



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council

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

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Wednesday, November 14, 2012

7:00 PM

City Hall

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### WELCOME

**Present:** 5 - Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, and Council Member Becky Wynn

**Absent:** 2 - Mayor Jere Wood, and Council Member Betty Price

### Pledge of Allegiance - Fire Chief Ricky Spencer

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Transportation Director Steve Acenbrak; Transportation Land Development Manager Clyde Stricklin; Transportation Traffic Operations Supervisor Mike Elliott; Transportation Construction and Street Maintenance Manager Neo Chau; Community Development City Planner Jackie Deibel; Community Relations Coordinator Kimberly Johnson; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Andrew Hale; City Clerk Marlee Press.*

### CONSENT AGENDA

1. **Approval of October 8, 2012 Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on September 24, 2012); Approval of October 22, 2012 Mayor and Council minutes; Approval of October 29, 2012 Special Called Mayor and Council minutes; Approval of October 29, 2012 Open Forum Mayor and Council minutes.**  
*Administration*  
Approved
2. **Approval of City Sponsorship for ten (10) events between January and June 2013.**  
*Community Development*

Approved

### Approval of the Consent Agenda

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

In Favor: 4

## REGULAR AGENDA

### Mayor's Report

#### 1. **Reading of a Proclamation that Grit Chips will be the Official Chip of the City of Roswell.**

*Mayor Pro-Tem Wynn invited Sean McDonough to come forward as she read the proclamation, GRIT CHIPS – THE OFFICIAL CHIP OF THE CITY, whereas in 2010, Sean McDonough, a Roswell resident, and a group of Roswell area businessmen came together to found and incorporate the IRG Investment Group in Roswell with the dream of creating a neighborhood watering hole, eatery and social gathering place. The IRG Investment Group opened its first venture, The Roswell Tap, on June 13th, 2011 on the land owned previously by the founder of Roswell, Roswell King. The founders of The Roswell Tap sought to nourish and refresh their customers with a unique and Southern bar snack, and so invented the first salty snack chip ever made from grits and hence the grit chip was borne. The grit chip quickly became a smash success for The Roswell Tap and was enjoyed by patrons who traveled from both near and far. Jeff Foxworthy's Grit Chips is manufactured and distributed by The Roswell Food Group, a new Roswell company, and can be found in Kroger, Ingles, and Bi LO supermarket stores. The Roswell Tap and Food Group founder, Sean McDonough, introduced the grit chip to world-renowned celebrity, Jeff Foxworthy, who fell head-over-heels for this new snack. Mr. Foxworthy entered into the grit chip industry on November 10, 2011 with the Roswell Food Group and had one condition for this new business venture, that he would be a partner to the Roswell Food Group and a life-long supporter of the Grit Chips as long as good food and great people are involved in the process. The City of Roswell is honored that the partners of The Roswell Food Group, The Roswell Tap, and Jeff Foxworthy's Grit Chips, have brought commerce, employment, and acclaim to the residents of Roswell.*

*On behalf of the Mayor and Council, Mayor Pro-Tem Beck Wynn proclaimed Jeff Foxworthy's Grit Chips the official chip of the City of Roswell and encouraged all of the citizens to try them and tell their friends.*

*Mayor Pro-Tem Wynn invited Sean McDonough, CEO of the Roswell Food Group (RFG), to come forward to talk about Grit Chips.*

*Mr. McDonough said Grit Chips were invented at The Roswell Tap as a unique southern American snack that they had introduced to Jeff Foxworthy and his family, who wanted to endorse the product, be involved and help with the forming of a new*

food incubation company, the RFG. He said they recently moved into their new location at the Roswell Mill and are not only manufacturing and selling Grit Chips all over the country, but are also looking into participating in NASCAR in various areas of the country and hope to become the sponsor for Jeff Foxworthy's new television program, *The American Bible Challenge*, on the Game Show Network beginning in January. He said they want to show what the south has to offer to the rest of the country. He thanked Mayor and Council for having them attend the meeting and said they are excited about Roswell and where Roswell is going. He said he has been in Roswell for twenty years and is raising his family here and they are all thrilled to be a new business in Roswell.

Mayor Pro-Tem Wynn thanked them for being here and said they are happy to make Grit Chips the official chip of Roswell. She added that the chips are gluten free, another plus for some people.

2.

### **Reading of a Proclamation for National American Indian Heritage Month.**

Mayor Pro-Tem Wynn read the proclamation stating, the history and culture of our great nation have been significantly influenced by American Indians and indigenous peoples. The contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States. Native American Awareness Month began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating November as National American Indian Heritage Month. In honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned.

On behalf of the Mayor and Council, Mayor Pro-Tem Becky Wynn proclaimed November 2012 as National American Indian Heritage Month in the City of Roswell, Georgia, and urged all of the citizens to observe this month with appropriate programs, ceremonies and activities.

