



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council Special Called

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

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Monday, October 29, 2012

Immediately following Mayor and Council Open Forum in  
Council Chambers

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### WELCOME

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

**Absent:** 2 - Mayor Jere Wood, and Council Member Kent Igleheart

### **Pledge of Allegiance - The Church of Jesus Christ of Latter-day Saints - Bishop Rick JW Riggers**

*Bishop Rick JW Riggers, of The Church of Jesus Christ of Latter-day Saints; Alex Marshall; Lincoln Tady; and Dylan Schwartz.*

### **Presentation of Colors - Centennial High School Army JROTC**

*Centennial High School Army JROTC Color Guard. Mayor Pro-Tem Wynn recognized the Centennial High School JROTC Army Color Guard members who presented the colors. Carrying the United States Flag was Color Guard Cadet Commander Christian Balli; carrying the Georgia State Flag was Cadet Staff Sergeant Aspen Miller. Color Guards: Cadet Staff Sergeant Angel Montez; and Cadet Second Lieutenant Jeremy McClure.*

*Mayor Pro-Tem Wynn expressed her sincere appreciation to the JROTC members and their commander.*

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; Assistant City Attorney Bob Hulsey; Police Chief Dwayne Orrick; Deputy Fire Chief Tony Papoutsis; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Human Resources Director Dan Roach; Finance Director Keith Lee; Financial Analyst Lynn Williams; Financial Services Manager Rahel Turner; Accounting Manager Wendy Johnson; Administrative Assistant Venus Logan; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Development Director Alice Wakefield; Community Relations Manager Julie Brechbill; Mayor's Executive Assistant Robyn Kenner; Executive Assistant Chris Ward; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Tim Thompson; City Clerk*

Marlee Press.

## REGULAR AGENDA

### Mayor's Report

#### 1. **Reading of a Proclamation for Veterans Day.**

*Mayor Pro-Tem Wynn conducted the reading of the proclamation stating: WHEREAS, In 1921 the Unknown Soldier was buried on a Virginia hillside in Arlington National Cemetery overlooking the Potomac River in the city of Washington, DC. The site of this burial in Arlington National Cemetery symbolizes the dignity and reverence of America's veterans; and WHEREAS, These memorial gestures took place in England and France on November 11th, giving universal recognition to the celebrated ending of World War I at 11 a.m., on November 11, 1918; and WHEREAS, On May 13, 1938, Congress declared that the 11th day of November each year will be a legal holiday – a day to be dedicated to the cause of world peace and a day of celebration to honor America's Veterans for their patriotism, the love of our country, and willingness to serve and sacrifice for the common good; and WHEREAS, Veterans Day is a day to thank our veterans for their service to our country and acknowledge their contributions to our national security. We would like to honor those who have served and sacrificed for our country today, November 11th, and every day; and WHEREAS, The City of Roswell is proud to acknowledge our veterans who are employed by the city. Mayor Pro-Tem Wynn on behalf of Mayor and Council proclaimed November 11, 2012, as Veterans Day in the City of Roswell, and urged all citizens to recognize the sacrifices and dedication of our veterans today and throughout the year.*

*Mayor Pro-Tem Wynn acknowledged again the Centennial High School JROTC Army Color Guard who presented the colors and expressed her sincere appreciation to the JROTC members and their commander.*

*Mayor Pro-Tem Wynn asked all veterans in the audience to stand for recognition. Mayor Pro-Tem Wynn noted that her nephew is currently serving in Afghanistan.*

*Mayor Pro-Tem Wynn called Director of Environmental and Public Works Department Stu Moring to the podium for a reading of the poem "It Is the Soldier." Mr. Moring noted that he was joined by Army veteran Colonel Steve Acenbrak, Roswell Director of Transportation. Mr. Moring is a Navy veteran.*

