

**Regular Meeting of the Mayor and City Council, Monday, December 23, 2013, 7:00 p.m., Mayor Jere Wood presiding.**

**Councilmembers Present:** Councilmember Nancy Diamond; Councilmember Rich Dippolito; Councilmember Kent Igleheart; Councilmember Jerry Orlans; Councilmember Betty Price; Councilmember Becky Wynn.

**Staff Present:** City Administrator Kay Love; Deputy City Administrator Michael Fischer; Assistant City Attorney Robert Hulsey; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Transportation Director Steve Acenbrak; Community Relations Manager Julie Brechbill; Grants Manager Danny Blitch; Finance Purchasing Buyer Charise Glass; Finance Contracts Manager Cory Salley; Transportation Land Development Manager Clyde Stricklin; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.

**Welcome** – Mayor Jere Wood called the meeting to order and welcomed everyone present.

**Pledge of Allegiance:** Environmental/Public Works Director Stu Moring

**Consent Agenda:**

1. **Approval of the November 25, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on December 9, 2013); Approval of the December 9, 2013 Mayor and Council Meeting Brief.** *Administration*
2. **Approval of a Memorandum of Understanding (MOU) between the City of Roswell and the Fulton County School District (FCSD) to address permitting, inspection, and land development activity fees for capital construction projects.** *Community Development*
3. **Approval of a Resolution for expansion of the North Fulton Community Improvement District (NFCID).** *Community Development*
4. **Approval of a Resolution to apply for and Assistance to Firefighters Grant (AFG) for Self-Contained Breathing Apparatus.** *Public Safety*
5. **Approval to reallocate four Marshal positions to four Police Officer I positions.** *Public Safety*

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

**Council Comment:**

Councilmember Price requested a clarification of Consent Agenda item #5. City Administrator Kay Love asked if her question related to the process of the Marshal positions being reallocated. Councilmember Price asked if it was a name change, a position change or if they would be replaced. She did not understand from the written materials what was happening exactly and why it would not have any fiscal note.

Ms. Love said it did not have a fiscal note because when this process began through Court Services, they transferred responsibility of the Marshal positions to the Police Department. In discussions of how these positions would function, the Police Chief determined it would be in the best interest of the City and the Police Department if all those positions were reallocated to Police Officer I so they could become familiar with the department. The people currently in the positions as Marshals would not remain in those positions; they would move to the Police Department and function until the changes were made. Changes were also made to the Charter removing the Marshal positions and other administrative items. Ms. Love said they are now going through the step of reallocating the positions from Marshal to Police Officer I. However, none of the people in the Marshal positions would be transferring over to Police Officer I positions, so there would be vacancies in those positions. The money was already budgeted for this year; therefore it is not additional positions. This is just changing the name from Marshal to Police Officer I but reallocating them over into the Police Department as Police Officer I's. Those positions would be filled as they are vacated.

Councilmember Price asked if that would be additional training or totally different people. Ms. Love replied it would be totally different people. Councilmember Price thanked Ms. Love.

**Vote:** The motion passed unanimously.

### **Regular Agenda:**

#### **Mayor's Report**

##### **1. Reading of a Proclamation for Bring One for the Chipper.**

Mayor Wood read the Proclamation for ***BRING ONE FOR THE CHIPPER*** stating whereas, Recycling reduces the waste stream, thus saving tax dollars and improving our environment and Keep Roswell Beautiful and the City of Roswell is committed to reducing the waste stream, thus helping the State of Georgia reach a per capita waste disposal reduction goal. In 2013, over 164,806 trees were collected across the State of Georgia and over 8,000 here in Roswell. The Keep Roswell Beautiful Foundation, Davey Tree Expert Company, The Home Depot and WXIA 11 Alive Television are sponsoring the 22<sup>nd</sup> year of "Bring One for the Chipper" Christmas Tree Recycling Program. This program promotes the recycling of Christmas trees into useable mulch material and provides Roswell residents, schools, and businesses easy access to drop-off sites and free mulch. On behalf of the City of Roswell, Mayor Wood proclaimed Saturday, January 4th, 2014 as "Bring One for the Chipper" day in Roswell and invited all residents to participate.

Environmental/Public Works Director Stu Moring stated the Chipper event would be held at the two Home Depot stores in Roswell located at 1580 Holcomb Bridge Road and 870 Woodstock Road and noted that Home Depot had always accommodated the City with recycling Christmas trees. Keep Roswell Beautiful board members and volunteers would staff these locations and early arrivers would be gifted with a packet of seeds for starting spring gardens. He said this would be a great green event in Roswell.

