mr. Schmidt stated there was also some technical administrative work because the DDA is beginning property surveying and other information that is needed to be assembled. He said those two line items are approximately sixty percent of the budget, the rest is just overhead related items. He said that at this stage, there are 7 DDA members that are largely operating in a volunteer capacity with some City support through Stephanie Dye. There was anticipated to be some support on a contract basis for small specific related projects the DDA would be doing, which is separate from the \$60,000.*

*Mayor Wood stated his point is that this item is for Council approval of the IGA. He said he would like to approve the IGA and the budget attached which would mean that there is an IGA and an approved budget. The Mayor said if the DDA wished to go outside of the parameters of this budget, just as in Council when we move*

something from one item to the next, you would have to come back to Council. He said there is \$82,000 which the DDA could spend it within those categories for these amounts, if there is a change, they would come back to Council with that change.

Mr. Schmidt confirmed that he understood that. He said "Certainly at this stage of the game, this is our first budget in operation so we would expect that we would learn more as we go along."

Mayor Wood stated if the DDA needs more money somewhere else, the Council would first ask them to try to stay within that budget; DDA could move it around but would need Council approval to do so. Mr. Schmidt confirmed for Mayor Wood that that process would be acceptable to the DDA.

Mayor Wood stated that it would be his recommendation to Council to approve not only the IGA but to tie it to this budget.

Council questions:

Councilmember Diamond stated she had concerns. She said, "This is like what we do with the CVB and RBA; they give us the framework of what they are going to do with the money and we in partnership with them, as long as they are within that amount, if they decide they want to spend a thousand dollars more on the website or less, I am not sure why they need to come back to us each time they make those kind of changes." She asked if there is that framework for that.

Mayor Wood replied that he is supporting this IGA based upon this budget. He stated that if they decide to spend thirty thousand dollars on a trip to Vancouver to study the park in Vancouver, they would have to come back to Council.

Councilmember Diamond asked if within these categories, they could move money around.

Mayor Wood replied, "They submitted a budget. I think that as far as our oversight they should stay within this budget." He stated that he would have preferred to have seen a budget with a little more flexibility, one with more broader categories because this one does not have it. Mayor Wood said he knew from the budget that the DDA is spending \$30,000 on legal and \$24,000 on support transcription. On the other hand, if the DDA wanted to move \$30,000 from legal to conferences, that would be beyond the parameters of what he would support. Mayor Wood said he would like to see an approval of not only a lump sum amount but a budget tied to that.

Councilmember Orlans stated he thought he knew what the Mayor was trying to get but he agreed with Councilmember Diamond that there could be some changes in these many small items, such as insurance, website development, or other items that could change without their control on them. He stated that he did not think that the DDA should have to bring "every little item" back to the Council. He suggested that if there is an overall way to do this and be flexible, that should be done instead of tying it specifically to this budget because of all those small items that are in there.

Mayor Wood stated that he would be fine with a compromise between that but he would not support approving \$82,000 with nothing tied to a budget, as far as an oversight position. He clarified that he was not questioning that the direction the DDA is going to or the integrity of the DDA. Mayor Wood said, "As a matter of practice, when we approve \$83,000, I believe it should be tied to some budget and some limitations on how it is spent. Right now, legally, there would not be if we don't tie it to any budget."

*Mr. Schmidt, stated that it would need to be understood that right now for instance, there is an insurance for director and officers that they are already over by a little because they were trying to get estimates when this was put together. He said it is a fairly small number.*

*Mayor Wood requested that the budget be broken down into how much is administrative and how much is for outside services. Mr. Schmidt stated they had two levels of budgets and did not know which level the Mayor had. Mayor Wood stated he was viewing the budget for FY 2013, City contribution \$83,000. He said he would be fine with a more generalized budget but was not fine with no budget at all. Mr. Schmidt stated the DDA had it broken down to include \$24,000 for support; \$30,000 for legal; \$4,000 for web design. Mayor Wood confirmed that was the budget he was viewing. The Mayor asked that the administrative items be lumped into one category. Mr. Schmidt replied that it should be broken down into groupings. He thought they broke it out into good detail; some are down to a few hundred dollars. Mayor Wood said he was not trying to reach that far down but was saying there should be a compromise from what was presented. Mr. Schmidt stated they would create some group categories so that it is easier to deal with. Mayor Wood asked that he prepare those categories for review later during this hearing.*

*Mayor Wood asked that Council defer this item until those categories are prepared. He asked Councilmember Diamond if she agreed.*

*Councilmember Orlans, in order to move this forward, suggested flexibility of up to a thirty (30) percent in any one line item. He said the worst line item would be the legal costs, which would be \$9,000.*

*Mayor Wood asked Mr. Schmidt if he would rather work with Councilmember Orlans' suggestion or sit down and go over the budget. Mr. Schmidt replied he could group these items within the next ten minutes while Council continues. Mayor Wood suggested that Mr. Schmidt be given an opportunity to group the budget and have a better product.*

*Councilmember Price stated the item summary states remittance of \$82,925 that was already approved in the City's FY 2013 budget. She asked if this was already approved.*