#### 2. **Reading of a Proclamation for Family Month.**

*Mayor Pro-Tem Wynn conducted the reading of the proclamation stating: WHEREAS: The City of Roswell recognizes the family as the fundamental unit of society and an essential part of cultural, social and spiritual fabric that comprises our communities; and WHEREAS: Throughout Roswell's history, families have been the foundation of our society and a source of stability and love for every generation; and WHEREAS: Strong families teach children to live moral lives and help us pass down the values that define a caring society. Families provide children with the encouragement, support and love they need to become confident, compassionate and successful members of society; and WHEREAS: Upholding the timeless values that have sustained our social order throughout history will result in the enhancement of the health and security of Roswell's families; and WHEREAS: Spending more family time together facilitates the development of positive and open relationships*

*between parents and children. These relationships help parents encourage their children to make positive choices. Mayor Pro-Tem Wynn on behalf of Mayor and Council proclaimed November 2012, as FAMILY MONTH in Roswell and urged all citizens to spend quality time with family members to strengthen relationships between parents and their children.*

*Bishop Riggers, of The Church of Jesus Christ of Latter-day Saints, expressed appreciation for the proclamation presented by Mayor and Council and noted that the City has annually recognized Family Month for several years. Bishop Riggers noted that his church strongly believes in family and many from his congregation were in attendance. Some families may be a traditional family with both a mother and father with children at home; some parents may be single, never married; some families may be grandparents or others in other situations. Bishop Riggers stated it is recognized that each family has a value and is important in helping our community to be what it is. Bishop Riggers noted that his church is located at the roundabout at Grimes Bridge Road. He explained that the church is comprised of three congregations that comprise the Roswell area. His church is unanimous in their support of families. His congregation encourages everyone, whatever their family circumstances, to be a good example and show love and concern for others. Some successful families have certain qualities in common. These families usually eat together one meal a day and communicate with one another; spend time together such as an evening at church together; discuss and plan family business together; work together, showing unity and love. Bishop Riggers stated, "How we act in our homes is going to be a big influence on how we act with our neighbors, with our business associates, with our interactions with other people. Let's be true to ourselves; true to good moral principles, and exhibit that kind of love and concern in our families as well as in the community." He noted that he and his wife have raised three children in Roswell, through the schools and the Roswell Recreation and Parks Program. Bishop Riggers thanked Mayor and Council for the contributions they all have made to make Roswell a great place to live. He expressed appreciation to all City public servants, the Roswell Police Department, and the Roswell Fire Department.*

**3. Reading of a Proclamation for the Administration and Finance Appreciation Week.**

*Mayor Pro-Tem Wynn invited City Administrator Kay Love, Assistant City Administrator Michael Fischer, and Finance Director Keith Lee to the podium.*

*Mayor Pro-Tem Wynn conducted the reading of the proclamation stating: WHEREAS, The week of October 29, 2012 through November 2, 2012 will be recognized as Administration and Finance Appreciation Week; and WHEREAS, The Mission Statement for the Administration Department states: To provide innovative leadership in administrative, managerial, executive, and judicial functions. The Administration Department currently operates with 58 employees; and WHEREAS, The Mission Statement for the Finance Department states: Provide excellent and accurate service to our customers, financial stewardship for the City's resources, and professional financial services to City Departments. The Finance Department currently operates with 23 employees. Mayor Pro-Tem Wynn, on behalf of Mayor and Council proclaimed the week of October 29, 2012 through November 2, 2012 as "Administration and Finance Appreciation Week" in the City of Roswell. She called upon all citizens to recognize the talents and dedication of our employees in these two departments who strive for excellence and to provide the best customer service for our citizens.*

*City Administrator Kay Love stated Administration and Finance Appreciation Week*

*kicked off today with a luncheon for the employees of those departments. She noted this is week to let the employees know how important they are to the City. Mayor Pro-Tem Wynn asked that the employees of the Administration and Finance Department in attendance stand to be recognized. Mr. Fischer noted that several of these staff members were also working the meeting. Mr. Lee on behalf of the Administration and Finance Departments, expressed appreciation to Mayor and Council for acknowledging the work staff members do every day.*