##### **2. Recognition of a City of Roswell employee for participation in the Employees Acting on Roswell's Needs (EARN) Program.**

City Administrator Kay Love said the EARN program was a cost saving and efficiency program and that Council had previously approved several EARN submissions. She said this recognition was for a submission from Finance Purchasing Buyer Charise Glass that been approved by the

EARN board. She invited Keith Lee and Charise Glass to come forward and asked Mr. Lee to provide an introduction about this submission.

Finance Director Keith Lee said Charise had submitted an efficiency program that was a cost saving measure related to the method in which utility bills are paid. He explained that the City currently pays utility bills by issuing checks and that Charise had suggested using the Purchasing Card (P-Card) program to set up recurring payments for utilities which would reduce the amount of time Accounts Payables spends processing invoices related to Utilities. The current rebate for the P-Card program is 1% and after adding the utilities to the program, based on total expenditures, the rebate would increase to 1.1%. He noted that 0.1% is a big difference with the rebate being around \$35,000.

Charise Glass said the rebate check the City received this year was a little over \$13,000. She said she believed there should be a way to receive a bigger rebate but because of purchasing policies and procedures, they could not run that much through the program. She then realized that they would pay utilities regardless therefore it made sense to take advantage and get more money from the State through the P-Card program.

Mayor Wood said that was a great idea and thanked Charise for her submission to the EARN program.

### **3. Presentation of the National Purchasing Institute (NPI) Annual Achievement of Excellence in Procurement Award for FY 2013 to the City of Roswell.**

City Administrator Key Love said this was an annual award the City had received nine consecutive years.

Finance Director Keith Lee said this award demonstrated the City's commitment to excellence in procurement and recognized professionalism and innovation as well as leadership in the procurement arena. The award is based on a set of standard criteria including customer service, cooperative purchasing and P-Card programs. Achieving this award was made possible in large part by City ordinances and policies but also through the leadership provided by the City Administrator and the hard work of City employees specifically the staff of the Purchasing Department, Purchasing Buyer Charise Glass, Contracts Manager Cory Salley and Purchasing Buyer Cheryl Davis. Mr. Lee congratulated everyone for their efforts in achieving this award.

Mayor Wood recognized the City's Purchasing Department as a world class award winning department.

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

#### **4. Approval of a Resolution to accept the allocations for the Project Year (PY) 2013 HOME Grant Funding in the amount of \$111,765.**

Deputy City Administrator Michael Fischer presented this item stating that in August of this year, Council had voted to approve and receive \$111,765 for the 2013 HOME program that would increase the stock of affordable housing. The three organizations eligible to receive these funds would be the Housing Authority of the City of Roswell, the North Georgia Community Housing Development Corporation (Habitat for Humanity) and HomeStretch Housing Initiative of North Fulton. Following is the recommendation for allocating these funds:

- \$50,000 for the Housing Authority of the City of Roswell for the Veranda at Groveway Project that the City previously committed from last year's HOME funds. The timeframe for their project shifted and the funds must be spent within three years. This would be to reallocate the 2013 funds to a different area; the commitment remains the same but is moved to a newer funding year so they would have three full years after they come up with the details for their project.
- \$25,294.50 for North Georgia Community Housing Development Corporation for acquisition and rehabilitation of their homes.
- \$25,294.50 for HomeStretch Housing Initiative of North Fulton. This is a two-part request. A portion would be for rehabilitation and/or acquisition of properties on Opal Drive and the other would be for operating expenses related to auditing costs in their organization.
- \$11,176.00 for administration costs divided between the City of Roswell and the Cobb County organization that oversees the HOME Grant.

**Council Comment:**

Councilmember Dippolito asked if the administration cost was an estimate of the administration costs for both the City of Roswell and Cobb County. Mr. Fischer replied that was correct and said a certain amount could be gotten for each based on a percentage; \$11,760 was the percentage the City could get. Councilmember Dippolito said the City probably spends a little more than that. Mr. Fischer replied considerably more than that is spent and there are administration costs and some from CDBG funds and also budgeted funds used to administer the grants. He said this was only a portion of the costs. Councilmember Dippolito thanked Mr. Fischer.

Councilmember Price asked if there were any other entities potentially eligible to receive this. Mr. Fischer replied no and said these were the only ones that are CHDO qualified.

