



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes - Draft Mayor and City Council

Mayor Jere Wood
Council Member Rich Dippolito
Council Member Lori Henry
Council Member Kent Igleheart
Council Member Jerry Orlans
Council Member Betty Price
Council Member Becky Wynn

Monday, October 5, 2009

7:30 PM

City Hall

WELCOME - Mayor Wood called the meeting to order and welcomed everyone present.

Present: 5 - Mayor Jere Wood, Council Member Rich Dippolito, Council Member Lori Henry, Council Member Kent Igleheart, and Council Member Becky Wynn

Absent: 1 - Council Member Jerry Orlans

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Fire Chief Ricky Spencer; Police Chief Ed Williams; Environmental/Public Works Director Stuart Moring; Transportation Director Steve Acenbrak; Director of Community Development Alice Wakefield; Planning and Zoning Director Brad Townsend; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers; Transportation Deputy Director David Low; Firefighter Bill Martin; Police Officer Andy Reach; Engineering & Design Manager Franco DeMarco; Environmental Programs Manager/Executive Director of Keep Roswell Beautiful Janet Liberman; Recreation and Parks Special Events Coordinator Bobbie Daniels; Historic and Cultural Affairs Manager Morgan Timmis; Community Information Manager Julie Brechbill; Administrative Assistant Chris Inness; Building Operations Technician Doug Heieren; and City Clerk Sue Creel.

Pledge of Allegiance - Girl Scout Troop #25328: Caroline Barden, Olivia Barnard, CiGi Curry, Hannah Demis, Carson Hunt, Meredith Jones, Zoe Kaisharis, Kate McFarland, Montana Montgomery, Lexi Perrotta, Abby Shepherd, Audrey Shiotelis, Michelle Smyth, Rhianna Travers, and Alex Watson

CONSENT AGENDA

1. **Approval of August 31, 2009 Open Forum Minutes (detailed minutes to replace Council Brief Minutes approved on September 9, 2009); approval of September 3, 2009 Special Called Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on September 14, 2009); approval of September 9, 2009 Regular Meeting Minutes (detailed minutes to replace Council Brief Minutes adopted on September 14, 2009); and approval of September 14, 2009 Zoning Meeting Minutes.**
Administration
Approved
2. **Approval for the Mayor and/or City Administrator to sign a contract with First Southwest Company to provide Financial Advisory Services to the City of Roswell on an as needed basis.**
Finance
Approved
3. **Approval for the Mayor and/or City Administrator to sign a contract with the Georgia Ensemble Theatre ("GET") Resident Company for FY2010-FY2011.**
Recreation, Parks, Historic and Cultural Affairs
Approved
4. **Approval for the Mayor and/or City Administrator to sign a contract with the Atlanta Wind Symphony (AWS) Resident Company for FY2009-FY2011.**
Recreation, Parks, Historic and Cultural Affairs
Approved
5. **Approval for the Mayor and/or City Administrator to sign a change order with Kimley-Horn and Associates, Inc. for the Crabapple Road/ Rucker Road Design Project in the amount of \$34,503.**
Transportation
Approved
6. **Approval to initiate the Right-of-Way acquisition process for**

three (3) parcels for the Oak Street Streetscape Project, Phase I, in an amount not to exceed \$10,000.

Transportation

Approved

7. **Approval for the Mayor and/or City Administrator to sign an Environmental Protection Division (EPD) Consent Order for the Grimes Bridge Road Stream Buffer Encroachment.**

Transportation

Approved

Approval of the Consent Agenda

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

In Favor: 4

REGULAR AGENDA

Recreation and Parks Department - Councilmember Jerry Orlans

1. **Recognition of youth officials representing the 59th Annual Frances McGahee Youth Day Parade.**

Presented by Joe Glover, Director

Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers stated the 59th Annual Youth Day Parade is put on for and by kids. Students from Roswell and Centennial High Schools are chosen to represent the Youth Mayor and Council for the week and ride with the real Mayor and Council in the Parade on Saturday, October 10, 2009. Mr. Rodgers introduced the following Youth Councilmembers and who they will represent: Kendall Smither - Mayor Jere Wood; Jillian Mangum - Councilman Jerry Orlans; Alicia Muzzy - Councilman Kent Igleheart; Emily Howell - Councilwoman Becky Wynn; Alyssa Lagimoniere - Councilman Rich Dippolito; Megna Saha - Councilwoman Lori Henry; Paige Tomassi - City Administrator Kay Love; and Bailey Kelvington - City Attorney David Davidson.

A. Reading of Youth Day Proclamation.

Youth Mayor Kendall Smither read Roswell's 59th Annual Frances McGahee Youth Day Celebration Proclamation which states that the City of Roswell celebrates its youth with a citywide parade and festival.