**4. Approval of a Recreation Commission appointment - Angelia Parham.**

**A motion was made by Council Member Orlans, seconded by Council Member Diamond, that this appointment to the Recreation Commission be Approved. The motion carried by the following vote:**

**In Favor: 4**

*\*At this point in the meeting, Mayor Pro-Tem Wynn suspended the Special Called meeting in order to start the Open Forum meeting. She clarified that the Special Called meeting would be completed at the conclusion of the Open Forum meeting.*

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

**5. Approval of an Ordinance to amend the City of Roswell Georgia Municipal Employee Benefit Services (GMEBS) Retirement Plan. (Second Reading)**

***Presented by Dan Roach, Human Resources Director***

*Councilmember Dippolito introduced this item. Director of Human Resources Dan Roach explained that this item is a request to modify the City's current Defined Benefit Pension Plan which was frozen to entrants effective March 1, 2011. Mr. Roach stated the amendment for the City's purposes is strictly to allow the inclusion of severance pay and final earnings that are reported to the Pension Plan Administrator so that incumbents who leave with severance pay have that factored into their pension benefit. Mr. Roach stated that this requires an ordinance.*

*Assistant City Attorney Bob Hulsey conducted the reading of An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Roswell, Georgia in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Master plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City and GMEBS, the foregoing shall constitute a contract between the City and GMEBS, all as authorized and provided by O.C.G.A. §47-5-1 et seq. The remainder of the ordinance is incorporated here and by reference.*

*Motion: Councilmember Dippolito moved for Approval of an Ordinance to amend the City of Roswell Georgia Municipal Employee Benefit Services (GMEBS) Retirement Plan. (Second Reading) Councilmember Diamond seconded. Public comments invited. No comments were made.*

*Council comments:*

Councilmember Price asked if any employees who have left service in Roswell prior to 2012 are included in this. Mr. Roach replied, "We do have some individuals who have separated this year who we have provided pension benefit estimates to that included severance pay. This action is required in order to allow us to do that. Anybody who is an active member in that plan that was frozen a new entrance March 1, would be covered by this change going forward, including those who separated from employment this year." Councilmember Price stated perhaps she did not understand. She said it seems that it is specifically made for anyone after July 1 of this year. Is there no one prior to that time that it affects?" Mr. Roach replied, "The change would be made retroactive to July 1; that is correct."

City Administrator Kay Love stated nothing is changing in the way the City is calculating the final pay or the estimate for retirement benefit. She said, "GMEMBS came to us and said that our plan document did not reflect our practice. Therefore, the ones that we had submitted that July 1 date, with the same calculation as we had been doing previously under the Defined Benefit Plan, and because our plan document did not reflect that, they could not process it as submitted. This change is necessary. Additionally, there are some administrative type changes that the GMEBS Board made that they are asking us to adopt in, as well. It is a myriad of things. That is what triggered that date. The timeframe was not from the City but from our plan administrator."

Councilmember Price stated, "I know it says there is no financial impact. Is that the case? It looks like it affects the financial average earnings. How could that not affect the financial impact to the City?" Mr. Roach replied, "It would not be City funds. It would be plan funds. Going forward, because that plan is frozen to new entrants. Through attrition that plan will be dying out anyway. It will affect those individuals' monthly pension benefit. I guess it would be drawing at a higher rate from the plan funds than it would otherwise but that is deemed to be a manageable expense." Councilmember Price asked if the City would have any financial liability to fund that plan to its guarantee previously. Mr. Roach replied, "It is already funded to an amount that would cover the incumbents that are covered in the plan. There would not be a net change to incorporate these people who are affected by severance agreements. It is a very small number of folks that typically leave us with severance pay and that is deemed to be a manageable number of people and a dollar amount within the plan assets. Councilmember Price asked if it would affect their financial average earnings. Mr. Roach confirmed that it would affect their final average earnings. He said, "The monthly benefit for most would be increased in an amount that corresponds to what their severance pay was. Estimates I have heard are about forty to sixty dollars a month." Councilmember Price asked if this is part of the severance agreement that Council is approving. Mr. Roach replied, "No, again to Ms. Love's point, we have been doing this in practice in the past without question from GMA and GMEMBS. Only recently they brought it to our attention and said we were doing something that was not covered in our plan document. Their position being that it is pay that occurs after the person's separation date from our employ. From a practical standpoint, an employee's last paycheck and their vacation (PTO) payout comes after their separation date, as well." Councilmember Price said, "In all the research I have done, those are separate entities. A severance pay and those other end of employment pays are dealt with separately. One is already included in their final average pay but a severance pay is not to boost the final salary such that the pension ends up being higher. That is in effect what happens, is that not?" Councilmember Price replied, "Why cities are going bankrupt." No further discussion.