*Mr. Schmidt replied Council approved the dollar amount; tonight, Council is asking about the line item level for dollar amount.*

*Councilmember Price said that if Council approved this amount, she did not understand why Council is now nitpicking. Mayor Wood said he did not believe it is nitpicking to ask how it is being spent. Councilmember Price asked why Council did not ask this during the budget approval. Mayor Wood said he could not say why Council did not ask for this information then but if Council approves this right now, and they decide to spend \$82,000 on a trip to Vancouver, they are within their legal rights. The Mayor noted that he did not believe that they would do that but best practices would be to not only approve the IGA but to approve a generalized budget. He said that is the oversight role that Council has.*

*Councilmember Price stated that in the item summary there is a discussion of a \$60,000 budget amendment which does appear in the IGA. Mr. Schmidt stated it is a line item that was not in the original \$82,000 that was approved with the FY 2013 Budget, it was a separate item for Master Plan. He confirmed that it is separate. Councilmember Price asked if there would be two different motions. Mr. Schmidt stated his understanding is that the \$60,000 would be strictly for our planning of the*

area between City Hall and Canton Street; it is dedicated to that.

Mayor Wood said he understood that it was reviewed at Committee but would it require a motion; has the Council formally approved that \$60,000. He asked if that is coming forward tonight or at another meeting. Councilmember Orlans said that is within this item. Councilmember Price stated it is not within the IGA as written. Ms. Wakefield replied her understanding is that it is part of this request. Mayor Wood said it does not appear to be here. Ms. Wakefield stated the reason is because the budget that is before Mayor and Council is more of the DDA's operating type of budget and the \$60,000 is for special projects. Mayor Wood asked Mr. Schmidt to revise his budget to also include that \$60,000. Mr. Schmidt agreed.

Mayor Wood asked if it was acceptable to Council to have the \$60,000 approved tonight once Mr. Schmidt works out the budget for both figures this evening.

Councilmember Diamond stated she disagreed with the Mayor. She explained that Council gives \$400,000 to the CVB every year for which the CVB provides a framework of a budget. Council reviews that and moves on. She said part of the reason we have a DDA is so that they can make quick decisions and do things more effectively than Council can do it and to introduce some oversight to them. She said she was not certain that Council had the legal oversight. Councilmember Diamond said she was willing to look at enough categories that would make the Mayor more comfortable but she did not see anything within the budget which would allow for travel.

Mayor Wood replied the budget Council was reviewing was not being voted on tonight. He explained that Council is only approving \$82,000 to spend wherever they wish. Councilmember Price said Council has already done that. Mayor Wood said Council has not approved the IGA. He said that tax payers should know how that money is going to be spent; good oversight says that it should be in the record.

Councilmember Diamond stated she was fine with the framework of the budget. She stated her question is if the DDA wants to go outside of within these categories, should they have to come back to Council each time. She said she was fine with showing this is what is anticipated for spending and to bring the DDA back next year or perhaps six months. She said that coming back for each line item is a lot of extra work and is encumbering an organization that is supposed to be nimble enough to make decisions. She stated she was okay with having a budget but did not think the DDA needed to return for each line item. She asked if they could come to compromise on that.

Mayor Wood stated, "If they categorize this so it is not every line item, but categories will be fine. I think you need to look at how those categories are spent." The Mayor said for example, and noted that he was not suggesting this, but if the DDA believed it was appropriate to fly to China to do DDA and they could justify it, he would support it, but he would not want to give them that discretion without having to come back to Council if they wanted to spend \$50,000 for travel. He said without tying it to any budget at all, that would be legally possible.

Councilmember Price asked City Attorney David Davidson what information Council is entitled to; what the DDA has to provide Council prospectively or retrospectively about any monies budgeted or expended.

Councilmember Orlans stated Council has already approved the budget amount and tonight Council is here to approve the IGA. He said he thought that Council was also approving the additional \$60,000 just specifically for the Master Design Plan. He

asked the City Attorney to comment on his question as well.

City Attorney David Davidson stated, "To begin with, the DDA does not report to the Council. They are a separate state authority by themselves. However, because you are giving them money, like the Mayor says, you have the right to condition giving them that money, however you would want to condition that. As far as having to report to Council, they do not have to report to you." Mr. Davidson referring to the agenda item, stated the only thing he drafted is the agreement. He said he did not know anything about the \$60,000. Mayor Wood stated he brought this budget up with City Administrator Kay Love and asked that she include the budget and make the budget part of this. The Mayor said he stated that if Council is approving this IGA he wanted to know how the money is going to be spent; that at the same time Council is approving the IGA, Council should look at a budget. He said the budget was attached but is not completed because it does not include the \$60,000. Mayor Wood said he did bring this up earlier and apologized for not following up on it but this was not the first time he had brought up this subject. Mr. Davidson stated he did draft the agreement so that Council could give the DDA money as long as it furthers their purposes and the welfare of the citizens. He said if Council wishes to do it now, that is fine. Mr. Davidson said he did not have a budgetary amendment to do it, but Council could do that.

Councilmember Diamond asked if she could make a motion on the \$60,000, or did they need to do the IGA first.

Mayor Wood suggested that Council see the entire budget including the \$60,000 and \$82,000 and then make one motion to simplify that.

