



# 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 Orleans*  
*Council Member Betty Price*  
*Council Member Becky Wynn*

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Monday, May 14, 2012

7:00 PM

City Hall

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### WELCOME

**Present:** 6 - Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orleans, Council Member Betty Price, and Council Member Becky Wynn

**Absent:** 1 - Mayor Jere Wood

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Strategic Planning and Budgeting Director Keith Lee; Budget Coordinator Denise Brown; Budget Analyst Lynn Williams; Fire Chief Ricky Spencer; Police Chief Dwayne Orrick; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Environmental Programs Manager Janet Liberman; Transportation Director Steve Acenbrak; Assistant Transportation Director David Low; Transportation Accounting Specialist Karen Bernard; Transportation Administrative Assistant Kim Weber; Recreation and Parks and Historic and Cultural Affairs Director Joe Glover; Recreation and Parks and Historic and Cultural Affairs Assistant Director Morgan Rodgers; Recreation and Parks Event Coordinator Bobbie Daniels; Human Resources Director Dan Roach; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; City Planner Jackie Deibel; Community Relations Coordinator Kimberly Johnson; City Clerk Marlee Press.*

### Pledge of Allegiance - Roswell Memorial Day Committee

### CONSENT AGENDA

- Approval of April 9, 2012 Mayor and Council Meeting Minutes (detailed minutes to replace Council Brief minutes adopted on April 23, 2012); Approval of April 30, 2012 Mayor and Council Open Forum Brief; Approval of April 30, 2012 Special Called Mayor and Council Meeting Brief.**  
*Administration*

Approved

2. **Approval to dedicate right of way to the Georgia Department of Transportation (GDOT) as part of the SR9@SR140 Intersection Improvement Project.**

*Transportation*

Approved

3. **Approval to accept two Permanent Easements as part of the Holcomb Bridge Road Multi-Use Trail.**

*Transportation*

Approved

### Approval of the Consent Agenda

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

In Favor: 5

## REGULAR AGENDA

### Mayor's Report

1. **Reading of a Proclamation for National Public Works Week.**

*Mayor Pro-Tem Wynn conducted the reading of the proclamation. National Public Works week is May 20-26, 2012. The week will involve a celebration of the employees of Public Works/Environmental, Transportation, Community Development and Building Operations. Mayor Pro-Tem Wynn called upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life.*

*Environmental and Public Works Director Stu Moring stated this is an annual event to honor the men and women who operate the City of Roswell facilities. Activities will begin next week with the Touch a Truck event on Saturday. In addition, citizens will be able to view various other types of equipment used. This event is for all age groups. Mr. Moring explained that this is also a celebration of all Environmental and Public Works staff and the phenomenal job they do with a breakfast for the sanitation and garage workers and luncheon for all of the other staff members. Truck Rodeo competitions will be held on Tuesday in front of City Hall; on Thursday, there will be the fork lift competition; on Friday, there will be a track hoe competition. The theme of this year's event is Public Works - Creating a Lasting Impression. Mr. Moring expressed special thanks to the organization Keep Roswell Beautiful and Executive Director Janet Liberman. This organization provides both financial and moral support to City staff to be able to undertake this event. Mr. Moring encouraged everyone to take part in the event and become more aware of Public Works in our lives.*

**2. Presentation by the 2012 Roswell Memorial Day Committee.**

*Mayor Pro-Tem Wynn introduced this item and stated she has been involved in the Roswell Memorial Day ceremony for three years. Mr. David Young representing the Roswell Remembers Memorial Day Committee expressed appreciation to the City of Roswell for their partnership for the 15th Annual Roswell Remembers Memorial Day Ceremony on May 28, 2012 and to the following local organizations: Carl Black GMC Roswell, Bank of North Georgia, Honey Baked Ham, North Fulton Hospital, and Renaissance Bank. Mr. Young noted that the Roswell Remembers Memorial Day ceremony is the largest in the south and has earned a great reputation for honoring our military and those who have given the ultimate sacrifice. A short video of the 2011 Roswell Remembers Memorial Day event was shown. Mayor Pro-Tem Wynn thanked the Committee for their efforts and encouraged everyone to attend the event this year on Monday, May 28, 2012.*

**3. Approval of the FY 2013 Budget for the City of Roswell, Georgia in the amount of \$108,778,246. (First Reading)**

*Mayor Pro-Tem Wynn introduced this item. City Attorney David Davidson conducted the reading of AN ORDINANCE ADOPTING A BUDGET FOR THE FISCAL YEAR 2013 FOR EACH FUND OF THE CITY OF ROSWELL, GEORGIA, PURSUANT TO ARTICLE VI, CHAPTER 6 OF THE CHARTER OF THE CITY, BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2013, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ITEM OF ANTICIPATED FUNDING SOURCES, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS, AND PROHIBITING EXPENDITURES FROM EXCEEDING ACTUAL FUNDING SOURCES AND AMENDING THE CODE OF ORDINANCES TO EFFECTUATE SUCH ADOPTION stating the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following Ordinance:*

*1. The City of Roswell, Georgia hereby adopts an expenditure budget for Fiscal Year 2013, said budget being described below and shown on Schedule "A" for each fund of the City of Roswell, Georgia:*

*FY 2013 Proposed Expenditure:*

|   |                      |
|---|----------------------|
| <i>100 - General Fund</i>                   | <i>\$59,572,554</i>  |
| <i>210 - Confiscated Assets Fund</i>        | <i>\$413,493</i>     |
| <i>215 - E911 Fund</i>                      | <i>\$2,067,054</i>   |
| <i>230 - Impact Fee Fund</i>                | <i>\$128,000</i>     |
| <i>235 - Cemetery Fund</i>                  | <i>\$23,500</i>      |
| <i>275 - Hotel/Motel Fund</i>               | <i>\$1,039,024</i>   |
| <i>290 - Leita Thompson Rental Fund</i>     | <i>\$73,192</i>      |
| <i>350 - Capital Projects Fund</i>          | <i>\$7,783,140</i>   |
| <i>410 - Debt Service Fund</i>              | <i>\$6,502,575</i>   |
| <i>505 - Water/Sewer Fund</i>               | <i>\$3,353,893</i>   |
| <i>507 - Stormwater Fund</i>                | <i>\$2,640,301</i>   |
| <i>540 - Solid Waste Fund</i>               | <i>\$9,807,779</i>   |
| <i>555 - Recreation Participation Fund</i>  | <i>\$6,484,852</i>   |
| <i>601 - Worker's Compensation Fund</i>     | <i>\$447,254</i>     |
| <i>602 - Group Benefit Fund</i>             | <i>\$6,748,527</i>   |
| <i>603 - Risk and Liability Fund</i>        | <i>\$1,023,722</i>   |
| <i>225 - CDBG Grant Fund</i>                | <i>\$60,090</i>      |
| <i>604 - Fleet Services Fund</i>            | <i>\$609,296</i>     |
| <i>FY 2013 Proposed Expenditure Budget:</i> | <i>\$108,778,246</i> |

2. Any increase or decrease in appropriations or revenue of any fund or for any department; the establishment of new capital projects; or the establishment of new grant projects other than those exceptions provided for herein, shall require approval of Mayor and City Council.

