



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

Monday, August 27, 2012

7:00 PM

City Hall

WELCOME

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; Assistant City Attorney Robert Hulsey; Police Chief Dwayne Orrick; Fire Chief Ricky Spencer; Deputy Fire Chief Ricky Burnette; Community Development Director Alice Wakefield; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Transportation Deputy Director David Low; Economic Development Manager Bill Keir; Community Development City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Historic and Cultural Affairs Manager Morgan Timmis; Transportation Land Development Manager Clyde Stricklin; Transportation Construction and Street Maintenance Manager Neo Chua; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.

Present: 7 - Mayor Jere Wood, Council Member Nancy Diamond, Council Member Rich Dippolito, Council Member Kent Igleheart, Council Member Jerry Orlans, Council Member Betty Price, and Council Member Becky Wynn

Pledge of Allegiance

CONSENT AGENDA

1. **Approval of July 30, 2012 Open Forum Meeting minutes (detailed minutes to replace Council Brief adopted on August 13, 2012); Approval of July 30, 2012 Special Called Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on August 13, 2012); Approval of August 6, 2012 Special Called Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on August 13, 2012); Approval of August 13, 2012 Mayor and Council Meeting Brief.**

Administration

Approved

2. Approval for the Mayor and/or City Administrator to sign a Master Lease Agreement with Dell Financial Services to replace the City's desktop computer systems.

Finance

Approval for the Mayor and/or City Administrator to sign a Master Lease Agreement with Dell Financial Services to replace the City's desktop computer systems.

Finance

Councilmember Dippolito introduced this item. Director of Finance Keith Lee stated this is a proposed lease from Dell Financial Services. The term of the lease is four years. The annual payment is \$93,652. This particular lease is known as a fair market value or rotational lease. This lease will reduce the City's true cost of ownership for computers, protects the City against technology obsolescence, and improves the repair and maintenance efficiencies of the IT Division, as well as supports compatibility with the ERP system. The savings per unit is \$168.98. For the replacement cycle, the net present value savings are \$62,000.

Mayor Wood stated these are the equivalent desktop units for the monitor and the computer, of about \$168.00. Mr. Lee stated that was correct.

Councilmember Dippolito stated the City staff had done a good job looking at other ways to save the City money. This will save not just monetarily but will save in staff time by having all computers on the same operating systems which minimizes the number of conflicts and reduces the amount of help that each individual desktop is required. It will also enable the City to push out significant amounts of data and updates to each of the computers rather than doing it individually.

*****This item was pulled off the Consent Agenda.*****

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

In Favor: 6

3. Approval of a Resolution to authorize Fulton County to conduct a Special Election for the City of Roswell on November 6, 2012.

Administration

Approved

Enactment No: R2012-08-38

4. Approval of a notice of cancellation for the current contract with Utility Service Company, Inc. for Water Tank Maintenance.

Public Works/Environmental

Approved

5. Approval of a Resolution to accept the FY12 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of

**\$13,511 and approval of Budget Amendment
22132101-08-20-2012 for \$20,000.**

Public Safety

Approved

Enactment No: R2012-08-39

Approval of the Consent Agenda

(This item was called out of Agenda order.)

A motion was made by Council Member Orlans, seconded by Council Member Wynn, to Approve the Consent Agenda. Council member Dippolito requested that Consent Agenda Item #2 for the Master Lease Agreement with Dell Financial Services, be pulled from Consent for discussion. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

**1. Recognition of Deputy Fire Chief Ricky Burnett for his
appointment to the Region III EMS Council.**

Mayor Wood introduced this item and invited State Senator John Albers to come forward. Senator Albers thanked Mayor and Council for the invitation and opportunity to announce the appointment of Roswell Deputy Fire Chief Ricky Burnette to the Region III EMS Council. Senator Albers explained that earlier in the year, an association of all fire chiefs met and asked him to help regarding representation from our fire departments. Unanimously, the fire chiefs chose Roswell Deputy Fire Chief Ricky Burnette as being the leader, the EMS expert, and the person which all six cities selected for their representation on this EMS council. Senator Albers noted that it took many years to establish the ability and the representation on the Region III EMS council; he expressed appreciation to Commission Rob Pitts and others. Senator Albers congratulated Deputy Fire Chief Ricky Burnette on this appointment.