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that this Ordinance to amend the GMEBS Retirement Plan be Approved on Second Reading. Councilmembers Dippolito, Diamond and**

Orlans voted in favor of the motion. Council Member Price opposed the motion. The motion carried by the following vote:

In Favor: 3

Opposed: 1

**Community Development - Councilmember Nancy Diamond**

**6. Approval of a Resolution Establishing Fees for Zoning, Building and Other Departments. *(This item was deferred from the October 22, 2012 Mayor and City Council meeting)***  
***Presented by Alice Wakefield, Director of Community Development***

Councilmember Diamond introduced this item. Director of Community Development Alice Wakefield stated this item is to approve the fee schedule for zoning and permitting, engineering type permits. Ms. Wakefield stated this item came before Mayor and Council at the October 22, 2012 meeting. At that meeting, several issues were brought up and a deferral was requested. Ms. Wakefield stated the issues were related to the timed permit and the cost. This centered on the requirement for a plan review check for a single family home. She noted that as was mentioned at that meeting and included in her follow-up response to Council that is a standard practice by many of the surrounding cities in this metro region. It is a practice of the City's current contractor that conducts the building permit services. Ms. Wakefield stated staff reviewed that requirement. While the intent has not been at this time to increase fees, requiring the residential plan check would indeed increase the fee for a residential plan. Staff now proposes to allow for an option that if a contractor for a single family home submits a plan with a sealed plan, then there would be no fee for the plan and the City would process the permit. She stated if a contractor submits an unsealed plan, then the City will do a plan review and will charge twenty-five (25) percent of the permit fee. This would still keep the permit costs in line with the City's current charges and keeps the permit definitely lower than all surrounding cities. Ms. Wakefield stated that Roswell is probably one of the lowest cities for permit fees in the North Fulton area.

Ms. Wakefield said the other issue last week was centered on the timed permit. As mentioned last week, the timed permit for a single family residential home is from five to seven business days; staff tries to make it as quick as possible. Ms. Wakefield explained that if a grading permit is needed, a land disturbance permit, that process runs concurrently. She noted that to make sure that she was not "speaking out of turn," she had the City engineer go back and pull all the single family grading permits for the last year to determine the average time for permitting. Ms. Wakefield stated it was determined that the average time for the grading permit is 6.5 days, which runs in line with the time to do the construction permit. She said the goal is to reduce that time for both the grading permit and the building permit down to three to five business days. She noted that as the department moves forward with the ERP process, the department will move forward with developing checklists. Ms. Wakefield said staff is encouraging folks to join in focus meetings to meet staff members not just from Community Development but also other City departments who review the plans. This is an effort to reduce the time for a permit.

Ms. Wakefield stated that last week there was also an issue regarding the effective date. Councilmember Orlans suggested a sixty-day notification for various

contractors. The requested date was December 10, which would coincide with the "live" date for the ERP system. She noted this would be a decision to be made by the City Administrator and Tyler representative.

No Council comments.

Public comments invited. No public comments were made.