3. A millage rate of 5.455 mills is hereby established as part of the approved budget based on the estimated digest of Fulton County. The millage rate has a component of 4.059 for the General Fund and a 1.396 component for the General Obligation Bond Debt Fund. This millage rate may be adjusted at a future date based on receipt of a certified digest.

4. This budget fixes the number of budgeted full-time positions of the City at 594. This number may only be increased or decreased through approval of the Mayor and City Council. The City Administrator or his/her designee is authorized to create policies and procedures for the number, pay grade, classification, and/or cost center location, which may be changed throughout the year.

5. Mayor and Council further also adopt a Capital Improvement Plan for Fiscal Years 2013 through 2017 as attached hereto and incorporated herein as Schedule "B." This plan does not indicate any promise of appropriations for future years. This plan may only be modified through action of Mayor and City Council.

6. Mayor and Council further approve the re-appropriation of all available funds for FY 2012 approved capital projects that have not been completed as of June 30, 2012.

7. Mayor and Council further approve the re-appropriation of the \$468,000 approved in FY 2012 for Pension Plan transition costs.

8. The City Administrator and his/her designee may promulgate all necessary internal rules, regulations, and policies to ensure that this Budget Ordinance is followed.

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

Strategic Planning and Budgeting Director Keith Lee stated the proposed millage rate associated with budget is 5.455. The two components would be the Maintenance and Operation at 4.059 and the Debt Service at 1.396. This millage rate is consistent with prior fiscal years.

Mr. Lee began his presentation with the General Fund. The City's revenues for Fiscal Year 2012 was \$57,176,339. The proposed budget has General Fund revenues (current year revenues) of \$57,519,522, an increase in revenues of \$343,183. Mr. Lee displayed a graphic outlining the City's sources of revenues. He explained that everything above the sub-total line is considered current revenues. He pointed out the FY 12 budget revenues. He pointed out the change in revenues associated with this proposed budget. He pointed out the proposed revenues for the proposed FY2013 budget. The sub total indicates that the City has current year revenues of \$57,519,522. This budget also proposes a use of reserves of \$2,133,624. That is associated with the one-time capital projects funded by the General Fund. Mr. Lee showed the sources of revenue. He said the largest source of revenue for the General Fund is sales tax, property tax, and business taxes. All total, the City's sources of funds for the General Fund is \$59,653,146. The proposed FY 2013 budget has a base budget of \$52,613,320. There are new initiatives in this budget. An amount of \$1,251,244 is for a 2% merit increase; this

funding would allow a department head to provide between a 1% and 4% raise to employees based on performance with the average increase being 2%. There is proposed maintenance capital of \$3,574,366 and proposed one-time capital of \$2,133,624. The total General Fund budget is \$59,572,554. Mr. Lee discussed expenditures broken down by department. The largest source of expenditures in the General Fund is the Police, Recreation and Parks, and Administration. Total General Fund expenditures are \$59,572,554. As part of this proposed budget, maintenance capital is \$3,574,366. Referring to a graphic, Mr. Lee noted the top three items are associated with city-wide activity, vehicle replacement facility maintenance, as well as computer replacement; the middle items are related to the Fire Department; the bottom five items are related to Recreation and Parks. Mr. Lee displayed a table identifying one-time capital projects funded through the General Fund for this particular proposed budget. It includes ADA compliance, aerial photography for Community Development, back-up repeaters, gun lockers for the Fire Department at RAPSTC. The Police Department has included two items related to the additional patrol officers being added to the FY 2013 budget. The Recreation and Parks Department has included park maintenance or park improvements, that is everything from the outdoor security cameras to the East Roswell Park recreation center solar lighting panels. The Transportation Department has included items related to Transportation funding for Leita Thompson turn lane, as well as road resurfacing for an amount of \$1 million. Mr. Lee stated that in this proposed budget five items were not funded: two positions for Transportation (identified on the first two items); C&G Conversion retro-fit kits for the Police Department; outdoor equipment for Riverwalk; and the Willeo Road Bridge replacement. A total of \$1,034,150 was not funded as part of this proposed budget. Mr. Lee stated revenues exceed expenditures by \$80,592.

Mr. Lee presented a brief summary of the other funds in this proposed budget; Special Revenue Funds, Confiscated Assets, 911, Soil Erosion, Cemetery Care, Leita Thompson, CDBG, and Hotel/Motel. A graphic was displayed showing a table detailing the revenue and expenditures. He said in terms of revenue, the proposed budget includes budgeted use of Reserves and Confiscated Assets. That is a tradition for the City of Roswell. Mr. Lee stated, "We budget priority of revenues for the activities associated with the Confiscated Assets fund." He said "911, we have the use of fund balance related to some capital improvements at the 911 Center, as well as some maintenance items." He said there is the continued use of funds allocated to the City as "we assumed responsibility for the cemetery care fund and the hotel/motel fund has a use of fund balance related to the 'RBA' and Capital Projects." Mr. Lee stated the next set of funds would be the Enterprise Funds; Solid Waste, Water and Sewer; Stormwater; Recreation and Parks. Mr. Lee stated the proposal is to use \$1,127,279 of fund balance in the Solid Waste Fund. That is a continuation of the spend down plan of that fund balance, "as we reduced rates as part of the FY 2012 Budget." Use of reserves in the Water Fund is maintenance related to the current water plant. Mr. Lee stated the proceeds from other financing options in Recreation and Parks is related to the turf fields.

Mr. Lee referred to the Internal Service Funds: Group Benefits Fund, Risk/Liability Fund, Worker's Comp Fund, and Fleet Services Fund. The use of reserves in the Group Benefits Fund is related to wellness, and cost containment initiative as well as transition costs for Community Development outsourcing.

Mr. Lee referred to the Capital Projects Fund and Debt Service Fund. He stated the City's Impact Fee Fund is \$144,000; the Capital Project Fund is \$7,783,140. The Debt Services fund is related the City's one outstanding bond issue.

Mr. Lee referred to a chart showing the source of all funds for the City. He stated the

City's largest source of funds is Sales Tax, Charges for Services, and Property Tax.

Mr. Lee referred to a chart which breaks down expenditures by department. He said total expenditures across all funds is \$108,778,246. The departments with the largest expenditures are Police, Recreation and Parks, and Administration. This concluded his presentation on all funds.

Mr. Lee stated he had received an update from Fulton County the prior Thursday. He referred to a graphic displayed and stated the middle portion of the table detailed the various categories of the City's digest. He pointed out the changes. He noted that that the current digest showed \$4,504,000,000. The preliminary FY 12 is \$4,519,000,000, an increase of \$14,667,000 or an increase of .33. This budget was predicated on a reduction of three (3) percent in the Digest.

Mr. Lee referred to the current Add/Delete List associated with the proposed budget. The list includes two items; sidewalk connectivity transfer to Capital Projects of \$300,000; and Recreation and Parks facility maintenance for \$110,000. Mr. Lee stated that approval of those would increase the General Fund budget to \$60,063,146 and increase the Capital Projects budget to \$8,083,140.