The Mayor suggested that Council move on to the next Agenda item until Mr. Schmidt was finished defining the budget. Mayor Wood clarified that Council would return to the Approval of an Intergovernmental Agreement (IGA) between the City of Roswell and the Downtown Development Authority (DDA) later in the evening when Mr. Schmidt had the budget for further review.

Return to Approval of an Intergovernmental Agreement (IGA) between the City of Roswell and the Downtown Development Authority (DDA):

Mr. Schmidt displayed a spreadsheet clarifying the DDA budget. Mayor Wood responded that he could support the IGA with the budget he displayed before the Mayor and Council.

Council Comment:

Councilmember Diamond stated that she could support it but was "not ready to support having the DDA return to Council for every line item change or even a category change." Mayor Wood replied, "They have a contingency of \$7,000. Unless they use up that contingency, they would not have to come back with a line item budget." Councilmember Diamond said she was completely comfortable treating this in the same way that is done for the CVB. She said this is a great framework; it is appreciated.

Mr. Schmidt asked if this is a different process than the CVB. Mayor Wood replied that to his knowledge, this is not a different process than the CVB. He said that when the Mayor and Council review the CVB's budget during the budget approval process, the CVB budget is reviewed to see how the money will be spent. Mayor Wood stated, "From my budgeting standpoint, when I put in my budget money for the CVB, I am familiar with what their budget is." Councilmember Diamond said that when the CVB makes changes, they do not come back to Mayor and Council. Mayor Wood replied that is probably is not a good idea if they are spending tax payer money. The

Mayor said best practices are that we are responsible for the expenditure of tax payer money whether it is spent by the City or folks that contract with the City. He said he supported not reviewing every \$500 expenditure but Mayor and Council should be aware of a major change. Mr. Schmidt asked if that would be an administrative procedure to be dealt with the City Administrator rather than public process. Mayor Wood replied, "In this, you have a \$7,000 contingency. If you need to bump Legal from \$30,000 up to \$37,000, you can. But if you need another \$7,000 for Administrative to move from Training, you would probably have to come back." Councilmember Orlans asked City Attorney David Davidson if Council approved this item based on this, by line items, if the DDA wanted to make a change to the Contingency, would they have to come back before Council, to move if from Contingency. Mr. Davidson replied, "Unless you clarify that Contingency, it could go to any of those." Mayor Wood stated "I would support the Contingency being spent everywhere they want. That is what I understand of contingency. I am not suggesting that you need to come back. I am saying, we are starting a new process here with a new development authority and I think you want to start things on the right foot with the right process. The right process is to say this is how we are spending the money and if we go outside of those parameters, we should come back. That is the right process, rather than saying here is \$82,000, spend however you wish. That is not oversight." Mr. Schmidt replied he questioned it of administrative. He said "We are fine with being wide open and certainly in our DDA meetings it will be wide open. If we needed to come back, we could do it administratively. You need to tell me if it is there or if it is through Mayor and Council or whether there is multiple times."

Councilmember Dippolito said he thought Mr. Schmidt's suggestion is a good one where perhaps the City Administrator can approve changes up to her authority, which is \$25,000, so that any changes within this budget they can have done administratively through her. Councilmember Dippolito stated perhaps that is the oversight that could be achieved.

Mayor Wood replied that he would also be fine with that but there needs to be someone from at the "City side" with oversight. Mayor Wood said he would be fine with oversight by the City Administrator. Mr. Schmidt replied that would be fine with the DDA; it is a fairly easy process for the DDA.

Motion: Councilmember Diamond moved for Approval of an Intergovernmental Agreement (IGA) between the City of Roswell and the Downtown Development Authority (DDA) with the attached framework budget. Councilmember Diamond said she would end her motion at that point.

Mayor Wood suggested for clarification, the addition of language that Contingency could be spent without any administrative or Council approval and if any changes that exceed the amount of that Contingency, could be approved administratively up to \$25,000.

Councilmember Diamond stated she disagreed with the philosophy of that and would leave her motion as is. She further stated other Councilmembers could amend it if they wished to restrict the DDA movements.

Mayor Wood asked City Attorney David Davidson for clarification. The Mayor asked that as the motion was made, should the DDA wish to spend the \$7,000 to move money from Contingency to somewhere else, what sort of approval would that require. Mr. Davidson replied that Councilmember Diamond's motion for approval was based on the budget. Councilmember Diamond stated her motion was "to approve the framework of the budget and give DDA leeway within those categories to do what they need to do in the amount of \$142,925." Mayor Wood asked "What

limitations would there be on this \$142,000 to be spent. Could they move it anywhere they want to?" Councilmember Diamond replied, "Within the categories listed there." Mayor Wood replied they would then be able to move \$142,000 from Administrative and move it all into Training if they wished to. Councilmember Diamond agreed and said she could not imagine that happening; she thought that would be within their purview. Mayor Wood stated he could not support that.

Councilmember Orlans seconded the motion.