Motion: Councilmember Diamond moved for Approval of a Resolution Establishing Fees for Zoning, Building and Other Departments. (This item was deferred from the October 22, 2012 Mayor and City Council meeting.) Councilmember Dippolito seconded.

Council comments:

Councilmember Orlans stated, "Councilmember Diamond, I just want to clarify that your motion includes the fact that there will be those two options: not submitting the stamped plan and getting a review and the cost, or submitting it and not having a review and cost. I want to make sure that is included in your motion."

Councilmember Diamond replied, "Yes, this was the revised information that is in our packet with the revised proposal, is the motion."

Councilmember Orlans said, "The effective date being my suggestion was at least sixty days to give those contractors that have quotes outstanding, time to get them started in permitting, or the ones that are going to be putting quotes out to know what they need to do as far as the fees. Because even those fees are going up a little bit in total there, they do have that additional expense potential of four to five thousand dollars for a site plan which can cut into what they were quoting on."

Councilmember Diamond asked if it is going live on December 10, 2012.

Ms. Wakefield stated it is scheduled to go live December 10th. Councilmember Diamond asked if those people who have already applied and are in the system will stay with the existing fees. Ms. Wakefield confirmed they would stay with the existing fees.

Mayor Pro-Tem Wynn asked if Councilmember Orlans was referring to those who have existing plans, existing in the "works."

Councilmember Orlans stated, "I am saying somebody could have a quote outstanding to somebody to do a home and they decide next week to accept it and they come in and find out all of a sudden we have higher fees. It takes time for those quotes that they have put out there to be cleared out. That is why my suggestion was sixty days. I am not sure if we have to do this to meet the staff's initiatives or we need to do this to meet our citizens' initiatives."

Mayor Pro-Tem Wynn asked the City Administrator to respond.

City Administrator Kay Love stated, "I think we have built the timeline of training, conversion of data, and populating the necessary fields in the system for us to be able to go live, and the whole permitting is not just the building permits. We are changing the whole processes. We have been working towards the December 10th deadline. Obviously, if it is a decision of this Council, it means we push that back to a later date and come up with some interim method. If it is a day or two that is one thing. A compromise perhaps would be if you were to approve this tonight that would give us a thirty day window to notify persons who had pulled building permits in

*the last year. I am sure that SafeBuilt, knowing that we have had contractor meetings and generally know who is developing in town, would be able to get that information out. Perhaps those quotes could be altered much like a change order when they begin building a house, and the person that they are building the house for makes a change and decides they want something different. It would negatively impact our ability to go live and training; we would have to come back in and re-group related to making that change if sixty days is the requirement."*

*Councilmember Diamond stated she was not comfortable moving it entirely. She said, "If there are specific issues that come up in the thirty days to the end of the year and someone can demonstrate that there is a hardship then we can certainly address that."*

*Ms. Wakefield said it will take some time for folks to understand the changes. A developers' luncheon was held in August to advise them of the proposed changes. She explained that if someone walks in proposing to build a single family home and they do not have the sealed site plan, staff will still process the application but also provide the developer notification for future requirements. Ms. Wakefield clarified that should Council approve this, staff will not turn someone away if they do not have a site plan or the fee for the site plan review; the developer would still have their application processed. She said, "It is more or less a transition so that we can get the word out and not cause any undue hardship."*

*Councilmember Diamond asked if that transition could be made by the end of the year. Ms. Wakefield replied yes. Councilmember Orlans asked for definition. Councilmember Diamond replied, "That essentially gives you from now until the end of December to come in if you've got a hardship based on a previous estimate that has been done. We are starting our computer system but we are allowing for those that have come in the interim. I would assume we will adjust the entries into the ERP system."*

*Councilmember Orlans said, "Is this going to be an automatic appeal that has to go to Alice, or back to Kay? How will this be handled? I don't know what situations could happen but I am trying to get an understanding how we will solve it if it does happen and who is responsible for it."*