Mr. Lee stated the next step in the proposed budget process would be a public hearing on May 30, 2012, at 7:00 p.m.

*Council Comment:*

Councilmember Orlans stated, "This is not an add or delete formalized tonight." The list is something that Council is reviewing for the next reading of the budget. Referring to the Recreation and Parks Department, he said this was to consider making some adjustments in the participation fees. He said it is still being reviewed but "Hopefully, we'll increase the fees by \$87,000, shifting that back to the General Fund." Mr. Orlans stated, "The other part of it is the Mayor was proposing borrowing \$1.5 million for turf fields and the interest being paid out of this fund with an increase in fees of \$87,000 being moved into the General Fund. With the \$80,000 that is available there now, giving us \$167,000, we are looking at that as possibly being the method of paying for those bonds. As I said, we are still looking at this and until I have some final numbers and idea of what we are doing at the next meeting, I just wanted to make you aware of it at this point."

Councilmember Dippolito stated he would be making a motion to separate the Operating and Maintenance Budget from the Capital Budget, as customarily done.

Councilmember Dippolito stated he wished to bring attention to Schedule "B" and the items which he thought should be removed that pertain to the bond project. He referred to the section "Programming of General Fund, fund balance for potential Bond projects." Councilmember Dippolito said Council has not approved the bond projects or the funding mechanism for this, it was included as an informational item. He said that is potentially confusing that Council would be approving the funding for these and suggested removing that from the budget for that reason. He referred to the section "Potential Bond Proceeds" and stated he would like to remove that to eliminate any potential confusion with the funding mechanism. Councilmember Dippolito said, "The third item on that, "Georgia Transportation Infrastructure Bank" is also tied into the potential bond referendum we are going to have in the future. When I make a motion, I will make a motion to remove those items to avoid any confusion."

Councilmember Dippolito stated there is a suggestion of an addition to the maintenance budget of \$110,000. He said there is approximately \$80,000 to program. He asked Mr. Lee for any suggestions on where the additional \$30,000

either be taken from, from an expense standpoint, or if there are additional revenues that could be applied. Mr. Lee replied, "From a revenue standpoint, I believe we have conservatively budgeted our sales tax. We have budgeted it at \$19,700,000 based on current distributions and two months remaining in the current year. We project that we will collect \$20,094,000 in the current fiscal year. So, we could easily add some additional revenue to the Sales Tax and still be comfortable with next year."

Councilmember Price asked for an explanation as to why two different revenue sources indicated different property tax amounts. Mr. Lee replied, "For the General Fund, that is only the Maintenance and Operation. When you see it across all funds that includes the Debt Service. We have two components to our millage rate. The 4.059 is related to the General Fund. The 1.396 is related to our Debt Service. When those two combine, we get the All Funds summary of \$24,450,800. That includes two separate funds, the Debt Service as well as the General Fund."

At Mayor Pro-Tem Wynn's request, City Administrator Kay Love reviewed the new procedures related to public comments and/or questions to Council. Ms. Love explained that each speaker will be allowed five minutes for a presentation. Time will be tracked by the timer on the Council Chambers wall facing the audience. Speakers at the podium will be able to visually track their time with the green, yellow (2-minute warning), and red indicator lights. The answering of speaker questions is not included in the five minute period.

*Public Comment:*

Janet Russell, 260 Willow Springs Drive, suggested that City employees who make \$90,000 or more should forego the two percent merit raise for redistribution to the lower level employees. Ms. Russell referring to Councilmember Orlans' comments regarding an increase in Recreation and Parks fees, noted her concern that revenue from an increase in Recreation and Parks "would be going into the General Fund." Ms. Russell asked if that was correct. She stated, "We have a large portion of our income from a hotel/motel tax. I brought this up once before. I reminded you that anytime someone makes a hotel reservation online, the City of Roswell does not get the hotel/motel tax. You have to call directly to the hotel so that the Convention and Visitors Bureau can take advantage of that." She said the City has not informed business owners or citizens that they should call the hotels, since it is a source of revenue. Ms. Russell suggested that the City "get a little proactive on that." Ms. Russell noted that it was brought to her attention that residents who receive water from the City of Roswell have been overcharged for four years and asked for an explanation. Ms. Russell stated 22,000 households receive water from Fulton County.

Councilmember Orlans stated, "The General Fund has money going to the participation fee fund in Recreation and Parks. With the agreement of certain goals in the participation fee fund, they will have additional revenue so it will not need as much revenue coming over from the General Fund. Basically, it is leaving money in the General Fund that would have been coming over to subsidize part of the fees."

Mayor Pro-Tem Wynn stated she would have Environmental and Public Works Director Stu Moring contact her about City of Roswell water charges.

Mayor Pro-Tem Wynn noted that Ms. Russell's comments regarding the merit raise would be taken into consideration.

Lee Fleck, Martins Landing, stated he provided Mr. Lee and the City a copy of Fulton County's most current assessment of property tax which shows "that the values in

property tax revenue can be anticipated to be reduced by 6.4 or 6.5 percent.” He asked “why you are basically overstating revenues by some \$1million by not using Fulton County who is the authority on property tax values.” Mr. Fleck said, “I would like to know where the \$2.3million that was in last year’s budget for East Roswell Fire Station #4, \$800,000 in capital and \$1.5million allocated through impact fees.” He asked why the City “continues to charge for solid waste over and above the \$1.6 million that you are required to maintain in the solid waste fund.” He said that in 2012 there was “\$4.9 million in excess. This year the projection is \$5.2 million in excess.” Mr. Fleck stated fees should be cut back. He said, “There is no justification whatsoever to be holding \$5 million in solid waste reserves when in fact, your capital budget, you are only to spend half a million dollars.” Mr. Fleck said the half million dollars is within the \$1.6 million of the required reserves. Mr. Fleck referring to the participation fund, said, “The eighty some odd thousand dollars that you were talking about increasing fees to participants is to cover assets. I totally disagree with that. Scoreboards, wall mats, fitness equipment, sound equipment, tables and chairs.” He said there is no justification to be increasing the fees when there is “projected, \$750,000 in excess reserves.” Mr. Fleck asked why the Fire Department is paying for gun lockers.” Mr. Fleck stated “We currently pay our elected officials \$240,000 a year.” Mr. Fleck stated the elected officials should be held to a higher standard than was seen last year “with the Comprehensive Financial budget. Mr. Fleck suggested that the two percent merit raise that is not a merit raise, it is a cost of living across the board increase. Mr. Fleck said he agreed with Ms. Russell’s comment that it is “unacceptable for those at the higher level.”