B. Recognition of Roswell Rapids Swim Team Champions.

Youth Councilmember Jillian Mangum introduced Megha Khosla and Roxanne Sher who are Georgia Recreation and Parks Association State Swim Champions. Megha Khosla stated she swam with 9 year old girls and won 1st at State for the 25 yard free style and also dances. Roxanne Sher stated she swam with 13/14 year old girls and won the 50 yard breast stroke.

C. Youth Day Theme.

Youth Councilmember Alicia Muzzy stated the theme for the 59th Annual Frances McGahee Youth Day Parade is selected by the Roswell Recreation Commission and will be "Our Heroes".

D. Youth Day Grand Marshal.

Youth Councilmember Emily Howell stated the list consists of soldiers, police officers, firefighters, and teachers and a representative of each will be on the Grand Marshal float.

E. History of Youth Day.

Youth Councilmember Alyssa Lagimoniere stated Youth Day started in 1950, and in 1951 Mayor Ford Rucker proclaimed the second Saturday in October as Roswell Youth Day. In 2007 the name was changed to The Frances McGahee Youth Day Parade. Mrs. McGahee was one of the founders and a member of the Roswell Recreation Commission.

F. Youth Day Activities.

Youth Councilmember Megna Saha stated the day starts with a 5K road race beginning at 9:45 a.m., and at 10:00 a.m. the parade begins, ending in Roswell Area Park where everyone enjoys activities.

Mayor's Report

2.

Reading of a Proclamation for Rivers Alive.

Youth Mayor Kendall Smither read that the citizens of Roswell recognize that all life is dependent upon clean water and strive to restore and maintain the chemical, physical and biological integrity of Georgia's waters. Keep Roswell Beautiful, in partnership with the City of Roswell, the City of Alpharetta, and the Chattahoochee Nature Center, was presenting the second largest cleanup on Saturday, September 26, 2009.

Environmental Programs Manager/Executive Director of Keep Roswell Beautiful Janet Liberman stated the Rivers Alive event was to be held on September 26, 2009, but due to the flooding, it has been rescheduled to October 24, 2009 from 8:00 a.m. until 10:00 a.m. She noted the rescheduled event had been shortened and is concentrating on cleanup. Also, the festival had to be cancelled, but the duck race will happen. Ms. Liberman encouraged everyone to rent more ducks for the race, which are three for \$5 and the winner will win \$100. The duck race will take place right after the river cleanup around 10:15 a.m.

3.

Reading of a Proclamation for Roswell Arts and Humanities Month.

Youth Mayor Kendall Smither read that the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades. Sharon Moskowitz, Chair of the Roswell Cultural Arts Board, stated throughout the community there will be over 40 events going on and encouraged everyone to attend as many events as possible.

4.

Approval of a Resolution to Pursue a Formal Friendship Relationship between the City of Roswell and Luwan District of Shanghai.

Mayor Wood stated the city is working with the Chamber of Commerce on an outreach to the Luwan District of Shanghai. He noted there is no financial commitment from the city. He asked Council to pass a resolution to create a friendship relationship with the Luwan District of Shanghai to promote economic development and higher standards of living between the two cities and to establish a foundation of trust between the two countries.

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

In Favor: 4

Enactment No: RES 2009-10-46

Environmental / Public Works Department - Councilmember Jerry Orlans

5. Keep Roswell Beautiful Annual Report Summary.

Presented by Stuart Moring, Director

Chairman of Keep Roswell Beautiful Frank Hasty stated this past year had the best year ever with total benefits over \$142,000. Mr. Hasty thanked Mayor and Council for their support. Mayor Wood thanked Mr. Hasty, the Board, Janet Liberman and all the volunteers with Keep Roswell Beautiful for the job they do.

6. Approval of a Resolution to apply for the U.S. Department of Energy - Recovery Act: Local Energy Assurance Planning (LEAP) Initiative in the amount of \$130,000.

Presented by Stuart Moring, Director

Environmental/Public Works Director Stuart Moring stated the Local Energy Assurance Planning grant is a non-matching grant that allows the City to develop an energy assurance plan for dealing with losses of normal forms of energy through national disasters. Another element of the grant will allow the City to get assistance with conducting research. The grant is based on the size of the community and interest from the city.

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

In Favor: 4

Enactment No: RES 2009-10-47

7. Approval for the Mayor and/or City Administrator to sign a contract with Frank Suddeth & Sons, Inc. for the emergency repair of stormwater pipes at Chattahoochee Street in the amount of \$31,835.

Presented by Stuart Moring, Director

City Administrator Kay Love stated this item is brought to Council as an emergency purchase as it was deemed such from the flooding rains of September 21, 2009. Mr. Moring and staff assessed the situation and per the procurement ordinance, the

department went with the emergency repair and was seeking formal approval from Mayor and Council.