*Ms. Wakefield stated, "The system is set up such that it allows us to re-set when we put the fee in. If we have someone who comes in that is in that situation, that is the first time they have come in and were not aware of the change, when it comes to calculating the fee we will zero it out instead of putting in the fee. If there is an issue regarding that, they can either come to the chief building official or come to me and we will resolve the problem."*

*Councilmember Diamond asked if staff will know that through the end of the year to expect some interim change. Ms. Wakefield replied yes. She explained that additional notices and flyers will be sent out; the application will be revised to include that information; staff will work the Roswell Business Alliance (RBA) to get the word out the various businesses.*

*Councilmember Orlans asked if the effective date would be December 10th, plus the "variance period until the end of the year." Councilmember Diamond replied yes.*

*Mayor Pro-Tem Wynn clarified that the City does have a process of appeal. She said it ultimately will come to Ms. Wakefield if there is no type of resolution with the chief building inspector. Ms. Wakefield confirmed that is correct.*



*No further Council comments.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Resolution establishing fees be Approved. The two (2) options for permitting fees was also included as part of the motion. The motion carried by the following vote:**

**In Favor: 4**

Enactment No: R2012-10-53

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

#### **7. Approval of the T-Mobile South LLC Water Tower Lease Amendments.**

*Assistant City Attorney Bob Hulsey stated this is an amendment to the existing leases with T-Mobile at the water tank at 9870 Hightower Road and 808 Community Circle, and to reconfigure and modernize the equipment. Mr. Hulsey stated he was informed by Director of Environmental/Public Works Stu Moring, that Public Works staff had reviewed this and had no objections; there appears to be no problems. Mr. Hulsey asked that Council approve the amendment proposed.*

*Applicant:*

*Richard Waddell, 402 Grove Road, Greenville, SC, contractor working for T-Mobile regarding acquisition, stated he has been working with City Administrator Kay Love to provide the documents for review. Mr. Waddell offered to answer any questions regarding the plans for the water tanks.*

*Council questions:*

*Councilmember Dippolito asked Mr. Waddell to explain the proposal. Mr. Waddell stated T-Mobile proposes to conduct a site optimization or modernization project. This involves adding in antennas and electronic equipment that will allow T-Mobile to broadcast at 4G LTE. To be able to operate at those specifications, it is necessary to add in base station equipment. T-Mobile will also be running a hybrid cable line that includes a power feed-in and the coaxial cable signal to the antennas, and installing new antennas that have the capabilities broadcasting out to LTE.*

*Councilmember Dippolito asked how many additional antennas will be installed. Mr. Waddell replied there will be no additional antennas. He explained that currently there are nine antennas on each site; six will be removed and replaced by new antennas. T-Mobile will be adding a couple of small amplifiers and diplexer boxes at the top of the tower which will help process the signal. Those boxes are very small which attach to the back of the mount where the antennas are installed. Mr. Waddell noted that he had provided a structural analysis for the equipment as proposed on the water tanks to demonstrate that there is no structural impact to the structures.*

*Councilmember Dippolito asked if there is a difference in the size of the antenna. Mr. Waddell replied there is a small negligible difference in the antennas. The replacement antenna is a matter of two more inches in width; the same in height; somewhat less in depth; the general surface area, calculated as square footage, is essentially the same.*

*Councilmember Dippolito inquired about the base equipment and how much additional space would be required. Mr. Waddell stated T-Mobile would not be doing*

*any additional ground space. They will be removing one of the two UNTS cabinets currently on the site. With the removal of that one UNTS cabinet, a new LTE cabinet will be installed in its place. In addition, a COBP cabinet will be installed; the size is approximately 8" x 8" and is basically a translator box for these multiple technologies which require a homogenous signal.*

*Councilmember Dippolito asked if this would provide 4G service for T-Mobile customers. Mr. Waddell replied yes. Councilmember Dippolito asked if it will help non T-Mobile customers. Mr. Waddell stated that unless they are roaming on T-Mobile it really will not help them. Other carriers should be feeding their signals off of their own sites; however, if it is in a signal deficient area and a carrier has a roaming agreement with T-Mobile and T-Mobile's signal is stronger, there is a good possibility that their phones will pull over and pick up the T-Mobile signal. Mr. Waddell said he is not an RF engineer to explain anything more in depth.*