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

**Motion:** Councilmember Dippolito made a motion for **Approval of a Resolution to accept the allocations for the Project Year (PY) 2013 HOME Grant Funding in the amount of \$111,765.** Councilmember Orlans seconded. The motion passed unanimously.

**Community Development - Councilmember Nancy Diamond**

**5. Approval of an amendment to Chapter 15, Section 15.2, of the City of Roswell Code of Ordinances regarding Film and Photography Permitting. (First Reading)**

Director of Community Development Alice Wakefield presented this item stating this is a request to amend Chapter 15 to add Film and Photography Permitting. This is a transition from the current resolution that was approved about a year and a half ago. The request is for these permits to be handled in a 3-tier manner with an annual permit, a one-time permit and a permit for media productions including film and large scale photo shoots. If the first reading is approved, a resolution to set the fees would come back at second reading.

Assistant City Attorney Robert Hulsey conducted the first reading of ***AN ORDINANCE TO REGULATE AND PERMIT COMMERCIAL FILM, VIDEO AND PHOTOGRAPHY IN PUBLIC AREAS OF THE CITY OF ROSWELL*** stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

**Chapter 15** of the City of Roswell Code of Ordinances is hereby amended by adding the following to said chapter:

**15.2.1 – Definitions; Permit Required**

*Media production* shall mean all activity related to videotaping or filming for commercial motion pictures, television shows, programs, or commercials or professional photography with staff, model(s) and/or product(s), which involves set-up and tear down time of more than 10 minutes, requires reservation of a specific site on public property, requires City staff time to facilitate the shoot, or requires restriction of public sidewalks or roadway.

*Portrait photography* shall mean all activity related to professional photography of a subject lasting less than two hours which involves set-up and tear down time of less than 10 minutes.

No person shall conduct a media production or portrait photography session for commercial use on public property without first having obtained the applicable permit from the City of Roswell.

**15.2.2 – Exemptions**

The provisions of this chapter shall not apply to the following:

- A. Any media production or portrait photography activity which occurs solely on private property with no impact to public property.
- B. Current news productions, which includes reporter, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of a news event.
- C. Productions which are conducted by students as part of a class project.
- D. Productions which are conducted by the City of Roswell.

**15.2.3 – Application: Deadline, Content, and Fee**

- A. Media Production
  - a. A complete application for a media production permit shall be submitted to the Community Development Department not less than two business days prior to the date production is to begin.
  - b. The following information shall be provided in the application for a media production permit:
    - i. Name, type and description of Project;
    - ii. Name, address, and phone number of Production Company;
    - iii. Name, phone number, and email address of Location Manager;
    - iv. Location of Project, including any building or landscaping changes;
    - v. Dates and times of shoot, including set up and tear down;
    - vi. Proposed road closure(s)(if applicable);
    - vii. Projected number of persons and vehicles;
    - viii. Special effects or stunts (if applicable);
    - ix. Any other such information as any city department deems reasonably necessary to determine that the production meets the requirements of this article.

- B. Portrait Photography
  - a. A complete application for Portrait Photography may be submitted at any time during normal business hours prior to shooting, bearing in mind that reservations are required to shoot at City historic homes.
  - b. The following information shall be provided in the application for a portrait photography permit:
    - i. Name, address, phone number, and email address of photographer;
    - ii. Name, address, phone number, and email address of studio (if applicable);
    - iii. Primary photography location(s);
    - iv. Any other such information as any city department deems reasonably necessary to determine that the shoot meets the requirements of this article.
- C. Complete media production and portrait photography permit applications shall be submitted with a nonrefundable payment based on the fee structure established by the City of Roswell.
- D. Additional fees may be required based on the property used and the City staff required.

#### **15.2.4 Standards for Denial of Permit**

Reasons for denial of a media production or portrait photography permit include:

- A. The activity interferes or conflicts with previously scheduled media production, special events, construction, maintenance, or other City activities;
- B. The activity will disrupt traffic within the city beyond practical solution;
- C. The activity will interfere with access to fire stations and fire hydrants;
- D. The location of the activity will cause undue hardship to adjacent businesses or residents;
- E. The activity will require the diversion of so many public employees that allowing the production would unreasonably deny service to the remainder of the city;
- F. The application contains incomplete or false information;
- G. The applicant fails to comply with all terms of this article including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the city.
- H. There is a documented history of problems relating to the project in the past or the applicant, production company, or location manager has not properly managed or paid all fees for prior projects.
- I. The activity violates federal, state, or local laws or established regulations for the property used.