Mayor Wood said he could support this framework budget and the Contingencies being spent, totally at the discretion of the DDA. The Mayor said, "I can support any changes up to \$25,000 being approved by the City Administrator but I will take action to overturn this vote if this vote is taken without any clarification of how that \$142,000 is going to be spent. I think we are forfeiting our oversight role. It has nothing to do with the trust of this group; it has to do with our role and our responsibility to tax payers."

Mayor Wood clarified that there was a motion and a second. He called for further discussion.

*Further Discussion:*

Councilmember Igleheart said he agreed with the Mayor's concerns and the idea of the concern. He said, "However, I think the reality of what we have been working on for however long we have working on this now, is that we have laid out the parameters of what needs to be done. These are the ways for them to get that done. I think that as we continue on our process, we probably should look at some of those things as we get into more money and a lot of other things being done. I have confidence that this makes sense and they can work. It is based upon and similar to CVB and other types of arrangements where we say 'okay, here is your overall budget' and we let them go." He said that as Council moves forward it is a good point for Council to consider. Councilmember Igleheart said he was comfortable that the DDA will do what they say.

No further Council discussion.

Public comment invited. No public comments were made.

Mayor Wood said, "I am very comfortable with this Downtown Development Authority. I am very confident that they will stay within this budget. My concern is not with this. My concern is the process of this Council. I think when we take \$142,000 and put it into hands of a group, we should not give up all oversight. My opinion as an attorney is if we approve this as the motion is made then there are no limitations on how that \$142,000 is spent." The Mayor said Council basically has said the DDA can spend it however they want. Mayor Wood stated Finance Director Keith Lee was nodding his head in agreement that it is also his understanding of the way the budget process works. Mayor Wood said he believed in flexibility in this budget, contingencies, and administrative approval but he does not believe that procedurally, the Council should give up all oversight. He stated that he did not believe that is the way it works with the CVB or other independent agencies. The Mayor suggested that Council's approach should not be to deal with this problem later, but should be addressed right now since there is a solution for it. Mayor Wood reiterated that he could not support this and would take action to oppose it if it passed.

Mayor Wood asked Finance Director Keith Lee how this \$142,000 could be spent under the motion as it is currently made. Mr. Lee replied, "Our budgets are passed at a department level. This is part of the Community Development department. This

expenditure is. The Community Development Department is not allowed to exceed their budget. Once this money is moved to the DDA, it is theirs to spend at will. On the CVB, the oversight that we have is on their Contingency Funds. At the end of the year, they request to use those Contingency Funds and we move them as necessary. Otherwise, they are allowed to use their funds as they see fit. They stay within the allocated budget that we provide them." Mayor Wood said, "To be specific, under the motion, can you give me assurances that we as a city council could as a city say, 'if you spent \$50,000 for a trip to Vancouver, that would be outside of their discretion' as this motion has been approved by Councilmember Diamond." Mr. Lee replied that it is not outside their discretion. Mayor Wood stated that is his concern.

*Further discussion:*

Councilmember Orlans asked what would be the purchase order process for the DDA to actually access funds. Mr. Lee replied, "These funds will be moved from our account to their account. It is under their purchasing procedures that they adopt as to how they expense those funds. At the end of the year, they are a component unit of our government; they will be reported in our financials." Councilmember Orlans stated they would also be audited accordingly. Mr. Lee agreed.

Councilmember Dippolito stated he did not "want to put words in his mouth" but assumed that part of Mayor Wood's discomfort is that the CVB has been around for many months and this is a new organization. Councilmember Dippolito said he trusts the DDA implicitly, without any issue. He said he is comfortable with the DDA having administrative approval just for the first year to make everyone comfortable that the money is being spent wisely. Councilmember Dippolito suggested an amendment.

*Amended Motion:* Councilmember Dippolito amended the motion to make this the budget and have the City Administrator have administrative rights for up to \$25,000, per expenditure; within her authority whatever that authority is.

Mayor Wood stated that he supported that motion. The Mayor clarified that there was a motion to allow the City Administrator to approve a variance from this budget for each item, up to \$25,000 per item, which would exceed the whole budget. The Mayor reiterated his support for the motion; there would be administrative second look at the spending.

*Council comment:*

Councilmember Orlans asked Mr. Lee if it is true that if these funds are "put over" according to these detailed categories or "put over" according to what the motion is under the DDA's authority for them to spend it, bottom line, even if this budget is put in, if they wanted to move \$50,000 to go to Vancouver as a separate organization, they would be able to do it under either motion. Mr. Lee stated, "I think under the amended motion, you are adding additional discretion on the City's part for how those expenditures are moved within any category. They certainly have the right under the amended motion to seek approval to move \$25,000 to Travel/Training, which they could expense for a Vancouver trip." Mayor Wood stated that is just as example. Councilmember Orlans said they could actually do it without the administrative approval, as well. Mr. Lee agreed. Councilmember Orlans stated, "It is a matter of how much Council wants to have every little thing coming back to Council, versus moving through and being efficient on the organization."

Mr. Schmidt stated, "I would suggest that we would be willing and would offer that we could do a quarterly update, give you these categories, as much detail as you would like just dumped out of our accounting system that says we spent it on x, y, and z and just keep the Council completely informed about our expenditures down to the penny if you want. It would be easy."