City Administrator Kay Love addressing Mr. Fleck’s questions noted that she may have to email some of the information to Mr. Fleck. She also noted that she and City staff would be happy to meet with him regarding the budget. Ms. Love stated the gun lockers are for the Roswell Alpharetta Public Safety Training Center (RAPSTC), where all City of Roswell public safety officers are trained, as well as people from other jurisdictions. The Fire Department is in charge of managing RAPSTC and is the reason why it is in that budget. She noted that the Public Safety Committee made up of representatives from Alpharetta and Roswell met last year and determined that was “an expenditure that needed to happen, and Alpharetta shares in that expenditure with us.” Referring to the merit increase, Ms. Love stated it is a two percent average and is not a cost of living adjustment (COLA). She said any of these raises that will be given will be based upon a performance evaluation and merit. Ms. Love stated that it is up to the Mayor and Council as to how that it is administered or related to any suggestions. Ms. Love said Strategic Planning and Budgeting Director Keith Lee would speak to the Fulton County property tax numbers and the latest numbers received. Ms. Love, referring to solid waste said that fund balance has grown over the years. She explained that it is on a pay as you go related to the capital equipment and there were several years when no equipment was purchased. Ms. Love said, “If you recall, when we implemented the storm water utility, we had a planned spend down of fund balance on the solid waste side of the house. We reduced by one ERU equivalent per household to help fund the storm water utility. So, there is a drawdown of that fund balance, intentional use each year. That fund balance is sitting there now. Mr. Lee can provide you via email, our projections on where that fund balance will wind up over the next few years based on the current rates being the same and our storm water utility rates being the same. There is no overcharging for that service going on.” Ms. Love referring to the Recreation Participation fund numbers stated she thought the spreadsheet stating an amount of \$700,000 was from a spreadsheet that Recreation and Parks developed based upon the 2013 year for program; not all expenditures are included. She clarified that fees are not being raised to cover any capital assets and is not an accurate portrayal of why fees are being raised; it is to cover those program costs and associated personnel costs.



*Strategic Planning and Budgeting Director Keith Lee addressing Fulton County Assessment numbers stated he had received preliminary numbers on Thursday. These numbers remain preliminary until they have submitted those numbers to the tax commissioner. Mr. Lee displayed the "Consolidation and evaluation of our digest." He referred to the area of concern related to the City's total digest. He noted that this information was from Fulton County. Mr. Lee stated, "The number is \$4,519,000,000. Our FY 11 digest was \$4,504,000,000. We have an increase in this year's digest, not a decline. These numbers are from Fulton County. I did not create these numbers."*

*Mr. Lee stated there were a couple of items related to the elected officials. Those numbers include the judge's salary as well as the Mayor and Council. Mr. Lee stated the fire station continues to be funded in the Capital Projects fund. It is not related to any reserve funds in the General Fund or an increase in reserves fund projection. The digest based on Fulton County, has increased not decreased.*

*Martin Howell, 130 Vickery Lane, stated he has twenty five years cost accounting experience. He said the budget was very detailed and a good effort. Mr. Howell noted that he had read the previous budgets for Sandy Springs, Roswell, and Alpharetta. He suggested that all graphs and data be meaningful. He referred to page 17 regarding the number of employees per 1,000 residents and suggested that was a comparison to adjacent cities but that it is an irrelevant comparison because each city outsources a certain amount of jobs. City of Roswell has chosen to outsource two department; newer North Fulton cities outsource "everything at first, now something else." Mr. Howell suggested the total cost of a department whether it is outsourced or insourced. Mr. Howell recommended "Edit all staffing charts to show actual number of positions for history, not just approved. We should look at actual 2012 staffing positions. When we look at 2013 budget we should know where we actually were in 2012 not just what we had approved because we may have some unfilled positions." Mr. Howell recommended "I want to make sure that All Fund and Account detail should include a column for last year actual, 2012, estimated and annualized because the year is not over." He said most of the reports include 2011 actual and 2012 proposed or 2012 budgeted. Mr. Howell stated many of the departmental and financial summaries outcome measures "are very weak from a business perspective" and should be financial and fiscal "objective measures for all the departments" that are business and financial centric.*

*No further public comments. The public hearing was closed.*

*Council Comment:*

*Councilmember Price inquired about costs in the budget for security changes at City Hall. City Administrator Kay Love replied, "There is nothing predicated in this budget related to the security pending the guidance that we get from Committee tomorrow." She noted that Council's Committee packet included information regarding the estimated cost on an annual basis which would be a necessary change to the budget for a permanent solution to security.*

*Councilmember Dippolito thanked everyone for their public comments and noted that recommendations would be taken into consideration.*

*Motion: Councilmember Dippolito moved to approve the first reading of the Operating and Maintenance portion of the FY 2013 Budget for the City of Roswell, Georgia in the amount of \$108,778,246 as proposed, with the removal of Schedule "B" Capital Improvement Program; adding \$110,000 for park maintenance; and increasing the General Fund sales tax revenue by \$29,408, in order to provide the*

*balanced budget. Councilmember Diamond seconded. No further discussion. No public comment made. The motion passed unanimously.*

*2nd Motion: Councilmember Dippolito moved to approve the first reading of Schedule "B" Capital Improvement Program of the Budget Ordinance as presented, with the removal of the Bond related sections entitled Programming of General Fund fund balance for potential Bond projects; removal of section entitled Potential Bond Proceeds; removal of section entitled Georgia Transportation Infrastructure Bank; and the addition of the Sidewalk Connectivity Capital Projects in the amount of \$300,000. Councilmember Orlans seconded.*

*Council Comment:*

*Councilmember Price noted that the sidewalk connectivity project will be on the Community Development and Transportation Committee agenda later this month, therefore, it may be premature or need to be altered significantly. She said that she would accept this as a placeholder; once this is discussed at Committee "this may be different." No further discussion.*

*The motion passed unanimously.*

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that the First Reading of the Budget Ordinance be approved with the removal of Schedule B; adding \$110,000 for Park Maintenance; and increasing the General Fund sales tax revenue by \$29,408.**

**A second motion was made by Council Member Dippolito, seconded by Council Member Orlans, that the First Reading of Schedule B-Capital Improvement Program of the Budget Ordinance be approved with the removal of the Bond related sections and the addition of the Sidewalk Connectivity Projects in the amount of \$300,000. Both motions carried by the following vote:**

**In Favor: 5**

Enactment No: ORD 2012-05-07

**4. Approval of the Millage Rate of 5.455 mills for the FY 2013 Budget. (First Reading)**

*Mayor Pro-Tem Wynn introduced this item. City Attorney David Davidson conducted the reading of an ORDINANCE TO ADOPT MILLAGE RATE stating: The Mayor and Council of the City of Roswell wish to establish a millage rate of 5.455. The millage rate has a component of 4.059 for the general fund, operating and capital improvements budget, and a 1.396 mills component for servicing bonded indebtedness. The millage rate may require adjustment upon approval of a certified Tax Digest for the year 2012.*

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

*There were no Council comments.*

*Public Comment:*

*Martin Howell, 130 Vickery Lane, stated that in the proposed 2013 Budget meeting on January 23, 2012, there was a proforma FY2012- FY2016 which indicated for FY2013 that the maintenance and operating millage rate would increase from 4.059 to 4.395 and the debt service millage rate would decrease from 1.396 to 1.060. Mr. Howell said the reading of the ordinance does not state that. He asked if that had changed since January 23, 2012. No further questions.*

Strategic Planning and Budget Director Keith Lee stated the January 23, 2012 presentation of the proforma was a snapshot as we began developing our expenditure budget. There was an anticipation to move millage from debt to M&O. As the budget was worked through and savings were identified and revenues from sources such as sales tax, there was not a need to move the millage rate in this fiscal year. Mr. Lee stated that in future years, items such as House Bill 386, which is having a significant item on our revenues, the move of that millage rate will be more likely.