#### **15.2.5 Special Conditions on a Permit**

The Community Development department shall send copies of media production permit applications to other affected departments. Each department reviewing an application may impose in writing certain conditions or restrictions as deemed necessary to facilitate the production, to comply with other laws or regulations, and/or to ensure the safety, health, and welfare of the community. The conditions or restrictions of the departments shall become a part of the permit.

No production activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects may be undertaken unless specifically approved by the Roswell Fire Department.

#### **15.2.6 Temporary Road Closure**

Road closure(s) may be granted temporarily for media production permits issued pursuant to this article upon approval of the chief of police or his/her designee and the director of transportation or his/her designee.

#### **15.2.7 Insurance Required**

At the city's request, the applicant may be required to obtain and present evidence of a surety indemnity bond or comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of three hundred thousand dollars (\$300,000.00) personal injury and one hundred thousand dollars (\$100,000.00) property damage against all claims arising from permits issued pursuant to this article. If the event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the event and obtaining additional insurance coverage.

#### **15.2.8 Save Harmless Agreement**

The applicant is required to provide a save harmless agreement in which the applicant agrees to defend, pay and save harmless the city, its officers and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the production; excepting any claims arising solely out of the negligent acts of the city, its officers and employees.

#### **15.2.9 Limitations of Liability**

This article shall not be construed as imposing upon the city or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permit has been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

#### **15.2.10 Cleanup/restoration.**

The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area and the cleanup of trash and debris. The areas used shall be cleaned of trash and debris immediately following the completion of the activity or within such other time established in the permit to city's satisfaction. Applicant shall be responsible for restoring an area damaged or disrupted before leaving the site. If the site is not repaired or restored to the city's satisfaction, such repairs and/or restoration shall be arranged by the city and the costs charged to the applicant. Removal, cutting or trimming of vegetation in the public right-of-way is prohibited unless specifically approved by the permit.

#### **15.2.11 Revocation of Permit.**

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. Permits may be revoked by the Director of Community Development or his or her designee for the following reasons:

- A. Application contained incomplete or false information;
- B. Applicant does not comply with all terms and conditions of permit;
- C. Applicant fails to arrange for or adequately remit all fees, deposits, insurance or bonds to the city;
- D. Disaster, public calamity, riot or other emergency exists;
- E. Shoot/production threatens public safety, health, or welfare.

#### **15.2.12 Appeal Procedure.**

Any applicant whose permit application has been denied or revoked may request a review of this decision by the city administrator. This request must be in writing and received by the city administrator within five (5) business days of the notice of permit denial or revocation. The applicant may appeal the decision of the city administrator to the mayor and city council by filing a written notice of such appeal to the City Clerk within five (5) business days of the notice of denial of the applicant's appeal by the city administrator. The mayor and council shall set a hearing date within fifteen (15) days of receiving such appeal request. At such a hearing, the applicant is entitled to be heard and present evidence in his behalf. The mayor and city council shall determine whether the denial or revocation of the permit is justified using the "any evidence" standard of review.

#### **15.2.13 Permit to be on-site**

A copy of the permit shall be on-site for any activity governed by this article and permit holders shall furnish the permit at the request of any City official. No permit holder may make any public property exclusive for their use only unless specifically allowed by City staff. It should be anticipated that the public will be walking by and through major areas of public property, causing minor interruptions. Appropriate signage asking the public to not interfere with the shoot/production may be posted.

#### **15.2.14 City Logo**

The City of Roswell logo may not be used without written permission from the Community Relations division.

#### **15.2.15 Fees**

Mayor and Council are hereby authorized to set fees, by resolution, for each permit herein described.

#### **15.2.16 Penalty for Violation.**

In addition to or in lieu of revocation of a permit, violation of any of the sections of this article or any part thereof may be punishable as provided in section 1.1.3 of this Code.

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

Public comment invited. None were made.

#### **Council Comment:**

Councilmember Dippolito asked for clarification. He said a photography permit would apply to a professional who was setting up but there would be no impact for a casual photographer. Ms. Wakefield replied a casual photographer would not be required to have a permit. Councilmember Dippolito asked at what point a photography permit was required. Ms. Wakefield replied a permit would be required for a professional shoot, for example a professional photographer taking engagement photographs of a couple on City properties and under this proposed amendment that could be a one-time permit or an annual permit. Councilmember Dippolito asked if that applied to photography on City property only. Ms. Wakefield replied no permit would be required for photography on private property. Councilmember Dippolito thanked Ms. Wakefield.