Mayor Wood stated that when a taxpayer asks him what oversight is there for the DDA, he would like to be able to answer that the City has a budget and they are bound to stick within that budget unless they come back to the City Administrator; if they wish to exceed the legal budget they come back to the City Administrator to do it; if they wish to add something which is not in the budget but they think it is a proper expenditure of money and up to \$25,000, they can come to the City Administrator and do it. His concern is answering to the taxpayer. He said his observation is that if the motion is passed un-amended, it would be we gave them \$82,000 and we trust them; but in setting up procedures he would like to be able to say Council set up a procedure that the DDA is to stick within the budget unless they come back to the City Administrator. He said he was not asking this Council to oversee everything. In the oversight capacity, that there is oversight by a third party, which he was comfortable with the City Administrator doing.

Mr. Schmidt stated at this first stage of the DDA, they are fine with this; they want to be open and in dialogue with the City Administration in any case since they are "moving along in new ground." Mr. Schmidt asked if there is a subliminal message regarding Vancouver. Mayor Wood stated Vancouver is his favorite big city and urban area. Mr. Schmidt replied the DDA trips this year were planned to LaGrange and Decatur.

Councilmember Igleheart stated it would be possible to go to Vancouver on \$35,000; there is nothing to keep the City Administrator from going along if the DDA wished. He said, "My fear is that we are actually setting up a system that the City Administrator has more power than Council does on keeping things accountable. I think that is not the best situation for that person to be in." Councilmember Igleheart said he did not disagree with the Mayor's concerns and that the idea is correct but he did not think this is the best way to accomplish it. He stated he wished that this discussion had occurred at this point and it should be figured out. Councilmember Igleheart said, "I am okay with doing pretty much what Mr. Lee said; this is what we do to SCB essentially. Do the same thing for now."

Councilmember Price asked if it is correct that the DDA "doesn't go away" at the end of FY2013. Mayor Wood stated that is correct. She said the DDA may not be able to self-sustain; they may ask Council for additional money in the future, which in case, if Council reviewed their financials we would be hard pressed to give any more if they are misusing it. Mr. Lee stated that Council will have a report in the City financials at the end of the fiscal year. Councilmember Price asked if it will be a fairly detailed financial report with detailed categories. Mr. Lee stated that it will be categorized and subcategorized or broken out, for Council's review.

Mayor Wood asked Mr. Mimms if he had anything to add. Mr. Mimms stated, "No. Just listening to the conversations, it is just sounding like you are looking at what level of detail gets approved. You can approve the macro number and that is still control over approving a budget or you can go all the way down to the individual \$50, \$150, \$500 items and that is also approving a budget. I don't see the difference in what you are looking at approving because you are approving a budget."

Mayor Wood stated it is his understanding that the budget Council is approving now is for \$142,000. Council is not approving anything below that level. The Mayor noted that the DDA has stated where they anticipate spending in specific categories. If the DDA spends it outside of those categories, the DDA would not be exceeding your authority. Mr. Lee agreed with the Mayor. Mayor Wood summarized that he was not trying to get down to the micro level but a little bit beyond the \$142,000 to know that the \$60,000 is spent on an outside consultant, which was their budget for that. If it

*exceeds that substantially, he would want to be able to say the DDA exceeded their authority. Mayor Wood stated, "You could always exceed your authority. I don't expect you to. But, right now, if this Council approves this budget, you wouldn't be exceeding your authority as long as you don't spend more than \$142,000 and don't actually use it to put in your pocket; if you use spend it for public purpose, that public purpose could be a wide range. The Mayor said there should be more oversight than that. He said his role as a steward of the tax payers' money is to charge more oversight.*

*Mr. Mimms said he understood the Mayor's concern. He said once the money is in the account, if there is fraud there is nothing Council could do about it. Mayor Wood explained what the difference is. He said for example, if the DDA believes there should be a trip to Vancouver to study their area, used the entire \$142,000 budget, there is no fraud because the DDA had the discretion how to spend that money and it was for a public purpose. The Mayor said there may be disagreement with the wisdom of that public purpose but as long as it was for public purpose, the DDA was fine; no fraud and no authority exceeded. Mr. Mimms said, "There may not be a technical fraud, but there certainly would be a misrepresentation on our part. Ultimately the control is in future monies supplied. It is also in being able to fire members of the DDA Board." He said there does need to be some methodology when discussion occurs regarding much larger dollars going towards specific projects, as will be done in the future. He said perhaps that could be worked out at that point and not at this time but needs to occur.*

*Mayor Wood said if this starts off with no controls, those controls may not be put into place; the best time to establish the procedure is on the front end not six months or twelve months later.*

*Mr. Schmidt stated this is a procedure that should be no different for any entity like the DDA that the City funds.*

*Mayor Wood clarified that the CVB will come to the Mayor with a budget that is approved by Mayor and Council. Mr. Schmidt stated that is what the DDA has done. He asked what is different. The Mayor replied, "Under Councilmember Diamond's motion, even though you have a budget, you are not bound by this budget. This budget has no binding effect." Mr. Schmidt asked how is the approval of the RBA, CVB budget different in its approach than what is being discussed for DDA; is there a different motion for those three entities. Mayor Wood replied that he always thought they had to stick within their budget; perhaps those should be straightened out as well.*