Donna Owens, representing the Martha Stewart Bulloch Chapter of the National Society Daughters of the American Revolution said this is very much appreciated. She added that yesterday, Governor Deal had proclaimed November as American Indian Heritage Month in the State of Georgia. She said they are celebrating through things such as programs and displays that have been set up in libraries.

3.

### **Approval of a Resolution for Legal Counsel for pending distribution of Local Option Sales Tax (LOST) litigation.**

City Attorney David Davidson presented this item stating that the current LOST distribution agreement between Fulton County and the Cities within the County expires on December 31, 2012. He said mediation has not led to an agreement, therefore the Cities recommended hiring a single firm to represent their interests against Fulton County and that the City may elect to withdraw at any time from this agreement. He said they will be hiring Andrew Welch from the firm of Smith Welch Webb & White Attorneys at Law and the cost of the legal counsel will be divided per the current distribution of LOST proceeds.

#### **Council Comment:**

Councilmember Dippolito asked if they had exhausted all other opportunities to work this out with Fulton County. Mr. Davidson replied they had and that he and City Administrator Kay Love are meeting with them on Friday for a final mediation attempt.

*He said by law, this is very time sensitive as to when things can be done and there are only sixty (60) days for mediation and sixty (60) days to file a petition with the court. The court will accept three offers at the most on how to distribute the proceeds; one from the County along with the Cities that are joining the County, one from the majority of Cities, and lastly one from a majority of the minority of the Cities. He said currently the biggest complication is with Fulton County, not the other Cities; therefore, the Cities have elected to go in together. He said Atlanta has their own attorneys and the other Cities are working closely together with them and all other Cities in Fulton County are included in this agreement. He asked Mr. Davidson if it is correct that the cost will be split amongst all the Cities except for Atlanta.*

*Mr. Davidson replied that is correct because Atlanta had already been working on this and had their counsel in place. He said as in the past, the County and the Cities that have a population over 50% can enter into the agreement. He said before the new Cities were formed, Atlanta was always over 50% of the population so the agreement was between Atlanta and Fulton County, but when the new Cities formed, Atlanta dropped to 40 some odd percent and they need another City to join them. He said that gives everyone a chance to be included in the distribution instead of just Fulton County and Atlanta.*

*Councilmember Dippolito asked if this includes all Cities in Fulton County including the City of Atlanta. Mr. Davidson replied this includes all the Cities.*

*Mayor Pro-Tem Wynn said for clarification that LOST is the Local Option Sales Tax, the portion of the sales tax that the City gets each year for some of the revenue.*

*There was no further Council comment. Public comments were invited. No public comments were made.*

**A motion was made by Council Member Igleheart, seconded by Council Member Orlans, that this Resolution be approved. This is being done because the current LOST distribution agreement expires on December 31, 2012. Since mediation has not led to an agreement, the cities are hiring a single firm to handle the litigation. The motion carried by the following vote:**

**In Favor: 4**

Enactment No: R2012-11-54

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

#### **4. Approval of a Resolution authorizing expenditures and reimbursements for projects approved in the November 6, 2012 Referendum.**

*Presented by Kay Love, City Administrator*

*City Administrator Kay Love presented this item stating that this resolution authorizes expenditures for the projects that were approved in the November 6, 2012 Bond Referendum as well as declares the City's intent to reimburse itself from bond proceeds once the bonds are issued. This is a way for the City to use General Fund Balance to accelerate projects and begin spending money on those projects and when the bonds are sold, the City will reimburse itself through that. This will be managed through Finance Director Keith Lee's office and then be brought to Mayor and Council in the normal fashion. She said if approved, budget amendments will be brought forward in the mid-year budget adjustment to authorize the spending amount per the projects that were approved in the bond referendum.*

*There were no questions or comments from Council.*

*Public Comment:*

*Seth Freedman stated his home address as 285 Meadowood Drive, Roswell in the community around Waller Park. He thanked Mayor and Council for their efforts in making Roswell a better place to live. He said his concern and that of several members of his community who live around Waller Park has to do with one component of one of the projects on the bond referendum list which is the addition to the Adult Recreation Center (ARC) that includes a curb cut-out on Grimes Bridge Road to allow for rear access. He said they are also aware that there are several other projects in and around Waller Park and that this curb cut-out is one component of several that exist on the master transportation plan to extend and connect Dobbs Drive to Grimes Bridge and to extend it into Oak Street on the other end. He said that will ultimately connect a link between SR9 and Grimes Bridge Rd. that runs directly through Waller Park and that the residents are very concerned about this. He said there is no precedent for putting a thru street in a park in this City and there is also very little precedent for that being done in other major cities. He said in fact, the City of Atlanta has worked very hard to eliminate thru roads from their park system. He said this might not be the best agenda item for presenting this, however, it has been his experience that it is hard to keep track of when citizens need to be at a meeting to address their concerns and he wants to be sure that Council is aware of this. He said there is not one unified project that this connection is listed under and he is at this meeting to address this issue. However, an even bigger concern for him and many other residents is making sure that others know that this puts park users, especially the children, at risk by having thru traffic going right by the playground, trailheads and walkways. He requested that the City attempt to steer these projects in a manner that preserves the park for the residents and does not cause harm to its users.*