Lee Fleck, Martins Landing, displayed a graphic and noted the reduction of debt service over time, the millage rate, the retiring of the existing bond and replacement with a new bond.

Mr. Fleck stated he did not receive an answer to his earlier question regarding \$2.3million for Fire Station #4.

Mr. Fleck said he disagreed with Ms. Love's response regarding the pay down of the solid waste fund, when there is an increase from last year to this year.

Mayor Pro-Tem Wynn reminded Mr. Fleck that his comments at this time should only be related to the millage rate.

Mr. Fleck stated Mr. Lee indicated the possibility of the millage rate rolling over into the General Fund with time. He noted that it was stated in January that there would be an adjustment of the millage rate service rate; begin to adjust the millage rate as a result of the bond payoff. Mr. Fleck asked if that is not happening this year and if the same millage rate of last year will be maintained, 1.396.

Mr. Lee responded that this millage ordinance proposes the City's millage rate to be 5.455. That has two components: M&O at 4.059 and Debt at 1.396; it is consistent with the prior year millage as well, and is what is proposed in this budget.

Mayor Pro-Tem Wynn asked City Administrator Kay Love to respond. Ms. Love stated the money for the fire station remains. She explained that there is some existing money which was funded a couple of budget years ago to embark upon design of a fire station; there is money in impact fees which is budgeted; and an additional amount in the proposed bond projects at the point the City could issue bonds if the Mayor and Council decide to call for a referendum. Ms. Love stated there is some funding to augment or supplement the amount of money that has been budgeted. She clarified that there is no new money as far as in the one-time capital that is seen in this budget. She reiterated that the funding Council budgeted has "not gone anywhere" and remains in capital projects for Fire Station #4. Ms. Love directed Mr. Lee to email the breakdown of these budgeted funds in capital projects, what amount has been spent to date related to looking at various sites and concepts, what balance is that is left, and what is proposed for the bond issue.

No further public comments.

**A motion was made by Council Member Dippolito, seconded by Council Member Igleheart, that the First Reading of the Millage Rate Ordinance be approved and be placed on the Mayor and City Council agenda for 5/30/2012. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: ORD 2012-05-08

**Community Development - Councilmember Nancy Diamond****5. CU12-01, 720 Grimes Bridge Rd., The Cottage School, Land Lot 498.**

*Presented by Jackie Deibel, Planner III*

*Councilmember Diamond introduced this item. City Planner Jackie Deibel stated the applicant is requesting a conditional use to allow for educational and office space and training to be located at the house at 720 Grimes Bridge Road. North of the subject property there is R-1 zoning, single family home. South of the property is the Cottage School, which is also zoned R-1. East of the property there is a single family home on the Cottage School, zoned R-1. West of the property there is a single family home, zoned R-1. Ms. Deibel displayed the site plan indicating the location of the house under consideration. She said stated the Planning Commission recommended approval with four conditions during their April 17, 2012 hearing. Community Development staff recommends approval of the conditional use with the four conditions.*

*Planning Commission recommended conditions:*

- 1. The hours of operation shall be Monday through Friday from 8:00 a.m. to 4:00 p.m. only.*
- 2. The maximum number of clients at one time at the house shall be six.*
- 3. There shall be no more than 4 cars parked in the driveway at this house.*
- 4. The applicant shall install a barrier/ fence of some type along the property line to the end of the shop indicated on the survey submitted on January 17, 2012 with the bearing distance of 401.41'.*

*Council Comment:*

*Councilmember Igleheart referring to condition #4 asked if there are elements to define the type of barrier/fence precisely. Ms. Deibel stated that on site there currently are posts and string providing the definition of the property. She said staff is looking for a fence, perhaps chain link; it does not need to be elaborate. Staff hoped to get an agreement as to what the applicant would like.*

*Councilmember Dippolito stated it is important to understand the intent of the fence. If it is to provide a sort of screening for the adjacent property he would expect it to be either landscaping or a privacy fence of some kind. He asked if this would be required to go for final approval by the Design Review Board (DRB). Ms. Deibel noted that this is a private school and this fence would be required to go to the DRB. Councilmember Dippolito asked if would have to go to the DRB for final approval. Ms. Deibel replied it would go to the DRB only for the fence. Councilmember replied, "So, this will have to go in front of the DRB for final approval only for the fence, unless we have that approved by staff." Ms. Deibel stated that is correct.*

*No further comments.*

*Applicant:*

*Lynn Haas, Capstone Program Director at the Cottage School, expressed her appreciation to Mayor and Council to present the conditional use permit petition and for the guidance and support received from City staff. She noted the Cottage School has been part of the Roswell community since 1985; the school has been located at 720 Grimes Bridge Road since 1987. She said they believe they have conducted themselves in such a manner over the past twenty-seven years so as to have secured confidence in their ability to fulfill the mission of their program while having*

little to no adverse impact on the neighborhood. The purpose of this request is to allow the Cottage School to house the relatively new Capstone program. This program provides career development support to young adults ages 18-25, who have graduated from high school but require additional support in the form of career assessment and job readiness skills development. The location would be utilized in an office-like capacity and would serve a limited number of clients at any one time. The program provides work training in the area of clerical, janitorial, and landscaping. Vocational assessment is provided. There is a strict policy and procedure manual outlining the clients accepted into the program as well as the rules of the program. Ms. Haas stated that as a private service provider, they have the flexibility to pre-screen their clients. They do not accept any clients which have criminal backgrounds or are deemed unstable. Vocational rehabilitation requires that all clients are mentally, physically, and emotionally stable for six months prior to entering into training. Clients who are similar to their school student body are accepted. She said they aim to create an environment that prepares these young adults to work in the Roswell community. They are not permitted to smoke or use tobacco or any other substance on the property. Ms. Haas said "There is no reason for our clients to be outside of the home unless they are working in the lawn care division or they are coming in or out of their cars to go to services." They are in a highly structured training program and will not cause disturbances to the community. Many are driven to the school. Drop-off and pick-up times are after morning rush hour times and before rush hour in the afternoon, to avoid impeding traffic flow or increase traffic for the neighbors.