*Councilmember Diamond stated, "They certainly can go within that budget if they stick within that framework. They give and take within those categories." Mayor Wood stated that is why the Contingency is included; if the Contingency is not big enough he would support doubling or tripling it or making it 30% of the entire budget but he could not support it absent any financial controls. Mayor Wood stated the DDA budget is meaningless the way the current motion is made.*

*Mayor Wood noted that there Mr. Schmidt and Mr. Mimms were still working on the budget.*

*Mayor Wood asked Councilmember Dippolito if his amended motion was that the DDA will have to stay within the framework budget unless they get approval. Councilmember Dippolito replied, "I was suggesting that they stick to the budget they presented, the hand written budget, unless the City Administrator acknowledges a change to a line item." The Mayor asked the City Attorney if that clarified the*

*motion. The City Attorney response was not audible.*

*Mayor Wood noted there was a motion to amend of which he had not yet asked for a second.*

*Mr. Schmidt stated he and Mr. Mimms had moved \$5,000 down from Administrative to Contingency to provide a little more room in that category; notation that \$25,000 allowable variance per category that to exceed that would require City Administrator approval.*

*Mayor Wood stated the amended motion by Councilmember Dippolito is this budget would be binding; the DDA could move Contingency around without Administrative approval. Councilmember Dippolito referred to the budget displayed on the screen stated, "The budget that is on the screen for \$142,925 with a \$12,000 Contingency; the \$12,000 Contingency can be moved without Administrative approval within any one of the line items; anything beyond that would require the City Administrator approval within her authority. Mayor Wood added up to \$25,000; to exceed \$25,000 in change, it would require bringing it to Council. Councilmember Dippolito agreed. Motion failed for lack of a second.*

*Vote on the main motion:*

**A motion was made by Council Member Diamond, seconded by Council Member Orleans, that this IGA between the City of Roswell and the DDA with the attached framework of the budget in the amount of \$142,925 within the categories that the DDA has listed be approved. Council Members Diamond, Orleans, Price and Igleheart voted in favor of the motion. Council Member Dippolito opposed the motion. The motion carried by the following vote:**

**In Favor: 4**

**Opposed: 1**

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

**12. Approval of an Amendment to the Code of Ordinances, Chapter 7, Land Development and Environmental Protection, Article 7.2, Post-Development Stormwater Management. (Second Reading)**

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

*Councilmember Igleheart introduced this item and stated, "The short description of this item is that we are going to be able to work with developers prior to the whole process going through and helping them accomplish ultimately what we would have hoped with other restrictions. This will give them a number of options; we can negotiate that beforehand and hopefully work out the best for everybody."*  
*Environmental/Public Works Deputy Director Mark Wolff stated this is the second reading of this proposed text amendment to the Post-Development Stormwater Management ordinance. Mr. Wolff stated the intention of these amendments is to facilitate the use of low impact development methods, integrating stormwater management with the development layout using techniques that promote infiltration, filtration, and evaporation. The intention of staff once the ordinance is passed is to provide educational opportunities for local engineers and developers, through the City website and workshops, regarding the changes to the ordinance.*

*Council questions:*

*Councilmember Dippolito said this is a "terrific" change and that he appreciated staff working on it. He noted that it is a small change to the ordinance but is a huge change to the development community because it will really help promote redevelopment. The low impact development techniques that Environmental/Public Works is suggesting are good for the environment. It will be a "win" all the way around.*

*Councilmember Price stated there is flexibility in this ordinance that will allow for smooth redevelopment however, she had concerns regarding some of the terms and wanted to be certain they would not become onerous. Councilmember Price referring to the ordinance where it is described as "rigorous and detailed downstream analysis" asked if that is different than what is currently being done. Mr. Wolff replied that it is not; the ordinance includes a definition of the meaning. Councilmember Price asked how it compares to what the City has been doing. Mr. Wolff stated the proposal is to allow the engineer to do a downstream analysis to prove that they do not need channel protection volume in the design. He clarified that is currently done, but there is not an opportunity to waive that protection depending on the size of the redevelopment. The downstream analysis is done now but it is just not part of the process to potentially waive that requirement. Councilmember Price said "Supposedly we are trying to make it easier by enforcing something more difficult."*

*City Attorney David Davidson stated, "It says, if they can show with a downstream analysis in this ordinance as proposed, that they do not need low impact development techniques that they can use that instead of the "Mack Daddy" that we do require now; even though we do require the downstream analysis now, we still require the "Mack Daddy." Councilmember Price asked if that is all that will be required. Mayor Wood clarified that the City could waive a requirement but before the City could not waive. Mr. Davidson agreed with Mayor Wood and said it would be an alternative. Mayor Wood said, if the developer justifies that it is not needed, the*

City could waive the requirement; before there was not the discretion to waive. Mr. Wolff stated the proposed change basically codifies what has already been being done. Councilmember Price asked if it is an extra step. Mr. Wolff replied no.