Councilmember Orlans asked how this would be enforced for someone setting up a shoot on City owned property. Ms. Wakefield said these types of photo shoots are mainly in the parks or one of



the historic homes and a photographer must have their permit with them to show they are properly permitted. She said the park police were very good at asking people to see their permits. Councilmember Orlans said then it was a matter of whether the police were patrolling and saw them at the time. Ms. Wakefield replied that was correct. Councilmember Orlans thanked Ms. Wakefield.

There was no further Council comment.

**Motion:** Councilmember Diamond made a motion for **Approval of an amendment to Chapter 15, Section 15.2, of the City of Roswell Code of Ordinances regarding Film and Photography Permitting on First Reading and placed on the Mayor and City Council agenda for 1/13/2014.** Councilmember Igleheart seconded. The motion passed unanimously.

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

**6. Approval of Budget Amendment 50743200-12-23-13 to reallocate funds from the Big Creek Wetlands Watershed Improvement Project to the Bacteria Reduction Project in the amount of \$45,863.50.**

Director of Public Works/Environmental Stu Moring presented this item stating the Bacteria Reduction Project was an aspect of several of the City's Watershed Protection Plans required by the National Pollutant Discharge Elimination System (NPDES) permit from the State. The Bacteria Reduction Project helps identify sources of bacteria in City impaired streams. This is a request for approval of a budget amendment to reallocate the planning funds that were setup for the Big Creek Wetlands park improvement. The Recreation and Parks Department determined they would not have funding required for the construction of that project in the current year. Staff is recommending reallocating those planning funds to the Bacteria Reduction Project in the amount of \$45,863.50.

Mayor Wood asked what exactly they anticipate doing other than planning and study. Mr. Moring said they would be monitoring; where they find concentrations of bacteria, they would then do stream walks to determine sources of that bacteria. He said that could perhaps be a collection of septic tanks or a leaking sewer or a haven for geese. Mayor Wood said this would not be to cure the problem but to locate and identify the problem. Mr. Moring said in some cases they would be seeking cures. Mayor Wood asked how long this would fund this program. Mr. Moring replied for this year. Mayor Wood asked if the City funds this program every year. Mr. Moring replied no sir. Mayor Wood asked if this would be an ongoing program and said he was seeing \$45,000 to do a study and wanted to understand if this would be a recurring expense. Mr. Moring replied these specific activities would not be recurring expenses. He said they would be identifying problem areas and seeking solutions for those and while dealing with those if they did not see reduction in the bacteria, they would look at other sources. Mayor Wood asked if they would be doing a city wide survey to find the source of the bacteria. Mr. Moring replied it would not be city wide, it was for Hog Waller and Big Creek. Mayor Wood thanked Mr. Moring and noted he was not present for the Committee work session when this came up.

**Council Comment:**

Councilmember Price said she also did not understand what this money would be for. She asked if this was for an extra person to manage this or was there an outlay of monies to achieve this. Mr. Moring replied they would be using one of the City on call consulting firms, River To Tap (R2T), a Roswell firm that does water quality studies. R2T has done other things for the City

including the monitoring work and data development that allowed for the removal of Rocky Creek from the list of impaired streams and the City has had great success with them. He said this would not be a lump sum contract. This would be a cost based contract for which the consulting firm would do certain things and then staff, collectively with Ms. Wakefield and her staff, decide where else to take this. Mr. Moring said that \$45,863 is a not to exceed number.

Mayor Wood said he was trusting that this would make a difference and hoped they would come back at some point in time and say they had somehow cleaned things up or made a difference. He said he did not understand it but he trusted the judgment of staff. Mr. Moring noted that they had cleaned up Rocky Creek and reduced the levels of bacteria below the action level and were able to remove it from the list of impaired streams and they hope to make similar progress throughout the City. He said also that Councilmember Price had alerted them to a problem in Strickland Creek in Roswell Area Park and they worked with the County to track that down. He said this was an ongoing process.

Councilmember Price asked, "Does that mean then the Big Creek Wetlands Watershed Improvement Project where this money would be coming from, will have future needs in the budget?" Mr. Moring replied, when money was available to do the construction that would be required. He noted that the City had received a federal grant that helped with construction of the wetlands park improvement project and certain features were installed that need to be modified but Recreation and Parks determined that they need further study to create the design of the improvements that were needed. A couple of months ago Recreation and Parks had let them know that they would not have funds available for the construction work. Mr. Moring said rather than spend this money now and potentially have things change before next year; it would be more prudent to reallocate the funds to this other worthwhile project and delay the other until next year or when construction money was available. Councilmember Price said, "But that amount will be needed to accomplish that." Mr. Moring replied yes, something on that order. Councilmember Price thanked Mr. Moring.