Ms. Haas asked for minor modification of the recommended conditions. City staff recommended that the Cottage School be limited to serving no more than six clients at any one time. She asked that Council consider expanding that number to no more than twelve clients at any one time. She explained that some of the services offered do not take the entire day, therefore, if they had six in the training program and one more wanted to come for an assessment, they would not be able to utilize that service. Training can last 3-6 months, which would mean potentially putting off a client for that amount of time to have an evaluation. Ms. Haas stated that given the size of the home, they feel twelve clients will fit safely. One room will be set up for assessments; one room for clerical training; one room for job readiness training. Each room has the square footage to comfortably hold at least three people working at individual desks, perhaps more. She said staff recommended that no more than four cars be parked on the campus at any one time. Ms. Haas requested consideration of expanding that number to no more than six vehicles at any one time. She said they could park two vehicles in the carport, two on the landing outside, and also utilize a separate driveway coming off the original driveway that goes to garages on the other side of the house, which could hold two cars. This would not impact anyone getting in or out of the home. Since there are three staff members limiting the school to four cars would only allow one client to drive to the program. Ms. Haas also requested an expansion of the operating hours from 8 a.m. to 5 p.m. with clients served 9 a.m. to 4 p.m. The additional hours would be used by faculty for administrative functions. Ms. Haas assured that there would be a continued commitment to privacy and quality of life would be maintained.

**Council Comment:**

Councilmember Price referring to condition #4, asked for clarification of where the fence would be constructed. Ms. Haas stated she believed staff wanted the fence to be built along the property lines. Councilmember Price asked if that would be all property lines. Planning and Zoning Director Brad Townsend referred to the graphic displayed and indicated the location, pointing out the adjacent southern and northern residents property lines. Councilmember Price inquired about the red structure and nearby property line. Mr. Townsend referred to the property line and noted the area

the owned by the school. Councilmember Price asked if the fence will go behind the adjacent home. Mr. Townsend replied that was correct and noted the location of the adjacent home and the location of the fence. Mr. Townsend noted that the red rectangle on the graphic was from a prior ownership at the time the school purchased all of the property. He said they purchased half of the property from another house and is common. Councilmember Price asked if it is now considered all one parcel. Mr. Townsend replied it is under one ownership. Councilmember Price asked if the fence is being requested by the neighbor. Mr. Townsend stated staff has requested the fence because the delineation between properties is not very clear. Councilmember Price asked about the side demarcation. Mr. Townsend replied there have been discussions by the adjacent property requesting a barrier. He pointed out their driveway and the common property line.

Councilmember Orlans inquiring about the maximum number of clients at the house at one time, asked if the clients are at the house from 9 a.m. to 4 p.m. each day. Ms. Haas stated those who are participating in the janitorial, clerical, or the landscaping or lawn care would be there for almost the entire portion of the day from 9 a.m. to 3:30 p.m.

Councilmember Orlans stated the condition says "number of clients." He asked staff if someone coming for an evaluation would be defined as a "current client" and "what numbers the applicant would need to function." Mr. Townsend replied that it would be a fully enrolled client; that would be the determination as to the number, limiting it to six. Councilmember Orlans asked the applicant if using that definition would solve the question about the numbers of people coming in for evaluation in addition to the six actual clients. Ms. Haas stated yes, it would but they would still like to have leeway in case they had one extra person and would not like to "put them off" for six months. She explained that eleventh grade high school students sometimes come in for an evaluation during a two week period in the summer, which provides the ability to create a vocational rehabilitation plan for that student by the fall before they graduate. Ms. Haas said, "It is deemed by the federal government that they must have a work plan in place before they graduate. If we had our six who had already graduated and we had one who needed a two week evaluation, they would fit in the all-day category so then they would not be allowed to come."

Councilmember Orlans referring to the hours of operation said that would mean business operating with clients versus someone as one person still being there until 5 or even 5:30 p.m. He said he did not want to get into an issue where Code Enforcement is sent out because someone is there "fifteen minutes after." Councilmember Orlans asked about staff's interpretation as to how that would be viewed. Mr. Townsend said staff determined that the utilization of the words "hours of operation" would be when the clients as well as the staff were there fully engaged in the teaching and the learning part of what is going on in the house. Councilmember Orlans asked if a staff person there after 4:00 would be an issue. Mr. Townsend replied that is not an issue for staff; staff was "looking at providing some type of guidelines that this home would not be in access of what a normal home with four children would be." Councilmember Orlans agreed and said that perhaps there should be an understanding of how the conditions are going to be interpreted and used. He noted that even a single family home would have one person or two people there into the evening. Ms. Haas replied, "We wanted to make sure that we were in compliance if we were granted permission."

Councilmember Diamond requested clarification regarding the maximum number of clients. She said she would be more comfortable stating it as the number of people in the building. If the applicant is saying six with perhaps needing one more, how would that total twelve. She asked if staff is included. She asked what the total

number of people is expected to be in the building at one time. Ms. Haas replied, "I could see between six and eight doing full services for the day but we might have three or four people who need an assessment and we would assess the all at the same time. It would be like four people in the assessment room sitting around a conference table. That would put us at ten and we would be over at that point." Ms. Haas confirmed there would be three full-time staff members and herself supervising at various times at the 720 Grimes Bridge Road location; she is housed at 700 Grimes Bridge Road. Councilmember Diamond said the issue is more about how many people are coming and going versus whether they are clients or staff. Ms. Haas confirmed there would be a total of twelve people within the home at one time. Mr. Townsend said perhaps it should be a total of clients and staff, at whatever number Council felt appropriate. No further questions or comments.

Mayor Pro-tem Wynn noted there would be five minute time limit for speakers. The applicant would be allowed five minutes for rebuttal.

*Public Comments:*

Paul Hunnicutt, 730 Grimes Bridge Road, said he has been adamantly opposed to the proposed conditional. He would be impacted directly. Mr. Hunnicutt stated the driveway that accesses 720 Grimes Bridge Road abuts his property. The number of cars is very much an issue for him. He thought the idea was to interface this property in a residential kind of manner. He could possibly agree to four cars, but six cars is "off the mark." He thought the "information to be somewhat confusing" regarding clients inside the house and clients outside the house if they are doing landscaping type educational skills. He said it does not seem enforceable one way or the other whether clients use tobacco or not. He preferred that the conditions that were set in place by Mr. Townsend and Ms. Deibel be kept because of the traffic. Mr. Hunnicutt said he is not concerned about the fence at the back of the property. He is concerned about students accessing his property at the back. Mr. Hunnicutt suggested that a well-defined barrier that could be observed by the students would eliminate most if not all the trespassing. He said his real issue is with their garage which directly faces his property. The side of the applicant's house is turned in such a way that it is angled toward his house and what he sees from his house. Mr. Hunnicutt said he would prefer a barrier at the apron of the garage to block the view. He had previously suggested a green hedge. He said that he thought this would be a "minimum for establishing a barrier between a business and a private residence." Mr. Hunnicutt stated he would like the conditions established by Planning and Zoning to be observed.

*Council Questions:*

Councilmember Diamond thought they had discussed a fence on the southern end specifically to address the students who might mistake his property for the school property. She asked if he had something in mind regarding a fence that he would prefer to see there. Mr. Hunnicutt stated "Our property on that line is probably the main barrier. Their property is pretty much developed right up to that line. A rail fence would be acceptable. I am not into putting up some kind of wall. I like the aesthetics of the woods. I am looking for the line to be acknowledged and respected." Councilmember Diamond referred to the property in between the two homes and mentioned the discussion of screening it with a hedge but it would require moving trees. She asked if a fence would be more palatable or would he favor moving the trees to do this. Mr. Hunnicutt said he preferred a hedge there but if that is not feasible he would prefer a fence because where their property impacts his is "inches" from where there is near contact. There would be room for a fence but it would be impossible to plant Leyland Cyprus trees there. He said he would prefer the length of the driveway to be Cyprus. He reiterated that a fence at the garage apron would be his request.