*Mayor Pro-Tem Wynn said she understands that public hearings will be held for these projects and asked City Administrator Kay Love if that is correct.*

*Ms. Love replied, yes in general. She said related to this project, Council has not yet approved the entire plan for the connection for the project. She said the first phase is the curb cut on Grimes Bridge Road that is necessary for that project to work for public safety access and for delivery of chemicals and operating once the therapeutic pool is constructed. She said related to how it connects to Dobbs Drive, there have been a multitude of discussions about design at the staff level with Mayor and Council that has not been finalized. She said moving forward through this process, there will be other opportunities for other meetings that the residents want related to these projects, but currently the curb cut is necessary for this project. She said again, that the remainder of that project has not been finalized.*

*Mayor Pro-Tem Wynn asked if Mr. Freedman could be kept apprised of any actions that the City will be doing related to that. Ms. Love replied absolutely.*

*Mr. Freedman requested that they keep the neighborhood residents around the park apprised of these matters, not just him individually but all users of the park.*

*Ms. Love said there will be a lot of information posted on the website with date information as work is done on them. She said it is not the City's practice to email residents in surrounding areas unless it is a zoning issue or there is a need for that input, but they will make every effort to make sure they are aware if there are specific meetings. She said she believed there had been some meetings with them about the other project that Mr. Freedman had been involved with. She said they have made a*

commitment to keep the people apprised and that the information will also be on the website, but if at any time they have a question, they should contact the City and that the email address and phone number are on the website. She said she would also provide her phone number so they can stay connected when questions come up so they will have the information that they need.

Mr. Freeman added that he knows the City is working to improve their website but currently it is a very difficult site to locate information. He said he is a fairly savvy internet user but it took quite a bit of effort to find out some of this information and for the purpose of this project in particular, recommended that the City post informational signs as well within the park that will immediately grab the attention of the people who use the park and who will be concerned with these issues.

*Further Public Comment:*

David Wells stated his home address as 395 Meadowood Drive in Roswell and said he had just heard about this today from Mr. Freeman. He said the senior center is directly behind his house and expressed concern about the park and what is going to happen in that area. He asked when something will be posted about what will happen to existing things such as the handball court and the tennis court because a lot of people from the neighborhood utilize those things and asked if they will be eliminated. He said the new structure at the ARC will be in view of his house and backyard and asked what the effect of that might be and when they will have a plan that will show what is anticipated.

Mayor Pro-Tem Wynn said this is not going to happen overnight because they still have to sell the bonds. She asked Ms. Love if she could provide a timeline for Mr. Wells.

Ms. Love replied if the resolution is approved, they will have authorization to begin engaging consultants, either engineers or architects and said that some of the preliminary design has been done. She said information and general specifics about the projects had been put out as part of the bond referendum information. She said the design has not been completed but the general footprint is known and that information will be put out once they have authorization to move forward. She said along with the information that was put out with the bond referendum were pictures of what it might look like as well as a board showing the exterior design but it did not show the footprint or how close it will be to Mr. Wells' house or to any of the other neighboring properties, but that information will be provided once this resolution is finalized.

Mr. Wells said then there is nothing they can do; it is just going to happen.

Ms. Love said what is being approved tonight is to be able to use cash on hand to begin the projects and then the City will reimburse itself from the bond. She said the City is not authorizing anything regarding any one project; that will all come through in the normal process. She said they had voiced their concerns tonight in general but that she does not have a timeline but that information will be put out on the website. She said if an item is on the agenda, it will be from a procurement standpoint for the City to enter into a contract or something that requires Mayor and Council approval. She said there will be updates and as soon as they have the timeline, it will be posted on the City of Roswell website.

There were no further public comments. The public hearing was closed.

*Council Comment:*

Councilmember Dippolito said there was significant approval of this by the community

with 65% of the public voting in favor of this so that is very strong support for the bond referendum which the City is very glad to see. He said in addition to that, they have \$6 million that will be allocated to the Holcomb Bridge/SR400 improvements and they just got word of approval from GDOT for a third project that they will fund which will be an additional \$3.2 million.

Councilmember Dippolito said there is a \$3.2 million total that GDOT will be investing in the Holcomb Bridge/SR400 intersection in addition to the \$6 million that the City is putting in and that there will be significant improvements to that intersection. He said this is a great list of projects and they are looking forward to completing them as quickly as possible.