Councilmember Wynn thanked State Senator John Albers for "seeing the best of the best in our own Deputy Fire Chief Burnette, we have seen it for a long time." She noted that Mayor and Council were pleased that he had earned this recognition and knew he would serve North Fulton and this board well.

Recognized

Administration and Finance Department - Councilmember Rich Dippolito**2. Approval of the Employees Acting on Roswell's Needs (EARN) Program Policy.**

Presented by Kay Love, City Administrator

Councilmember Dippolito introduced this item. City Administrator Kay Love came forward to explain this program. Roswell Police Captain Coombs was also in attendance. Ms. Love said the EARN program, Employees Acting on Roswell's Needs, is an incentive program to encourage employees to identify costs savings for the City and ultimately increase efficiency in delivery of services. Ms. Love stated this program came about from the COMPASS group, a leadership group that she meets monthly and is made up of the best and brightest leaders in each City department. She said those are employees who have been identified as leaders who have a positive influence, are innovative in the workplace, and bring a significant ability to look at things in a different way; the status quo is not an option for anybody in this group. One of the first initiatives that came about is the EARN program, brought to the group by Captain Coombs. Ms. Love asked her to explain the program. Captain Coombs stated EARN is an incentive program that encourages employees to think outside of the box and to come up with ways to save the City money; this could be through efficiency gains and saving the City time and manpower hours as well. The encouragement is that it is an incentive program in which the employee will receive a percentage of the savings for a one-time award for the savings, whether it is a repetitive savings or not. The employee will submit an idea and if the board determines that it is a good cost saving measure, the idea will be implemented for six months to prove that it is in fact saving the City money; during that time the employee can be given the award. If it is going to be a cost savings measure that will be repeated over several years they will get a ten percent award based on whatever the cost savings would be. If it proves to only be a one-time cost savings the employee will receive a five percent award. If it is a manpower or efficiency gain, the employee would be given an award either through PTO or possibly gift cards. Mayor Wood asked if there is a cap. Captain Coombs replied that there is no cap. Ms. Love replied, "There is no cap. One of the things important to remember is the EARN program submissions have to be above and beyond someone's regular duties. There is an expectation that we always look for those efficiencies. This would be something innovative. It could be in another department; in another area of responsibility. An example might be taking a manual costly process and through technology or through changing that process winding up not only saving time but money. The cap would be the percentage." Mayor Wood asked if there is no cap, what the potential could be from this Council. Ms. Love replied that it would be ten percent of those savings. Mayor Wood asked what that could be potentially. Ms. Love replied, if someone saved a million dollars, then 10 percent of one million dollars. She clarified that payments would require Council approval once a recommendation is made; there was cap based on the Forsyth program, but the cap was taken off. Ms. Love stated Mayor Wood had brought that up at the Committee meeting. Mayor Wood said, "Five is one thing but if it is \$100,000 that is a major commitment from this Council. I think we need to think about the cap. I want to have a generous cap but on the other hand because it is not a Council decision, I hate to commit Council to do something that is \$100,000 or potentially more." The Mayor said he supported the concept but as stewards of the taxpayers' money he could not commit to \$100,000. Ms. Love stated it is understood that there are limitations. She said when the original draft policy was brought forward with a cap so their expectation was that there would be a cap. Ms. Love said it is understood and they will put in whatever number Council deems appropriate. Mayor Wood said he

would leave that to the Council's discretion. The Mayor clarified that with no cap, it could be a major commitment and that he was not certain that no cap is appropriate given that this is the taxpayers' money.

Council Comments:

Councilmember Wynn suggested "10 percent or \$20,000, whichever is less."