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

**Motion:** Councilmember Igleheart made a motion for **Approval of Budget Amendment 50743200-12-23-13 to reallocate funds from the Big Creek Wetlands Watershed Improvement Project to the Bacteria Reduction Project in the amount of \$45,863.50.** Councilmember Dippolito seconded. The motion passed unanimously.

#### **Transportation Department – Councilmember Betty Price**

##### **7. Approval for the Mayor and/or City Administrator to sign a contract with Gresham Smith and Partners for the Big Creek Parkway Phase 3 and 4 Planning Study in the amount of \$350,000.**

Councilmember Price introduced this item stating that the City was the organizer for this project and the amount paid by the City would be substantially less than this along with a match.

Director of Transportation Steve Acenbrak presented this item stating the total amount of the grant was \$350,000 which was an 80/20 split with a match of \$70,000. He said the City was in partnership with the North Fulton Community Improvement District (NFCID) and they agreed to split the match 50/50 at \$35,000 each. He said a solicitation was issued and four proposals were received. An evaluation Committee comprised of City staff and NFCID staff independently

reviewed the proposals and compared notes and the preferred consultant unanimously was Gresham Smith and Partners. He said staff was recommending approval to sign a contract with this firm. Mr. Acenbrak then displayed an aerial map on the overhead and pointed out SR-400 and Holcomb Bridge Road and the Big Creek Parkway under design which he said would be an east west connector across SR-400 but would not connect to SR-400. He said the planning study would explore the feasibility of connecting the Big Creek Parkway to North Point Parkway on the east side of SR-400 and to Mansell Road and Westside Parkway on the west side of SR-400. He said if this contract was approved tonight, staff would give Gresham Smith notice to proceed after the first of the year.

Mayor Wood said a substantial portion of this would be in Alpharetta and asked where they stand on this. Mr. Acenbrak replied they had discussions with Alpharetta's public works department about connectivity options they were currently exploring on the west side and this would dovetail well into some of their efforts.

**Council Comment:**

Councilmember Price asked if the grant fund in the amount of \$280,000 was from ARC. Mr. Acenbrak replied that was correct. Councilmember Price said, "Great, so out of our coffers is just \$35,000." Mr. Acenbrak replied that was correct. Councilmember Price said it was exciting to see that.

Councilmember Dippolito said this mentions multimodal connections and asked if they would be looking at multi-use trails, bike paths and that sort of thing. Mr. Acenbrak replied yes, that it would not be just vehicular, although the car and freight movement would be a large component, they would also be considering biking paths. Councilmember Dippolito said then it would tie in nicely to the Big Creek Parkway in that regard. Mr. Acenbrak replied yes sir. Councilmember Dippolito said he had asked this in Committee but for clarification noted that this was showing two options but those were not necessarily the only two options and asked if they would be looking at any potential options that would work best particularly in the area on the west side. Mr. Acenbrak replied that Phase 3 would study the eastern side of SR-400 and Phase 4 would study the western side of SR-400. He said the studies would be open to engineering and feasibility discussions that would include environmental and property impacts and the consulting team would come back with what was feasible or not and their reasons for that. Councilmember Dippolito said they might project multiple alignments. Mr. Acenbrak said yes and he could envision for instance that Phase 4 might not be feasible from a vehicular standpoint but might be feasible for a bike path. He said they might also uncover some environmental challenges that the City was not aware of and those where the things this study would be looking at. Councilmember Dippolito thanked Mr. Acenbrak.

Mayor Wood asked where they were on Phases 1 and 2 and when they thought the study would be complete noting that they had been working on it a long time. Mr. Acenbrak replied that was the design and they were finalizing it now and that would go back out to the citizens to show the proposed final alignment. He said that would probably be complete at the end of January.

Mayor Wood said there were two alternatives and asked if the decision to pick one of those would be brought to Council in January. Mr. Acenbrak replied yes in January. Mayor Wood said that was good because they wanted to resolve that issue.