**A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this Resolution be approved. This Resolution authorizes expenditures for projects approved in the November 6th Bond Referendum and declares the City's intent under Treasury Regulations to obtain reimbursement of those expenditures through the sale of bonds. The motion carried by the following vote:**

**In Favor: 4**

Enactment No: R2012-11-55

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

#### **5. CU12-03, 1050 Northfield Court, Suite 400, Studio 23, Land Lots 558, 592.**

*Presented by Jackie Deibel, Planner III*

*Councilmember Dippolito asked to be recused from this item due to a direct financial interest he has in this transaction. He was recused by Mayor Pro- Tem Wynn. Councilmember Dippolito left the council chambers during the discussion of this item.*

*Planner III Jackie Deibel presented the item and stated this is Conditional Use 12-03 located at 1050 Northfield Court. She said the applicant is asking for a conditional use to allow for a dance studio. She displayed an aerial view of the property and stated that the property is located within a building and is a tenant space approximately 8,800 square feet and all of the property to the north, south, east, and west is zoned I-1. She said the Planning Commission recommended approval at the October 16, 2012 hearing with one condition as follows: To the survey stamped "Received September 6, 2012 City of Roswell Community Development Department" showing the outline of the suite. Ms. Deibel said staff recommends approval of this conditional use request.*

*Applicant:*

*Shannon Childers, 1305 Lyndhurst Way, Roswell stated she is successfully operating Studio 23 out of a temporary location in hopes of being granted this zoning so they can continue with this project to rehouse the students in a full time facility. She said she teaches children primarily ages 3-18 and most of them are dropped off at the location and the significant amount of people parking at the facility come after hours, after 6:00 p.m. when the remainder of the businesses within the complex have closed for the day. She said this is a good use that works well with what currently exists in the space.*

*There were no questions or comments from Council. Public comments were invited. No public comments were made.*

A motion was made by Council Member Diamond, seconded by Council Member Igleheart, that this Conditional Use to allow for a dance studio be approved. Council Member Dippolito recused himself because he has a direct financial interest in this transaction. The motion carried by the following vote:

In Favor: 3

Recuse: 1

Enactment No: R2012-11-56

6.

**Approval of an Amendment to Article 22, Section 22.12 of the Sign Ordinance, Temporary Signs, regarding the "Find it all Roswell" campaign and the use of temporary signs. (First Reading)**

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

*Planning and Zoning Director Bradford D. Townsend presented this item stating when the Find it All Roswell temporary sign program was initiated it was to have a clause in which it would expire automatically on December 31 of the year and since that date, it has been extended for two years. This proposed text amendment extends it to December 31, 2014. Staff recommends approval of the proposed text amendment on first reading.*

*City Attorney David Davidson conducted the first reading of AN ORDINANCE TO AMEND THE CITY OF ROSWELL SIGN ORDINANCE REGARDING "FIND IT ALL IN ROSWELL" CAMPAIGN AND THE USE OF TEMPORARY SIGNS WITHIN THE CITY OF ROSWELL, stating: Pursuant to their authority, the Mayor and Council of the City of Roswell, adopt the following ordinance:*

1.

*Article 22, of the City of Roswell Zoning Ordinance, Signs, Section 22.12 Temporary Signs, is amended by changing the year from 2012 to 2014 in the following subsection 22.12 (a) (3):*

*Section 22.12 Temporary Signs*

*(3) For the period from September 15, 2009 through December 31, 2014, a business may receive an economic development permit for use of a temporary sign for an additional forty (40) days of advertising per year, cumulative to the 40 days granted in subsection (a) above and subject to the same requirements and limitations set out in (a) above. This subsection (3) shall be automatically repealed on December 31, 2014.*

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

*Council Comment:*

*Councilmember Dippolito asked if this is a section of the unified development code for which they will be looking at making potentially long term decisions, therefore not having to come back to this on an ongoing basis.*

*Mr. Townsend replied staff hopes so and there will probably be numerous long term decisions to be considered as they go through the unified development code. He said the sign code was one of the things emphasized by everyone who reviewed the unified development code.*



*There was no further Council comment. Public comment was invited. No comments were made.*

**A motion was made by Council Member Diamond, seconded by Council Member Orlans, that the First Reading of this Ordinance be approved and be placed on the Mayor and City Council agenda for 12/10/2012. This is amended by changing the year from 2012 to 2014 to allow for a two year time frame. The motion carried by the following vote:**

**In Favor: 4**

Enactment No: ORD 2011-12-16

**7.**

**Approval of an appeal to the Article 7.1, Standard Construction Specifications, Section 2.1.6B of the City of Roswell Code of Ordinances.**