Environmental/Public Works Director Stuart Moring stated this was a repair required after the torrential rains on September 21, 2009. Initially staff felt replacing the pipe lost was adequate, but on further assessment determined the pipe that comes into the crossing under Chattahoochee Street, and an old corrugated metal pipe also needed to be replaced, along with a headwall installed on the upstream end. Staff was able to work quickly and get a contract with Frank Suddeth and Sons, and as of today the work has been completed. It was approved on an emergency basis by City Administrator Kay Love, and staff was asking Mayor and Council to ratify this agreement.

Councilman Dippolito asked if the repair will qualify under FEMA Emergency Funds. Mr. Moring answered yes, and that staff has documented all costs so that it can be easily submitted for reimbursement.

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

In Favor: 4

Recognition of Alex Fudali

Mayor Wood recognized Alex Fudali, a candidate running for City Council. Mr. Fudali stated he is running for City Council Post #6 and is excited about getting his message to the citizens.

Transportation Department - Councilmember Becky Wynn

8. Approval of a Resolution to apply for the GATEway Grant program in the amount of \$50,000. Presented by Steve Acenbrak, Director

Transportation Director Steve Acenbrak stated the Roswell Department of Transportation in conjunction with Grants Administrator Danny Blich is seeking Mayor and Council approval for a \$50,000 GATEway Grant, which stands for Georgia Transportation Enhancement Grant. Staff has looked at areas of the City that need improvement and selected Georgia 400 at Holcomb Bridge Exit 7A & 7B. The proposal is to plant trees. Staff has coordinated with the landscape architect at the Georgia Department of Transportation (GDOT) with the proposal. The money will pay for the landscape material and installation. The city will be required to maintain the area for 50 years.

Councilman Igleheart asked if the city can add small planting areas at a later time, which is what was shown on the original proposal. Mr. Acenbrak answered yes.

Public Comment:

Peter Morgan from Wildwood Springs in Roswell asked how this reconciles with GDOT clear cutting 30 feet from the right-of-way. Mayor Wood replied that it doesn't.

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

In Favor: 4

Enactment No: RES 2009-10-48

9. **Approval of a Resolution to accept Federal C230 Stimulus Funds administered by the Georgia Department of Transportation (GDOT) and to authorize the Mayor and/or City Administrator to sign a contract with Urey Companies, LLC, for the construction of the Holcomb Bridge Road Sidewalk Project in the amount of \$1,233,477 and approval of Budget Amendment 4224S1-10-05-09 to establish the budget.**

Presented by Steve Acenbrak, Director

Transportation Director Steve Acenbrak stated this project began in 1997 for connection of sidewalks. The project will be along Holcomb Bridge Road, west of Georgia 400, beginning at Old Holcomb Bridge and towards the western ramps of Georgia 400. Staff received 7 bids, and Urey was the lowest responsive, responsible contractor. With Mayor and Council approval, staff will send documentation to GDOT for their approval, and then construction can begin. The project will take between 6-9 months to complete.

Mayor Wood asked if the plan includes any landscaping in addition to the sidewalks. Mr. Acenbrak responded yes, primarily to the center median because there is little room along the sidewalk.

Councilwoman Henry asked if this was a project prior to stimulus funding and wasn't there money already budgeted for this project. City Administrator Kay Love answered the money allocated for this project will remain in the Capital Project Funds until it is re-appropriated. It will then go back to the fund balance and reserves in the Capital Project Funds and then the Council may re-appropriate it at its discretion.

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

In Favor: 4

Enactment No: RES 2009-10-49

Recreation and Parks Department - Councilmember Jerry Orlans

10. **Approval of a Resolution to accept the Fulton County Arts Council grant contract and approval of Budget Amendment 6190G6-10-05-09 in the amount of \$11,000 for FY2010 for the "Sundays on the Square" Concert Series.**

Presented by Joe Glover, Director

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover stated this is a continuation of the concerts on Town Square on Sunday afternoons. He noted the concerts have been reduced from 6 to 5.

Mayor Wood asked if there is a match requirement for this, and if so how much is the City responsible for. Mr. Glover responded yes, this is a match grant fund with a city

match requirement of \$5,500.

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

In Favor: 4

Enactment No: RES 2009-10-50

11.

Approval of a Resolution to apply for a 2010 Tourism Product Development Grant from the Georgia Department of Economic Development in the amount of \$10,000 for the design and construction of an open-air pavilion on Orchard Hill and Bulloch Hall.

Presented by Joe Glover, Director

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover stated this is a grant being sponsored by the Friends of Bulloch. With this grant they will be able to increase the size of the pavilion to accommodate more people and move forward. The Friends of Bulloch will provide a \$10,000 match and other patrons of Friends of Bulloch will help with in-kind services.