Councilmember Price referring to the definition under Inspection and Maintenance agreement with a written agreement that then puts a restriction on the title, asked if that is new or just defining it for this specific case. Mr. Wolff stated he believed that it is new; it relates to any kind of improvements on private property. Councilmember Price asked who the written agreement is between. Mr. Wolff replied it would be between the private property owner and the City. City Attorney David Davidson clarified that it is similar to what the City currently requires in subdivisions; a separate lot of record; the City basically has an agreement that becomes a homeowner's restriction that they are required to file on record with the County stating for example, that the homeowner will maintain a detention pond. Mr. Davidson clarified that this will be for a commercial property; they will have to enter an agreement with the City that will be kept with City records stating for example, that they will maintain a rain garden. Councilmember Price asked if this is in the City's current ordinance. Mr. Davidson replied no.

No further questions.

City Attorney David Davidson conducted the reading of an ORDINANCE TO AMEND CHAPTER 7, LAND DEVELOPMENT & ENVIRONMENTAL PROTECTION, ARTICLE 7.2 POST-DEVELOPMENT STORMWATER MANAGEMENT, OF THE CITY OF ROSWELL CODE OF ORDINANCES the Mayor and Council pursuant to their authority, adopt the following ordinance:

1.

Chapter 7 of the Code of Ordinances of the City of Roswell, Article 7.2 Post-Development Stormwater Management, Section 7.2.1 General Provisions, subsection 7.2.1.1 Purpose and Intent is amended by adding thereto a new subsection (3) to read as follows:

(3) Allow in appropriate situations the use of existing conditions curve numbers for redevelopment sites if it can be shown through rigorous and Detailed Downstream Engineering Analysis that no existing downstream drainage problems exist or are anticipated as a result of the redevelopment;

Section 7.2.1 is further amended by adding new language to subsection 7.2.1.2 Applicability so that the first paragraph shall read as follows:

(1) This ordinance shall be applicable to all land development, including but not limited to site plan applications, subdivision applications and grading applications, unless exempt pursuant to subsection (2) below. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria unless requirements are waived by the Public Works / Environmental Director or designee:

Subsection 7.2.1.2 is further amended by adding thereto new subsections 7.2.1.2 (e) and 7.2.1.2 (f) to read as follows:

e. New development that involves the creation or replacement of between 1,000 square feet and 5,000 square feet of impervious cover for non-residential property shall provide water quality protection only using approved low impact development

methods; or

*f. Redevelopment that involves the creation or replacement of between 1,000 square feet and 5,000 square feet of impervious cover for non-residential property shall provide water quality protection only using approved low impact development methods.*

2.

*Article 7.2 is further amended by deleting subsection 7.2.1.3 Designation of Ordinance Administrator in its entirety and replacing with a new subsection 7.2.1.3 to read as follows:*

*7.2.1.3 Designation of Ordinance Administrator. The Public Works / Environmental Director or his designee is hereby appointed to administer and implement the provisions of this article of this ordinance.*

*Article 7.2 is further amended by deleting subsection 7.2.1.4 Stormwater Design Manual in its entirety and substitution therefor a new subsection to read as follows:*

*7.2.1.4 Stormwater Design Manual. The City of Roswell will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local regulations or procedures adopted by the Public Works / Environmental Department for the proper implementation of the requirements of this ordinance. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.*

3.

*Article 7.2 is further amended at Sections 7.2.2 Definitions by adding thereto a new definition to read as follows:*

*Detailed Downstream Engineering Analysis means that a rigorous and detailed downstream analysis can be conducted by an engineer in order to show that additional detention is unnecessary for a redevelopment site.*

*Section 7.2.2 is further amended by adding thereto the definition for Inspection and maintenance agreement to read as follows:*

*Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.*

*Section 7.2.2 is further amended by adding thereto the definition for Low Impact Development Methods to read as follows:*

*Low Impact Development Methods means a stormwater management approach to manage rainfall in a way which more closely mimics the natural hydrologic system at the site prior to any development. Techniques include those which infiltrate, store, filter, evaporate and detain stormwater close to the location where the rain fell.*

4.

*Section 7.2.3.2 of Article 7.2 is amended by deleting the first paragraph in its entirety and adding thereto a new first paragraph to read as follows:*

*7.2.3.2 Stormwater Concept Plan and Consultation Meeting. Before any development permit application is submitted, the land owner or developer shall meet with the City of Roswell Public Works / Environmental Director or designee for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for stormwater management designs before the formal site design engineering is commenced. To accomplish this goal the following information should be included in the concept plan which shall be submitted in advance of the meeting:*

5.