*Presented by Alice Wakefield, Director of Community Development*

*Director of Community Development Alice Wakefield presented this item stating this is a request from Brendan Walsh of Lehigh Homes for an appeal allowing existing sidewalks to remain in his development that do not currently meet construction standards and a request to waiver installation of additional sidewalks shown on the site plan. She said Lehigh Homes took over this subdivision from another developer and they wish to maintain what is currently there. She said it was agreed at the Committee Meeting to move this forward with the following conditions: leave the existing sidewalks; permit a reduction in the sidewalk from five feet to four feet and have ADA compliant sidewalks; waive the requirement for the two-foot beauty landscape strip; and have the developer work with the City Engineer to install sidewalks in accordance to the City regulations. She said staff recommends approval of this request based on those conditions.*

*Applicant:*

*Brendan Walsh, stated his address as 515 Canton Walk. He displayed an overhead slide showing the layout of buildings 4B and 5 and said they are requesting to move the sidewalk to the 4B side and adding a crosswalk to tie it in because there is more space between 4B and the street for more landscaping, trees and plants. He said the landscaping would be a little cramped if they added the sidewalk where it is shown on the existing plan but they would install the same amount of linear footage of sidewalk. He said there would still be connectivity while allowing more landscaping and keeping the neighborhood as green as possible which the residents would be happier with.*

*Mayor Pro-Tem Wynn referenced condition #4 (have the developer work with the City Engineer to install sidewalks in accordance to the City regulations) and asked Ms. Wakefield if that is part of what Mr. Walsh had just described in being able to move the sidewalk and if Council approves this, is it to this site plan.*

*Ms. Wakefield replied if this is approved based on the condition, it will be to this site plan. She said for clarity, if Council approves this request to allow the flexibility to move the sidewalk to the other side of the road, that change should be made a part of this approval. She said staff accepts that change.*

*Council Comment:*

*Councilmember Diamond asked the applicant the name of the street or drive where they are requesting to move the sidewalk. Mr. Walsh replied that this is an old site map and had changed hands a couple of times. He indicated on the plan where*

*Canton Walk ties in with the beginning of what is shown in orange on the plan and then where the side drive or alley ties into what is now Camp Avenue, not Jessica Walk, he said he believed is technically Green Oak Drive; that is the other circle with the existing townhouses shown on the plan. He said he was not 100% sure.*

*Councilmember Diamond said when talking about moving the sidewalk from the east side to the west side... Mr. Townsend suggested using the building numbers for reference. Mayor Pro-Tem Wynn asked if they could use the building number and letter for the motion. Mr. Townsend replied, yes it would be 4B and 5.*

*Councilmember Orlans asked Ms. Wakefield for future reference, if they should get a revised site plan to have the sidewalk on the plan even though in the motion they are saying it can move across the street. Ms. Wakefield replied not as long as that is made a condition.*

*Councilmember Diamond expressed appreciation to the Walsh family's investment in this area and said this is the type of redevelopment they are hoping for in areas that have been abandoned.*

*There was no further Council comment. Public comment was invited. No public comments were made.*

**A motion was made by Council Member Diamond, seconded by Council Member Igleheart, that this appeal be approved with the following conditions:  
The**

- 1. Leave the existing sidewalks**
- 2. Permit a reduction in the sidewalk from five feet to four feet and have ADA compliant sidewalks**
- 3. Waive the requirement for the two-foot beauty landscape strip**
- 4. Have the developer work with the City Engineer to install sidewalks in accordance to the City regulations.**
- 5. Flexibility for the applicant to install the sidewalk on the west side rather than the east side of the street between Buildings 4B and 5.**

**The motion carried by the following vote:**

**In Favor: 4**

### **Public Safety - Councilmember Becky Wynn**

#### **8. Approval to donate a surplus fire engine and equipment to Island Park, NY Fire Department.**

*Presented by Ricky Spencer, Fire Chief*

*Councilmember Orlans introduced this item on behalf of Councilmember Wynn.*

*Fire Chief Ricky Spencer presented this item noting that a few weeks ago hurricane Sandy had come ashore in the northeast leaving a lot of devastation and destruction to homes, businesses, roads, bridges and fire stations and since that time, Island Park, New York has had no public safety services. He said many years ago the Terry Farrell Firefighters Fund was established by a group of New York firefighters with chapters all over the country and it has been instrumental in helping fire departments in need and a couple of weeks ago the City of Roswell had received an email from them requesting donations. He said after discussions with other staff members and Council, they are requesting to donate a surplus 1991 fire engine to Island Park, New York to assist their volunteer fire department. He said this fire engine had been in the City of Roswell Fire Department for twenty-one years and had served the City well*

*but it had been retired in April and replaced with a new truck. He said Island Park is a very small town that sits directly on the coast and had taken the brunt of the force of the hurricane that destroyed their fire station, fire truck as well as all of their tools, equipment and supplies and although the volunteer firefighters are still there, they have no way to provide service and this would be a great thing for the City of Roswell to do to help them get back to business. Chief Spencer said there would be no cost to the City for transporting the truck and if the truck was sold, it could bring in some money but there is no guarantee how much that would be. He said he believes strongly that if you give something to someone you will get it back ten times and one day the City of Roswell may need help. He asked Council's support for donating this surplus fire truck to the Island Park, New York Fire Department.*