Mayor Wood asked the location of Orchard Hill. Mr. Glover responded it is part of the property close to where the pond area used to be and is a name given to it a long time ago.

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

In Favor: 4

Enactment No: RES 2009-10-51

12.

Approval of an Ordinance to ban smoking within the City of Roswell Parks except within designated areas. (First Reading)

Presented by Joe Glover, Director

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover stated this item had come forward from the Recreation Commission. One of the main goals and functions of the Commission is to promote a healthier living style. The Commission felt it is important to have an area that smokers could go to, which would not interfere with any other person in the park. The area would be in the parking lot in their personal car with the windows up. The belief is if there is not to be any smoking in the park then there shouldn't be any smoke in the air or in the vicinity of anybody walking by or parked next to them.

City Attorney David Davidson conducted the first reading of "Ordinance to Ban Smoking within City of Roswell Parks except within Designated Areas." The Ordinance amends Section 14.2.4 (k) of the City of Roswell Code of Ordinances by striking it entirely and substituting the following section in its place: (k) Smoking. It shall be unlawful for any person to smoke in any park, except within a private vehicle, with all windows closed, while such vehicle is either parked in a designated parking area within the park or is being driven upon a public thoroughfare within the park.

The foregoing exception to the "no-smoking" ban shall not apply to minors, who are not permitted to smoke anywhere in a park.

Mayor Wood asked the intent of the designated areas, and where will they be. He also asked if smoking with the windows up was a legal necessity or a recommendation from the Legal Department.

Councilwoman Wynn also questioned in the car with the windows rolled up saying she had a problem with all the windows being closed especially if children were in the car. She thought people should be allowed to smoke in their car with the windows down, or ban smoking all around.

Mr. Davidson responded that he was not sure why Assistant City Attorney Hulsey had inserted "in the car with windows up".

Councilman Igleheart asked what other cities that have passed bans have done. Mr. Glover responded that the City of Marietta plans to do a total ban; Clayton County and the City of Gainesville may have a designated smoking area.

A motion was made by Council Member Becky Wynn, seconded by Council Member Rich Dippolito that this Item with an amendment to the Ordinance to delete "with all the windows closed" be Approved on First Reading and placed on the Mayor and City Council agenda for 10/19/2009. The motion carried by the following vote:

In Favor: 4

Administration and Finance Department - Councilmember Kent Igleheart

13. **Approval for the Mayor and/or City Administrator to sign a contract with Caspian for the interior renovation of 105A Dobbs Drive in the amount of \$186,000. (Deferred from October 5, 2009)**

Presented by Michael Fischer, Deputy City Administrator

Deputy City Administrator Michael Fischer stated this is a request to award Caspian with a contract to renovate the facility at 105A Dobbs Drive. There were 22 firms that responded to the bid, and Caspian ultimately was the low bidder.

Mayor and Council discussed turning this location into a LEED certified building and what it would take to make that happen including cost. Councilman Igleheart, noting that he knew someone who would look at this at no cost to the City, asked that this item be deferred until the November 2, 2009 Mayor and Council meeting so more information on the LEED certification could be obtained. Councilwoman Wynn wanted to make sure this item would return in a timely manner so as to not lose the bid.

A motion was made by Council Member Kent Igleheart, seconded by Council Member Rich Dippolito, that this Item be Deferred and placed on the Mayor and City Council agenda for 11/2/2009. The motion carried by the following vote:

In Favor: 4

14. **Approval for the Mayor and/or City Administrator to sign a**

contract with Plante & Moran for Enterprise Resource Planning (ERP) Project Management Services in an amount not to exceed \$442,320.

Presented by Kay Love, City Administrator

City Administrator Kay Love stated this item is for ERP Project Management Services to design a system for the City to improve business processes and efficiency by replacing a number of legacy computer systems that the city has used over a number of years. Some of the systems being replaced would be payroll, personnel, financial accounting, permitting, purchasing, utility billing, and budgeting. There were over 60 proposals, but only 32 met the criteria when the RFP was issued. The Evaluation Committee recommended Plante & Moran.

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

In Favor: 4

Community Development - Councilmember Richard Dippolito

15. **Approval for the final adoption of the Short Term Work Program and CIE Update to the Comprehensive Plan.**

Presented by Brad Townsend, Planning and Zoning Director

Planning and Zoning Director Brad Townsend stated this is to maintain the qualified local government status as part of the Georgia Planning Act of 1989. Staff recommends approval of the resolution that would maintain the City's qualified local government status.

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

In Favor: 4

Enactment No: RES 2009-10-52

Adjournment

After no further business, the Regular Meeting adjourned at 8:40 p.m. for a Work Session on the Big Creek Bridge Road Project.