*Councilmember Dippolito asked how many customers this tower services. Mr. Waddell replied he did not know what the demographics are for each site but essentially the same footprint that is currently being serviced there will be serviced for the LTE, as well. He confirmed for Councilmember Dippolito that he did not know the number of customers covered by this site.*

*Councilmember Orlans directing his question to Assistant City Attorney Bob Hulsey asked if the City has used this opportunity to review the fees being charged and to perhaps update those fees. Mr. Hulsey replied that his understanding from City Attorney David Davidson is that the current lease is market rate. Councilmember Orlans asked if the lease was looked at in terms of Council consideration regarding a fee change since usually these contracts are long term. Mr. Hulsey replied this lease was just done in 2008 or 2009; it was \$2,500 per month with a four (4) percent increase each year. Mr. Hulsey stated that is pretty much in line with what everybody else receives. Councilmember Orlans said he thought Council would have discussed this at Committee. Mr. Hulsey replied that could be done. Councilmember Orlans asked City Administrator Kay Love if this was considered as a Committee item. Ms. Love replied, "There was when T-Mobile provided it and we had to go to our tank service provider and get them to look at the plans and the drawings. There was a request from T-Mobile for us to move this forward. We, staff, brought it forward knowing that it certainly could be moved back to Committee or deferred, should you want to do that. Mr. Davidson and I did have a discussion about the fees and whether they were at market rate but we know fully well when we bring something and it has not gone to Committee or even if it has, then this Council reserves the right to send us back to re-look at that. It is certainly something we can do should the Council so desire." Councilmember Orlans suggested that it be sent back to Committee.*

*Councilmember Price stated these are amendments. She asked for the original term and expiration of the lease. Mr. Hulsey replied his recollection is that the original lease was in 2000 for a five year term with three one-year renewals. He explained that is how the City got to the date of 2009, and an amendment was made at that time. Councilmember Price asked if this is an extension of the original. Mr. Hulsey replied it is amendment to just change out the equipment. Councilmember Price asked if it had anything to do with the base lease. Mr. Hulsey confirmed that it has nothing to do with the term. Councilmember Price asked when the terms are coming up again. Mr. Hulsey replied, "They normally are for a five year period, so it would probably be 2013, 2014." Councilmember Price stated that is basically not at this time. Mr. Hulsey replied that is correct.*

*No further questions.*

*Motion: Councilmember Orlans moved for deferral to be placed on a Committee agenda for fee discussion.*

*Mayor Pro-Tem Wynn inquired with City Administrator Kay Love if this item could be placed on the November 13, 2012 Committee agenda and brought forward to the Council meeting on November 14, 2012 if Council approved. Ms. Love stated yes; it would be placed on both the Committee and Council agendas because of those deadlines but should it not be moved out of Committee then it would not be placed on the Mayor and Council agenda for November 14.*

*Mayor Pro-Tem Wynn clarified the motion was for deferral until November 13, 2012. If moved from Committee, it would be placed on the Mayor and Council agenda for November 14, 2012. Councilmember Dippolito seconded. No further discussion. Public comment invited. No public comments were made.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that these Lease Amendments be Deferred to discuss fee changes and be placed on the Administration and Finance & Recreation and Parks Committee agenda for 11/13/2012. If approved on 11/13/12, these Lease Amendments will be placed on the 11/14/12 Mayor and Council agenda. The motion carried by the following vote:**

**In Favor: 4**

**8.**

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

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

**In Favor: 4**

**The first part of the Special Called Mayor and Council meeting ended at 7:20 p.m. and was followed by the Open Forum meeting. The second part of the Special Called Mayor and Council meeting ended at 8:18 p.m.**