*Council Comment:*

*Councilmember Orlans expressed appreciation to Chief Spencer for bringing this to Council's attention and said he believes this is a great use for the truck. He said even though it is a 1991 model, he knows the staff has kept it in great shape and it will serve Island Park, NY well.*

*Chief Spencer said if the truck lasts only a month or a year or five years, when it pulls into their location, the volunteer firefighters will be ecstatic.*

*Mayor Pro-Tem Wynn noted that a surplus PPV Gas Fan is also being donated.*

*Chief Spencer replied that is correct, this donation would also include a gas positive pressure fan for removing smoke from a building.*

*Councilmember Igleheart expressed his appreciation to Chief Spencer for bringing this forward and said he was sure that the City and all the residents are proud to be able to help.*

*Chief Spencer replied that they feel very good about this and they appreciate the support from Mayor and Council.*

*Councilmember Dippolito expressed his gratitude as well and said this is a wonderful opportunity and an honor for the City to be able to help people who are in need at this time.*

*There were no further comments from Council. Public comment was invited. No public comments were made.*

*Mayor Pro-Tem Wynn said she is proud to be the liaison to Public Safety. She thanked Chief Spencer for bringing this to their attention and said she is proud that the City is able to do at least a small part to help other people who are suffering so much at this time.*

**A motion was made by Council Member Orlans, seconded by Council Member Diamond, that this be approved to donate a surplus 1991 Sutphen fire engine and a surplus PPV Gas Fan to the Island Park, NY FD that lost its only engine and all equipment to the hurricane. The motion carried by the following vote:**

**In Favor: 4**

**Transportation Department - Councilmember Betty Price**

9. **Approval of a Resolution to sign a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the SR 140/HBR at Warsaw Road Intersection and approval of Budget Amendment BA22142200-11-14-12 in the amount of \$500,000 to establish the grant budget.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item on behalf of Councilmember Price and stated that this is one of the projects that GDOT is funding in the Holcomb Bridge and SR400 corridor as a result of the Holcomb Bridge corridor study they had done that was approved a month ago.*

*Director of Transportation Steve Acenbrak presented this item stating that the Project Framework Agreement with GDOT is number six of a list of twenty-two projects that came out of the Holcomb Bridge corridor study. He displayed an aerial graphic showing the project and said it will essentially lengthen the turn bay approximately 350 feet on Holcomb Bridge westbound to allow for left turns onto Warsaw. He said this project is sponsored by GDOT and adds to the value of the City's study efforts in expanding City dollars. He said they have set aside \$500,000 to fund this project and it is fully funded by GDOT.*

*There was no Council comment. Public comment was invited. No public comments were made.*

**A motion was made by Council Member Dippolito, seconded by Council Member Igleheart, that this Resolution to sign a PFA with GDOT and approval of a budget amendment be approved. GDOT has programmed 100% funding to implement the short-term project #6 identified in the HBR Corridor Study. This project includes extending the westbound left-turn lane approximately 350 feet and reconstructing the median noses to improve the turning radius.**

**The motion carried by the following vote:**

**In Favor: 4**

**Enactment No: R2012-11-57**

**10. Approval for the Mayor and/or City Administrator to sign a contract with Pond & Company for the design of the SR140/Holcomb Bridge Road at Warsaw Road Intersection Improvement Project in the amount of \$73,705.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item on behalf of Councilmember Price.*

*Director of Transportation Steve Acenbrak presented this item and said as with previous projects, there are two options. GDOT can fund and design in-house with their consultants or they can fund the project and turn it over to the qualified local government. He said Roswell is a qualified local government with three design firms on the pre-qualified list. He said by allowing us to do this, gives us control to turn this around very quickly. He said Pond & Company is one of the City's pre-qualified firms to whom a proposal was requested and the amount of \$73,705 will provide full construction documents as well as all the permits to design the project. The balance of the funds will be used for the construction.*

*Council Comment:*

*Councilmember Dippolito said it is wonderful that the City will have control of the design and asked if they will also be able to oversee the construction. Mr. Acenbrak replied yes and they will let it to bid.*

*Councilmember Dippolito said for clarification that GDOT is funding this but the City is managing the project. Mr. Acenbrak replied that is correct.*

*There was no further Council comment. Public comment was invited. No public comments were made.*

**A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this contract for the engineering and environmental services for the Warsaw Road Intersection Improvement project be approved. The motion carried by the following vote:**

**In Favor: 4**

**11. Approval for the Mayor and/or City Administrator to sign a contract with Tri-Scapes for the Arts Center West Driveway Improvements at Leita Thompson Park in the amount of \$89,910.50.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item on behalf of Councilmember Price.*