Mayor Wood asked Ms. Love if her limit is \$25,000. Ms. Love stated that was correct. Mayor Wood said Councilmember Wynn's suggestion was in essence going within that \$25,000 which sounds reasonable. Ms. Love agreed that it is reasonable.

Motion: Councilmember Dippolito moved for Approval of the Employees Acting on Roswell's Needs (EARN) Program Policy with adding a cap under Item B (4), of \$20,000.

Mayor Wood clarified that whether it is five percent or ten percent, the max is \$20,000. Councilmember Dippolito said that was correct; the ten percent and five percent is addressed in Item B (3). Mayor Wood agreed and further stated, "The cap, whether it is five or ten or whichever program, is twenty." Councilmember Wynn seconded.

Further Discussion:

Councilmember Price asked what the parameters are of what would be included in this; would it be ongoing operations or is it in future programming. Ms. Love replied it could be any or all. She said she would imagine that most of them would come through an innovation in the way we deliver a service through a process or through some kind of technology that is not something that we are embarking upon now. There are many things through the budget process or initiatives that departments have going. For example, alternative fuel is a project that is currently on the books, from compressed natural gas to propane. If somebody comes up with suggestion, that would not be eligible for submission. She said, "Now, maybe we go with one of the others and two years down the road they come up with some innovative way to have a significant impact on those savings; that might be something that would be eligible. It definitely would be on a case by case basis. Just because someone submits something and they think it is innovative or cost saving, that has to be certified, it has to be verified and the board will take a look at that." She said the board is very particular and will not approve something unless it is truly innovative and has the potential for cost savings. Mayor Wood asked who sits on the board. Ms. Love stated the department heads provided suggestions for up to two persons for each department, a main representative and an alternate in training; the board is comprised of eight people with every department represented. Mayor Wood said those eight people would require a majority decision to say that after review for six months, there is a cost savings of "x" and the board will award it. Ms. Love clarified that the board will be involved in the verification of the cost savings; Keith Lee will be the gate keeper of that as related to what measurements and methodologies are used to certify savings. The board will determine if it is truly innovative or qualified or, if it is part of normal course of events. Ms. Love stated the submission would have to give the estimation of what they expect those savings to be, what it is based upon, and then that would be verified.

Councilmember Price asked if this has been instituted elsewhere and if there have been any problems with litigation. Ms. Love stated that to her knowledge it has not. Captain Coombs stated Forsyth is the only who has instituted this policy; they have not had any of those issues.

Assistant City Attorney Bob Hulsey confirmed for Mayor Wood that he did not anticipate any problems with this program. Mayor Wood clarified that this program is

purely discretionary and if in their discretion that they do not award it, then there is no appeal. Mr. Hulsey replied that is also his understanding.

Councilmember Price noted that the Exclusions list was modified. Ms. Love stated that was done to simplify it. She said, "Instead of picking out particular positions, sometimes as we have had in the last couple of budget processes, we have reorganized, we have eliminated some positions, we have added other positions, so the list of positions that you see that are excluded, part of those positions and normal job duties are to look for innovations and cost savings. Anybody else in that list may look across in another department but it must not be part of their normal responsibilities, something that they would have general knowledge about, that it is something they should be doing anyway." It is possible for someone in Finance to come up with an idea for Recreation and Parks that could possibly be a cost savings. Ms. Love stated all elected officials, the City Administrator, the Deputy City Administrator, Department Heads and Deputy Department Heads and/or Chiefs are excluded. No further discussion.

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

In Favor: 6

Community Development - Councilmember Nancy Diamond

3. Approval of an Amendment to Chapter 5, Article 5.3 Building and Technical Codes and Section 5.4.39 Required Inspections, of the City of Roswell Code of Ordinances. (Second Reading)

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield stated this is approval for this second reading of this text amendment to the Code of Ordinances. She said this text amendment is merely a housekeeping matter asking that Mayor and Council approve the adoption by reference of the State Minimum International Codes and an amendment of Chapter 5 dealing with inspection to coincide with those State Codes. Ms. Wakefield noted an amendment was approved one month ago in which the official name of the Chief Building Inspector was changed to Chief Building Official. She said the request is where that conflict exists that would be changed.