*Martin Howell, 130 Vickery Lane, said he is in the neighborhood directly to the east of the subject property. Mr. Howell said he represents three neighborhoods; two to the east and one to the west of both the Cottage School and the Swift School. His neighborhood unequivocally supports the schools. Mr. Howell asked if there was a way to appease Mr. Hunnicutt with a barrier between his house and the property to maintain the privacy that he wants. Perhaps the house can be connected to the rest of the Cottage School by all of the property of the Cottage School, perhaps cutting a driveway over to the east so there is no meandering driveway.*

*Dan Carmody, 101 Walnut Street, owner of Studio 7 Photography, said he has been the Cottage School photographer for approximately fifteen years, has a child in a program at the school, and is also a teacher there. He has been involved with the State of Georgia in sponsoring children from the Cottage School. This program is a segue for integrating some children after high school into our community. He has a full time employee who graduated from the Cottage School and would like to hire more graduates. Mr. Carmody explained that he also the Swift School's photographer and that his Cottage School graduate oversees that program for the Swift School. This is part of the Roswell community leading these students as they become part of the city and the community.*

*Applicant Rebuttal:*

*Ms. Haas referring to the Hunnicutt's view regarding six cars said the carport faces their house where four cars would be. The other two cars would not be visible from the Hunnicutt property. Ms. Haas said they did not think that large shrubs would block the Hunnicutt's view since their house is on a hill. The Cottage School serves clients and not students; they have graduated from high school and are 18-25 years old, a more mature age group. Ms. Haas stated their clients will not be using a back hoe, only lawn mowers, weed eaters, hedge clippers, and shovels. There will not be any large equipment driven or any permanent changes made to the landscape. Ms. Haas stated they were agreeable to the fence along the back. She said that in order to put a driveway from the Cottage School up to the house it would require cutting down several trees which would do more damage to the landscape. She noted that most of their clients do not drive so they could be dropped off at the Cottage School and walk down the sidewalk. No further comments.*

*Council Comment:*

*Councilmember Diamond asked staff if there was a fence height or length that might work for the garage screening, considering the topography. Mr. Townsend displayed a graphic, noting the area of the house and the existing driveway. He said the dimensions could be changed in any manner. Mr. Townsend said "I generally started two-hundred (200) feet from the front property line back to where you would start the fence. If you make the fence 200 feet long, you bring it to the back behind the house. As little as probably fifty (50) feet would probably cover the garage. It is what you feel would be appropriate in that area." Mr. Townsend displayed a photograph of the driveway noting the general location of the property line, the mature trees. He pointed out the area where two of the cars would be and the general location of the suggested fence.*

*Councilmember Price asked what number of cars would be permitted on the driveway or property. Mr. Townsend replied it would be a total of four cars.*

*Mayor Pro-Tem Wynn asked if the total maximum number of clients on the property at one time included those inside and outside the house. Mr. Townsend stated that was correct.*



Councilmember Diamond asked if DRB needed to review the fence for their approval or is it something which staff could place as a condition. Mayor Pro-Tem Wynn stated she assumed that would be a call of this Council for it to go to DRB since it would only be for the fence and nothing else. Mr. Townsend replied that was correct.

Councilmember Diamond stated she thought everyone agreed that the Cottage School does wonderful work. She has been acquainted with them and their family members a long time. She said this is a family home. With this adaptive re-use, the attempt is to keep a look and feel of a family home. Moving a driveway or re-arranging too many trees would do more to damage that than anything else.

Motion: Councilmember Diamond moved for Approval of CU12-01, 720 Grimes Bridge Rd., The Cottage School, Land Lot 498 with the following conditions: The hours of operation shall be Monday through Friday from 8:00 a.m. to 5:00 p.m. only. The maximum number of clients at the house at one time shall be less than or equal to ten. There shall be no more than 4 cars parked in the driveway at this house. The applicant shall install prior to the certificate of occupancy a fence along the southern property line to the end of the shop indicated on the survey submitted on January 17, 2012 with the bearing distance of 401.41' that is amenable to the homeowner of 730 Grimes Bridge Road and staff. The applicant shall install prior to the certificate of occupancy a 6' tall wood fence to extend 200 feet along the western property line starting 200 feet south of the northern property line which would be amenable to the homeowner of 730 Grimes Bridge Road and staff. Councilmember Orleans seconded.

*Council Comment:*

Councilmember Dippolito asked for clarification that the hours of operation would be 8 a.m. to 5 p.m., Monday thru Friday. Councilmember Diamond answered yes. Councilmember Dippolito asked for an explanation regarding the fence or barrier along the shared property line. Councilmember Diamond stated a split rail type fence had been discussed, which was amenable to both the homeowner and the staff. Councilmember Dippolito stated it would be on the western property line. Councilmember Diamond said a six-foot wood fence would be necessary because of the topography.

Mr. Townsend replied that if Councilmember Diamond's suggestion is for a split rail fence then staff would recommend a six-foot wood fence, whatever length Council determined would be allowable in that location. Councilmember Dippolito noted there was discussion regarding a hedge from the street up to the edge. Councilmember Diamond stated that she did not address that in her motion, it was just for the fence. She noted there are a lot of trees there and quite a bit of shade cover. She offered to amend the motion. No further discussion.

Councilmember Price asked for clarification that the fence/barrier being discussed is only between the houses, not at the rear of the property. Councilmember Diamond replied that there were two different conditions; one was at the rear of the property on the southern side; the other was in between the driveways. Councilmember Diamond confirmed that she was including both.

Mayor Pro-Tem Wynn stated staff would like to have a determination on the eastern fence length.

1st Amendment to the Motion: Councilmember Diamond suggested extending 200 feet to the fence on the western end. Councilmember Orleans asked if that would be 200 feet on the driveway by the garage, as shown by staff. Mayor Pro-Tem Wynn stated that was correct. Councilmember Orleans said he was in agreement.

Councilmember Price said it was clear from the neighbor that the rear of the property was not critical to him. She asked if it should be required if the neighbor is not that interested. She said it could be optional on the part of the school.

Councilmember Diamond stated this came from multiple discussions over the years regarding the mistaken barriers of the Cottage School property. She said this was not a discussion of a large barrier fence. She thought the homeowner had expressed interest in having some sort of defined area to show the property line.

Councilmember Price requested clarification from Mr. Hunnicutt regarding his desire to have a barrier on the southern end of the property.

Mr. Hunnicutt stated it could be something as simple as a post with three rails to define the property line.

Councilmember Igleheart asked staff if conditions #4 and #5 are sufficient to accomplish what has been discussed regarding the fences. Mr. Townsend replied yes.

No further discussion.