*Director of Transportation Steve Acenbrak presented this item and said they have designed in-house the deceleration lane off of the westbound road into the dog park and into the Arts Center and included an exit area to realign the exit for more safety and ease of exiting the property. He said five bids were received for this project but the bids were a little higher than the \$80,000 that was allocated. He said the lowest bid was \$89,910.50 and the Transportation Department staff along with the help of the City Administrator and the Finance Department was able to find the balance of the money needed so this project is now fully funded.*

*There were no questions or comments from Council. Public comment was invited.*

*No public comments were made.*

**A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this contract be approved. The project consists of constructing a deceleration lane on SR 92 for the entrance driveway into Arts Center West at Leita Thompson Park as well as reconfiguring the exit driveway inside the park. The motion carried by the following vote:**

**In Favor: 4**

**12.**

**Approval for the Mayor and/or City Administrator to sign a contract with Pavement Technology, Inc. for the Asphalt Rejuvenation Contract in the amount of \$100,330.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item on behalf of Councilmember Price.*

*Steve Acenbrak presented this item stating this is an experimental process of applying sealing and waterproofing applications to the road surface that preserves a lot of the organic compounds that are in the asphalt extending the time that the asphalt remains in good condition; this is basically a life extending process. He displayed a picture on the overhead indicating test sites that were made last year including one on Riverside Road that was taken after a rain indicating an area that is dryer where the water is not being absorbed by the asphalt. He said paving money will be used to apply this to recently paved roads and by using this money, it will be used as a multiplier on the annual paving budget in that the overall condition of the roads will go up over time and deterioration will be less. He said they have gotten good results from the completed test sections and they will continue to test and they are looking forward to good results from this product.*

*Council Comment:*

*Councilmember Dippolito asked if this is a sealant coat or a different type of product. Mr. Acenbrak replied it could be called a seal coat but it is more of a rejuvenator. He said it is a scientific way of keeping the asphaltenes and maltenes from breaking down and retaining elasticity so the pavement is less brittle and will last longer.*

*Councilmember Dippolito asked if the coating is clear. Mr. Acenbrak replied it is clear liquid that is sprayed on the ground and then sand is applied over the top. There is a period of approximately 30 minutes that the road lane must be closed in order for the product to settle in and then the sand is swept away and the product binds to the asphalt at that point. He said it is essentially invisible to the eye on a dry day; it was only because of the rain that the line could be seen on the test area.*

*Councilmember Diamond commented that it is a very interesting product and asked if like a sealer, would there be issues with it being slick. Mr. Acenbrak replied that it is a little slick when first applied which is why the sand is put on top to provide a bit of an abrasive surface but once the sand is swept away, it does not cause any ponding. He said it is not like a sealer in that regard because a sealer would provide less of an abrasive surface whereby tires could lose contact and there would be a skidding problem. He said there is no skidding issue with this application and essentially the same characteristics of the asphalt are retained with the cars; there will be no deterioration in driver safety.*

*There was no further Council comment. Public comment was invited. No public comments were made.*

**A motion was made by Council Member Dippolito, seconded by Council**

Member Orlans, that this contract be approved. This project will preserve resurfaced streets by applying sealing and waterproofing applications onto the road surface. The recommended streets are: Coleman Road, from Magnolia Street to Hwy 120; Crabapple Road, from Hwy 92 to Etris Road; Jones Road, from Bowen Road to County line; Bowen Road, from Jones Road to Hwy 92; and Warsaw Road, from Roundabout to Old Roswell Road. The motion carried by the following vote:

In Favor: 4

13.

**Approval of a Resolution to submit a Local Maintenance & Improvement Grant (LMIG) Project List for FY2013 to the Georgia Department of Transportation (GDOT).**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item on behalf of Councilmember Price.*

*Steve Acenbrak presented this item and stated this was recently done for the 2012 submission and it is being done again because the application dates have changed. He said they used LMIG which is the grant they get back from the state for heavily travelled collector roads, basically those with a double yellow line. He said they rate the ones that are in the worst shape and submit those and that they like to over submit to make sure based on the formula that no money is left on the table. He said that the roads listed on this item are the ones that were submitted. He displayed a graphic showing how they are distributed across the City. He said that LMIG is not a very old program but the last couple of years they received approximately \$450,000 and they hope to complete three of the four depending on how much is gotten back.*

*Mayor Pro-Tem Wynn asked Mr. Acenbrak to read the list of roads for the record.*

*Mr. Acenbrak noted as follows:*

- 1. Nesbit Ferry Road from Holcomb Bridge Road to the City Limit*
- 2. Hardscrabble Road from SR92 to King Road*
- 3. Hardscrabble Road from Etris Road to Crabapple Road*
- 4. Hembree Road from Crabapple Road to Elkins Road*
- 5. Norcross Road from SR9/120 to Grimes Bridge Road*

*He said Hardscrabble Road was divided because there is a separate design project for the intermediate section of Hardscrabble Road at Chaffin Road and they do not want to pave that area and then dig it up later for the construction of the roundabout.*