Assistant City Attorney Bob Hulsey conducted the second reading of an ORDINANCE OF THE CITY OF ROSWELL, GEORGIA TO AMEND SECTIONS 5.3.1, 5.3.2, 5.3.3, 5.3.5, 5.3.6, 5.3.9, 5.3.11, 5.3.12, and 5.4.39 OF CHAPTER 5 - BUILDING AND CONSTRUCTION stating: WHEREAS, the City of Roswell is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the City of Roswell; and

WHEREAS, the Mayor and Council are periodically update the Code of Ordinances of the City of Roswell; and

WHEREAS, Mayor and Council wish to update the minimum standard codes for building and construction; and

WHEREAS, Mayor and Council have considered the effects on the public health, safety and welfare and determined that it would be in the best interest of the public to amend the Code of Ordinances regarding building and construction:

NOW, THEREFORE, BE IT ORDAINED, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following Ordinance:

1.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.1 Building and Construction –Adoption by Reference in its entirety and substituting a new Section 5.3.1 to read as follows:

Section 5.3.1 - Building and Technical Codes—Adoption by Reference.

(a) The following technical and building codes, including the latest edition of each as adopted and amended the latest editions of the following Georgia State Minimum Standard Codes, adopted by reference and shall be enforced in the City of Roswell:

- (1) International Building Code
- (2) National Electrical Code
- (3) International Fuel Gas Code
- (4) International Mechanical Code
- (5) International Plumbing Code
- (6) International Residential Code.
- (7) International Energy Conservation Code
- (8) International Fire Code
- (9) International Residential Code, Appendix G.
- (10) International Existing Buildings Code
- (11) Standard Unsafe Building Abatement Code
- (12) International Property Maintenance Code

(b) The codes listed in subsection (a) of this section shall mean such codes as they exist, provided that any such code may hereafter be amended as provided in O.C.G.A. § 8-2-20(9).

(c) Any matters in any standard code adopted by this section which are contrary to or inconsistent with any existing ordinance of the City of Roswell shall prevail over such ordinance and such ordinance shall stand repealed to the extent of the inconsistency or conflict.

(d) Unless otherwise specified, when the standard codes refer to the duties of certain officials named therein, the official of the City of Roswell who has duties corresponding to those of the named individual in such standard code shall be deemed to be the responsible official insofar as enforcing the provisions of such standard code.

2.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.2 Applicability its entirety and substituting a new Section 5.3.2 to read as follows: Section 5.3.2 - Applicability.

(a) General. Where, in any specific case, different sections of these codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Building. The provisions of the International Building Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building, or structure or any appurtenances connected or attached to such buildings or structures, except in one- and two-family dwellings.

(c) Electrical. The provisions of the National Electrical Code, as amended, shall

apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(d) *Gas.* The provisions of the International Fuel Gas Code, as amended, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one- and two-family dwellings.

(e) *Mechanical.* The provisions of the International Mechanical Code, as amended, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems, except in one- and two-family dwellings.

(f) *Plumbing.* The provisions of the International Plumbing Code, as amended, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

(g) *Fire prevention.* The provisions of the International Fire Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

(h) *Energy.* The provisions of the International Energy Conservation Code, as amended, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating, and illumination systems and equipment that will enable the effective use of energy in new building construction.

(i) *One- and two-family dwelling.* The provisions of the International Residential Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one- or two-family dwelling or any appurtenances connected or attached to such buildings or structures.

(j) *The Unsafe Building Abatement Code.* The provisions of this code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

3.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.3 Standard Building Code – Appendices in its entirety and substituting a new Section 5.3.3 to read as follows:

Section 5.3.3 - Standard Building Code—Appendix.