Councilmember Diamond asked how long the process of the study would be. Mr. Acenbrak replied probably 14-16 months. Councilmember Diamond noted that the picture in her packet looked a bit different from the graphic displayed by Mr. Acenbrak. Mr. Acenbrak said the graphic he displayed indicated what they were short of studying which was just a line on a map at this time. Councilmember Diamond asked if the goal was to line up with North Point Parkway eventually or just to Mansell Road. Mr. Acenbrak asked if she was referring to the east side. Councilmember Diamond replied yes. Mr. Acenbrak said the east side probably would line up with Mansell because there is a stub road there that they are looking to tie into. Councilmember Diamond asked if that was at Mansell Road or North Point Parkway. Mr. Acenbrak replied it would go to both because there is an intersection at Mansell and North Point Parkway. Councilmember Diamond said looking at the map (she noted that it might be one of the older maps) there is a sizeable new apartment complex at the back of that. Mr. Acenbrak said all of that would be taken into consideration as they look at public and private roads, alignments, elevations and bridge lengths and begin sorting through all of those things. He said at the outset, the hook up for Phase 3 on the east side looks good; however Phase 4 on the west side would probably be more problematic because of the way the properties are situated and with Duke and Doris Drive and the orientation of the buildings. He said there were also wetlands on that side that are much more significant because of the merging of the creeks. He said the consulting team would be looking at all of that for the City.

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

**Motion:** Councilmember Price made a motion for **Approval for the Mayor and/or City Administrator to sign a contract with Gresham Smith and Partners for the Big Creek Parkway Phase 3 and 4 Planning Study in the amount of \$350,000.** Councilmember Orlans seconded. The motion passed unanimously.

**8. Approval of a Resolution to abandon a portion of Lake Drive in exchange for Right of Way to provide for a future Multi-Use Path.**

Director of Transportation Steve Acenbrak presented this item stating the Fulton County School District (FCSD) was in the process of acquiring land for a future elementary school in the middle of the Midtown project on SR-9 just north of Norcross Street. He displayed a graphic on the overhead and pointed out SR-9, Thomas Drive and Charles Place and a small dead end stub road called Lake Drive. He said the FCSD had acquired the site and the adjoining properties and they have asked the City to abandon that roadbed which would no longer be needed. In exchange, the FCSD would abandon a similar sized area approximately 15,000 square feet along the bank of the creek that they would not design or build and that right of way would be dedicated to the City for a future trail system as part of the City's long term master plan to extend multi-use trails along creeks. Mr. Acenbrak said this would be a good workable solution for the City.

**Council Comment:**

Councilmember Price asked if it was essentially a swap. Mr. Acenbrak said that was correct.

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

**Motion:** Councilmember Price made a motion for **Approval of a Resolution to abandon a portion of Lake Drive in exchange for Right of Way to provide for a future Multi-Use Path.** Councilmember Dippolito seconded. The motion passed unanimously.

**9. Approval of a Resolution supporting the North Line Extension.**

Director of Transportation Steve Acenbrak presented this item stating that MARTA had done a lot of studies about the extension of the MARTA north line that currently ends at North Springs and are studying a variety of technologies including heavy rail, light rail, and bus rapid transit with the concept that it would terminate at Windward Parkway. The questions are where that extension would be located, on what side of SR-400, what kinds of technologies there would be and if a station would be located in Roswell and if so what size and where. The City and Fulton County already pays \$.01 to support MARTA and are already receiving service and therefore, the City would like to go on record as supporting mass transit as a viable option. There are still many elements and details to be worked out but the idea of the City supporting mass transit in this area is good for the citizens and businesses and reduces congestion, improves air quality and provides transportation choices. Therefore, a resolution has been provided to Council that supports this concept.

Mayor Wood asked what would be a reasonable time frame for which this would be seen assuming that MARTA or its successor moves forward with this. Mr. Acenbrak said about ten years out.

Mayor Wood making a point to Council said a decision needs to be made on this not based upon what Roswell needs today but what Roswell and North Fulton anticipate in ten years. This is a long term decision that does not need to be funded today, but does Council think the City would be in a position to need this in ten years. If they do not start this now, it would not take place in ten years. He said he supports this not because of existing conditions but because North Fulton will continue to grow.

**Council Comment:**

Councilmember Wynn said, "Thank you Mr. Mayor. I take your comments to heart but I cannot support this resolution and I am going to tell you why. I am a huge proponent of alternative transportation as you know; Mr. Acenbrak. I think that is where we have got to go. But until we have an official regional transportation authority where they are going to come with us for a practical feasible alternative transportation master plan that is really needed there and not this piecemeal here and there; I can't support this resolution. The content yes, I think it's great that we want to do this. But how it's worded, I think we need a regional transportation... I shouldn't say how it's worded; excuse me, let me back off from that. I just can't support it until we get a regional transit authority to sit down and see what, just not us what we need, but what the surrounding area needs. And this piecemeal is just not going to work."