*There were no comments from Council. Public comment was invited. No public comments were made.*

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Resolution to submit a LMIG Project List Item be approved. The following eligible road resurfacing projects are being submitted: 1) Nesbit Ferry Road from Holcomb Bridge Road to the City Limit; 2) Hardscrabble Road from SR92 to King Road; 3) Hardscrabble Road from Etris Road to Crabapple Road; 4) Hembree Road from Crabapple Road to Elkins Road; and 5) Norcross Road from SR9/120 to Grimes Bridge Road. The motion carried by the following**

In Favor: 4

Enactment No: R2012-11-58

**14. Approval of an amendment to Section 22.6.1, Speed Limits Appendix of the City of Roswell Code of Ordinances. (First Reading)**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Dippolito introduced this item on behalf of Councilmember Price.*

*Director of Transportation Steve Acenbrak presented this item stating this is a requirement that is codified into the City code. The speed limits on the roads are divided into two categories, on-system and off-system. On-system roads such as 92, 120 and 9 are designated as state routes and off-system roads are local roads. Staff verifies with the state, the effective speed limits based on geometries and then submit that and the state in turn approves which gives the City legal authority to enforce the speed limits through the public safety department and the court system.*

*There were no comments from Council. Public comment was invited. No public comments were made.*

*City Attorney David Davidson conducted the first reading of AN ORDINANCE OF THE ROSWELL CITY COUNCIL SETTING SPEED LIMITS ON CERTAIN STREETS stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:*

*1.  
Chapter 22, "Traffic and Motor Vehicles" of the Code of Ordinances of the City of Roswell, Georgia is amended by deleting therefrom Article 22.6, "Speed Limits Appendix" and substituting in lieu thereof a new Article 22.6 to read as set forth in the Appendix attached hereto and incorporated herein by reference.*

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

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that the First Reading of this Ordinance be approved and be placed on the Mayor and City Council agenda for 11/26/2012. A State permit is required so that City speed limits can be enforced. The Ordinance includes the list of roads on the permit. The motion carried by the following vote:**

**In Favor: 4**

Enactment No: ORD 2012-11-16

**City Attorney's Report**

**15. Approval of the T-Mobile South LLC Water Tower Lease Amendments. (This item was deferred from the October 29, 2012 Special Called Mayor and City Council meeting)**

*City Attorney David Davidson introduced this item stating these amendments are for reconfiguring and modernizing the equipment for two existing leases with T-Mobile for a tank on Hightower Road and another on Community Circle.*

*T-Mobile Representative:*

*Richard Waddell stated his address as 402 Grove Road, Greenville, South Carolina. He said he appreciates the opportunity to come back in front of Council and stated*



*that they have been working with the City's staff to amend the lease on these two water tanks to go to 4G LTE technology. He said they are basically swapping antennas, not increasing the lease area or the number of antennas on the property and they wish to clarify the exhibits to reflect this new equipment.*

*Council Comment:*

*Councilmember Orlans said he has done some research on this and there are some things with the new equipment being bigger and with heavier antennas that needs to be looked as well as the amount the City is currently receiving in rental, where it is very low in one of the areas.*

*Motion: Councilmember Orlans asked for a deferral of this item to the next Council meeting and also to direct the City Attorney to review the lease agreement with T-Mobile and the current rent amount.*

*Mayor Pro-Tem Wynn asked Councilmember Orlans if he is making a motion. Councilmember Orlans replied it is a motion.*

*Councilmember Diamond stated that she thought this item had already been deferred.*

*Councilmember Orlans replied that deferral was to obtain information to determine if it is worth pursuing. He said he had discussed with the City Administrator and City Attorney about going back to T-Mobile between now and the next meeting to review the costs and rental agreements for possible adjustments.*

*Mayor Pro-Tem Wynn said there is a motion to defer this item to the next Council meeting on November 26, 2012. She called for a second to the motion.*

*Second to Motion: Councilmember Dippolito seconded.*

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

*Mayor Pro-Tem Wynn then noted that there is a motion and a second to defer this item until the November 26, 2012 Council meeting to give the City Administrator and City Attorney time for discussion with T-Mobile.*

*Councilmember Orlans asked Mr. Davidson if that would be enough time. Mr. Davidson replied yes.*

**A motion was made by Council Member Orlans, seconded by Council Member Dippolito, that these Lease Amendments be deferred and be placed on the Mayor and City Council agenda for 11/26/2012. Council Member Orlans directed the City Attorney to review the lease agreements with T-Mobile and the current rent amount that the city is charging. The motion carried by the following vote:**

**In Favor: 4**

**16.**

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

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

**In Favor: 4**

## **Adjournment**

**With no further business, the Mayor and Council adjourned at 8:10 pm for a Work Session for a CDBG Presentation by WFN Consulting, Inc.**