*Article 7.2 Post-Development Stormwater Management, Section 7.2.4 Post-Development Stormwater Management Performance Criteria is amended by adding thereto a new subsection 7.2.4.9 Detailed Downstream Analysis Guidelines to read as follows:*

*7.2.4.9 Detailed Downstream Analysis Guidelines For a redevelopment site subject to the Post Development Stormwater Ordinance, flexibility in determining curve numbers to quantify hydraulic values can be considered. In some basins and for some sites it may be possible to show through a rigorous and detailed engineering analysis that detention or additional detention should not be required for a particular site. The criteria that must be evaluated and submitted to the Public Works / Environmental Department includes:*

- (a) analysis and review of habitable and non-habitable built structures downstream of the subject property for riverine flooding;*
- (b) analysis of the infrastructure for conveyance and current condition; and*
- (c) completion of a field investigation of the downstream receiving waters to evaluate scouring and stream bank and stream bed stability.*

*The Public Works / Environmental Department will evaluate the engineering submittal to decide if additional detention and/or channel protection will be required. Water quality treatment utilizing Low Impact Development methods will be required regardless of outcome of decision regarding additional detention and/or channel protection.*

*The detailed downstream analysis shall be conducted from the downstream point on the subject property to the ten-percent analysis point or to a point where the drainage basin downstream equals 10 times the subject site drainage basin or to a point where receiving waters are met which have a minimum 640 acres of drainage area.*

6.

*Article 7.2 Post-Development Stormwater Management, Section 7.2.5 Construction Inspections of Post-Development Stormwater Management System is amended by deleting subsection 7.2.5.2 in its entirety and adding thereto a new subsection 7.2.5.2 Final Inspection and As Built Plans to read as follows:*

*7.2.5.2 Final Inspection and As Built Plans. Upon completion of a project and before a certificate of occupancy shall be granted the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. As built plans must be approved by the Public Works / Environmental Director or designee. A final inspection by the City of Roswell is required before the release of any performance securities can occur.*

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

*Motion: Councilmember Igleheart moved for Approval of an Amendment to the Code of Ordinances, Chapter 7, Land Development and Environmental Protection, Article 7.2, Post-Development Stormwater Management. (Second Reading) Councilmember Dippolito seconded.*

*Public Comments:*

*Lynn McIntyre, Chattahoochee Nature Center (CNC), referred to the aspect of education that is in the "new plan for the LID" asked if that is for developers only, or for their staff. She asked if it would get down to the next level. She stated that she worked with Andy Isakson at the Chattahoochee Nature Center developing an educational program called "The Green Hat Club," in both Spanish and English, to work with the contractors. Ms. McIntyre stated the developers allowed the CNC to train the contractors about best practices for LID type of applications. She said that Council was probably not aware of that. She added that it might be appropriate, during this phasing in of this, to have some element of that curriculum be made available to developers' staff members. She suggested this because "it is the people on the ground who are putting those barriers up, who are doing the actual work who need to understand why they are doing it."*

*Mayor Wood thanked Ms. McIntyre and stated he would accept that as a suggestion.*

*No further discussion.*

**A motion was made by Council Member Igleheart, seconded by Council Member Dippolito, that the Second Reading of the Amendment to the Code of Ordinances, Chapter 7, Article 7.2 be approved. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: R2012-10-15

### **Transportation Department - Councilmember Betty Price**

- 13. Approval of a Resolution to accept Local Maintenance and Improvement Grant (LMIG) funds with the Georgia Department of Transportation (GDOT) in the amount of \$497,000 and approval of a Budget Amendment BA 22042200-10-08-12 to establish the grant account. Presented by Steve Acenbrak, Director of Transportation**



Councilmember Price introduced this item. Director of Transportation Steve Acenbrak stated Roswell Department of Transportation continues to aggressively seek funding to help maintain Roswell infrastructure, working with GDOT. He stated that the Local Maintenance and Improvement Grant (LMIG) was created to combine the Local Assistance Grant Program (LARP) with state aid. LMIG is dependent on the General Assembly's budget every year. Mr. Acenbrak stated that as a matter of practice, the City uses these LMIG funds to resurface major collector roads. Transportation staff analyze and inventory the City's major collector roads, analyzing the worst ones and then completes a submission to GDOT based on their call for projects. He said that in April the City submitted applications requesting LMIG funds to resurface three roads. He explained that LMIG is calculated based upon the population and center line miles; funding is set by the state legislature. Mr. Acenbrak stated GDOT agreed on Mountain Park Road, Woodstock Road, Grimes Bridge Road. These three roads will be resurfaced under this grant. He pointed out these areas on an overhead map. Mr. Acenbrak noted that GDOT has changed their reporting requirements, moving it up from April to January; therefore Council will see this item again shortly, moving through the next fiscal year due to GDOT's new requirement.

*Council questions:*

Councilmember Dippolito asked if there is a reason why the resurfacing of Woodstock Road was not continued through to Alpharetta Highway. Mr. Acenbrak stated that section of the road was still in good shape. Councilmember Dippolito said he had discussed with Mr. Acenbrak the possibility of taking a gore in front of Roswell North Elementary School which used to be street parallel parking and is now just striped and putting in curbing. Mr. Acenbrak replied that is still being considered; staff is working with Public Works staff; they would not resurface it and then mill it out. Mr. Acenbrak stated they are looking at taking it out of this. Mr. Acenbrak confirmed for Councilmember Dippolito that it still may be brought forward as a potential option.

*No further questions.*

**A motion was made by Council Member Price, seconded by Council Member Orland, that this Resolution to accept LMIG funds and the Budget Amendment be approved. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: R2012-10-50

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

**14. Recommendation for closure to discuss personnel and acquisition of real estate.**

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

**In Favor: 5**

**Adjournment - With no further business, the meeting adjourned at 9:38 p.m.**