Mr. Acenbrak said, "I understand."

Councilmember Price said, "Everybody on Council with exception of Councilmember Orlans although he has suggested he was fine with it has had an input into the rewriting of the resolution. I think it gives us the opportunity to entertain any regional agency solving these problems and stepping in. It certainly does not lead us down one specific road. It's really embracing all possibilities and also we did add a resolve that is on the reverse of the page that we are actively soliciting any of those entities that our Roswell residents would be active participants in the planning and implementation of these improvements. I don't think it is something that is going to get crammed down our throats but it us recognizing the need and us asking to be part of the process. I don't think this will take away any of our rights or indicate that we are definitely

embracing any specific plan but only that we are knowing of the need and that we want to be part of the process.”

**Motion:** Councilmember Price made a motion for **Approval of a Resolution supporting the North Line Extension**. Councilmember Igleheart seconded.

Mayor Wood said he understood Councilmember Wynn’s concerns. He said he also believes that metro Atlanta needs a consolidated system. In talking with other mayors, he thinks they all recognize that MARTA is not the best vehicle to do that; it needs to be a new vehicle. He said he supports everything Councilmember Wynn said but he sees this as not saying, I support MARTA as much as I support transit. MARTA did a study, we mentioned MARTA. Mayor Wood stated, “But we are not tying this to MARTA. We are tying this to transit. I am supporting transit. I am going on record as saying I don’t support MARTA being the only provider. I support a consolidated program. Brandon Beach is taking the lead on this. That is the direction we are going in. It is going to take a while but I think in the ten years it is going to take to get this project up and running, if we are lucky, that we have plenty of time to straighten out the system. I am really not talking about who runs the transit as much as the need for transit so I do support it.”

Mayor Wood asked for further comment.

**Further Council Comment:**

Councilmember Orlans agreed with Councilmember Wynn on consolidating these services for the metro area and said they all need to work in that direction and promote it. But as Councilmember Price said, they need to be involved in the process and this is regarding transportation in general and he believes they should move forward with this.

Councilmember Diamond said she agreed with Councilmember Wynn and said she appreciates the chance to rewrite some of the clauses to not specify that MARTA be the one doing this. She applauded Mr. Acenbrak’s eternal optimism but said she believed ten years was very optimistic. She said she sees this more as preserving rights for future Councils because she does not see this coming for a very long time. She said her concern was if they do not go on record supporting this, they might get bypassed in the future. She does not believe they are anywhere close to funding this or doing anything about it, particularly since this is not the only line they don’t have money to fund. She said she was not in support of the current form of MARTA or the way it has been operating but was heartened by their new Chief and the good things she has heard and hoped they would coordinate in a better way. She said this is preserving the City’s rights.

Councilmember Dippolito said he also agreed with Councilmember Wynn and thought it was critically important for there to be a regional organization that pulls the transit together. He said however he supports the resolution and it was important to point out that the resolution encourages the study of placement of the transit station in Roswell but does not actually commit or even say that the City encourages placement; it only says they encourage the study of it. He said he thought this was saying that the City encourages transit in the SR-400 corridor but how that would happen or where the transit stations would ultimately end up was still a matter of discussion and would require a great deal of public input.

Councilmember Wynn said, “I appreciate all of that but again I think it is great and I know it is going to pass which is great. But the thing is, I just cannot support it if it is not a regional transit

authority that is doing this. I understand the intent and MARTA might not be here in ten years but there is no guarantee. And I just don't like the piecemeal. I just would like to see it all on one master plan to say this is what we want to do. And I have to disagree. It does say: a current draft study shows a transit station at Holcomb Bridge Road/SR 400. Is that the right place for it? I don't know. Again, I don't see the whole picture. So I appreciate all the work that you have done and Mayor and Council and everything that they have done, but I just cannot support this how it is right now. Thank you."

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

**Vote:** Councilmembers Diamond, Dippolito, Igleheart, Orlans and Price voted in favor. Council Member Wynn opposed. The motion passed 5:1.

**City Attorney's Report**

**10. Recommendation for closure to discuss personnel, litigation and real estate.**

**Motion:** Councilmember Igleheart moved for **closure to discuss personnel, litigation and real estate**. Councilmember Diamond seconded. The motion passed unanimously.

**Adjournment:**

After no further business, the Mayor and Council meeting of Monday, December 23, 2013 adjourned at 7:46 p.m.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Marlee Press, City Clerk

\_\_\_\_\_  
Jere Wood, Mayor