Mayor Pro-Tem Wynn reviewed the conditions. City Attorney David Davidson confirmed for Mayor Pro-Tem Wynn that it would be a good idea to include in the motion that this item did not have to go to the DRB for approval.

Councilmember Diamond confirmed that on the southern end, it was a split-rail natural barrier; the other was a wood six-foot fence.

2nd Amendment to the Motion: Councilmember Diamond clarified her motion stating that this item does not need to go to the DRB. Councilmember Orleans seconded the amendment.

Councilmember Price said she failed to see why the fence at the rear of the property is critical because the abutting of Mr. Hunnicutt's property with the school has always been there, and the fact that the students will not be cutting through but will be coming from the road.

Mr. Hunnicutt said there has been a period of many years with this trespassing problem. In the last year they have not seen much but it was only because they installed posts to mark the lot, although it is not very well defined. He said that it is defined well enough now in the sense that he has made this effort but there has been no effort on the part of the Cottage School to observe this line. Mr. Hunnicutt said the Cottage School should also assume responsibility for observing some kind of designation where their property ends.

Councilmember Diamond said she thought the applicant was amenable to that from the beginning.

Mayor Pro-Tem Wynn noted that a motion with amendments was on the table with a second.

**A motion was made by Council Member Diamond, seconded by Council Member Orleans that CU 12-01, 720 Grimes Bridge Road, The Cottage School be approved with the following conditions:**

- 1. The hours of operation shall be Monday through Friday from 8:00 a.m. to 5:00 p.m. only.**
- 2. The maximum number of clients at the house at one time shall be less than**

or equal to ten.

3. There shall be no more than 4 cars parked in the driveway at this house.

4. The applicant shall install prior to the certificate of occupancy a fence along the southern property line to the end of the shop indicated on the survey submitted on January 17, 2012 with the bearing distance of 401.41' that is amenable to the homeowner of 730 Grimes Bridge Road and staff.

5. The applicant shall install prior to the certificate of occupancy a 6' tall wood fence to extend 200 feet along the western property line starting 200 feet south of the northern property line which would be amenable to the homeowner of 730 Grimes Bridge Road and staff.

It was also approved that this will not have to go to the Design Review Board.  
The motion carried by the following vote:

In Favor: 5

6. **RZ12-04, CV12-01, 9050 Nesbit Ferry Rd., Dane Nesbit, Land Lot: 835.** *(This item was deferred from the May 14, 2012 Mayor and City Council meeting)*

*Presented by Jackie Deibel, Planner III*

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this is a proposed rezoning with conditional variances along 9050 Nesbit Ferry Road. Mr. Townsend explained that a letter was received from the applicant requesting a deferral of this application until the June 11, 2012 Mayor and Council meeting. Mayor Pro-Tem Wynn asked if anyone came to speak on this item. She noted that if this item is deferred, there would be another opportunity to speak when it returns to Mayor and Council. No public comments were made.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that RZ12-04, CV 12-01, 9050 Nesbit Ferry Road, Dane Nesbit, be deferred and be placed on the Mayor and City Council agenda for 6/11/2012. The motion carried by the following vote:**

In Favor: 5

7. **PV12-01, Variance, 1140 Grace Hill Dr., Frank Pritchard, Pritchard Building Group, LLC, Land Lot 355.**

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

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this is a Parkway Village variance. As part of the development in the Parkway Village, any residential development adjacent to a residential home has a sixty-foot (60) buffer setback. A photograph was shown indicating that the existing deck on this home. Mr. Townsend stated the applicant has requested a permit for a proposed sunroom and expansion of the deck and an additional stone patio that would encroach into the sixty-foot setback by eight feet, reducing the buffer to fifty-two (52) feet. Mr. Townsend displayed a drawing of the proposed variance. Staff recommended one condition "dealing with the plans that have been received." Mr. Townsend stated staff has not received any phone calls or emails related to the surrounding area and its impact. Staff recommended approval of the proposed variance.*

*Council Questions:*

*Councilmember Price asked if the adjacent neighbors were notified. Mr. Townsend confirmed that the adjacent neighbors were notified and the property had been*

posted.

Councilmember Dippolito asked if the most impacted property owners along Brookvalley Drive were provided a copy of the plat or were they just sent a letter of notification. Mr. Townsend stated those property owners were sent the standard postcard that included information to contact the City if they had more questions. Mr. Townsend said information was not sent regarding how the property would be changed. Councilmember Dippolito asked, "But, it was clearly identified that it was the property behind them that was requesting a variance." Mr. Townsend replied yes. No further discussion.

Mayor Pro-Tem Wynn invited public comment.

Applicant:

Frank Pritchard, 25 Serendipity Way, Sandy Springs, Georgia, representing home owners Dale and Judy Bredahl, offered to answer any questions.

There were no questions from Council. There were no public comments or questions asked.

**A motion was made by Council Member Diamond, seconded by Council Member Orlans, that this Parkway Village Hardship Variance, PV12-01 at 1140 Grace Hill Drive be approved with the following staff condition - "This approval is subject to the site stamped "received April 6, 2012 City of Roswell Community Development Department" titled Lot 15 Grace Hill. The motion carried by the following vote:**

In Favor: 5

**8. Approval of a Resolution to Adopt the Annual License Fee for Farmers Markets.**

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

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend explained that with the adoption of the ordinance to allow for farmers markets staff has included a resolution for the annual fee of \$150, due upon initial issuance of that location for a farmers market. Staff recommended approval.*

*There were no questions from Council. There were no public comments or questions asked.*

**A motion was made by Council Member Diamond, seconded by Council Member Igleheart, that the Resolution to Adopt the Annual License Fee for Farmers Markets at \$150 be approved. Council Members Diamond, Igleheart, Dippolito and Orlans voted in favor of the motion. Council Member Price opposed the motion. The motion carried by the following vote:**

In Favor: 4

Opposed: 1

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

**9. Approval for the Mayor and/or City Administrator to sign a contract with Roswell Bikes, Inc. for bike rental and**

**concessions in Don White Memorial Park.**

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

*Councilmember Orlans introduced this item. He noted that he had questions regarding this contract and suggested moving it to the Administration & Finance and Recreation & Parks and Public Safety & Public Works Committee meeting on Tuesday, May 15.*

*Councilmember Orlans suggested the deferral to the Committee meeting in order to receive further direction of this item.*

*Public comments were invited. No public comments were made.*

*Council Comment:*

*Councilmember Price asked whether this would only be a discussion item at the Committee meeting or if action would be taken. Mayor Pro-Tem Wynn clarified that it would be discussion to either eliminate it or bring it forward to the next Mayor and Council meeting.*

**A motion was made by Council Member Orlans, seconded by Council Member Dippolito, that this contract with Roswell Bikes, Inc. be deferred and be placed on the Administration and Finance & Recreation and Parks Committee agenda for 5/15/2012. The motion carried by the following vote:**

**In Favor: 5**

**City Attorney's Report**

**10.**

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

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

**In Favor: 5**

**Adjournment**

**After no further business, the Mayor and Council meeting adjourned at 9:06 p.m. Mayor and Council reconvened for a Work Session for a discussion on sidewalk connectivity.**