The City of Roswell hereby adopts Appendix G of the International Residential Code. Such standards and schedules shall be enforced in their entirety unless expressly modified in this chapter.

4.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.5 Existing Buildings in its entirety and substituting a new Section 5.3.5 to read as follows:

Section 5.3.5 - Existing Buildings.

(a) *Alterations, repairs or rehabilitation work may be made to any existing, structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes. Any such alteration, repair or rehabilitation work must conform to the requirements of the technical codes for new construction. The chief building official shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.*

(b) *If the occupancy classification of any existing building or structure is changed,*

the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the technical codes as required by the chief building official.

5.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.6 Same- Historic Structures in its entirety and substituting a new Section 5.3.6 to read as follows:

Section 5.3.6 - Historic Structures.

In addition to those provisions contained within the International Building Code, the following restrictions shall govern moving, demolition, or alteration of historic structures and shall be considered an amendment to the International Building Code: No structure of any type may be moved into a historic district until the provisions of Section 765 H.R. Historic Roswell District of Appendix A—Zoning of the Code of Ordinances of the City of Roswell, approved March 18, 1974, as amended, have been complied with. Further, no structure within an historic Roswell district may be erected, demolished, removed wholly and/or in part nor the exterior architectural character of such structure be altered until referenced Section 765 has been complied with. All structures and/or buildings that are moved into the City of Roswell must be inspected and approved by the chief building official or his representative before the structure and/or building is moved into the city.

6.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.9 Codes – Administration and Enforcement in its entirety and substituting a new Section 5.3.9 to read as follows:

Section 5.3.9 - Codes—Administration and Enforcement.

The building code shall be administered and enforced by the chief building official of the City of Roswell and his assistants. The chief building official shall have general charge and supervision of all building construction in the city and the inspector, through himself and his designated representatives, shall require all contractors and builders to conform to such code.

7.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.11 Requirements not Covered by Code in its entirety and substituting a new Section 5.3.11 to read as follows:

Section 5.3.11 - Requirements not Covered by Code.

Any requirements necessary for the strength, stability or proper operation of an existing, or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other technical codes, shall be determined by the chief building official.

8.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.3.12 Alternative Materials and Methods in its entirety and substituting a new Section 5.3.12 to read as follows:

Section 5.3.12 - Alternate Materials and Methods.

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the chief building official. The chief building official shall approve any such alternate, provided the chief building official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The chief building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

9.

Chapter 5, Building and Construction is amended by deleting Chapter 5, Section 5.4.39 Permits and Inspection in its entirety and substituting a new Section 5.4.39 to read as follows:

Section 5.4.39 - Required Inspections.

The chief building inspector upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:

(a) Building:

(1) Footing/Foundation/Foundation Wall Inspection: To be made after trenches are excavated, the reinforcement in place, and the forms erected, prior to the placing of concrete.

(2) Slab/Monolithic Slab Inspection: To be made prior to the placing of concrete.

(3) Frame Inspection: To be made after the roof, all framing, fire blocking and bracing, are in place, all concealed wiring, all pipes, chimneys, ducts and vents are complete.

(4) Moisture Barrier Inspection: To be made prior to the installation of the exterior finish material.

(5) Final Inspection: To be made after the building is completed and ready for occupancy.

(b) Electrical:

(1) Temporary Pole: To be made after the temporary power pole has been placed, properly grounded and ready to be energized.

(2) Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

(3) Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing is in place and prior to the installation of wall or ceiling membranes.

(4) Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

(c) Plumbing:

(1) Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

(2) Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

(3) Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

(4) Required Tests: Tests performed as required by code.

(d) Mechanical:

(1) Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

(2) Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

(3) Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

(e) Gas:

(1) Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

(2) Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

(3) Final Inspection: To be made on all new gas work authorized by the permit and

such portions of existing systems as may be affected by new work or any changes, to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

(f)Energy:

(1)Foundation Inspection: To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

(2)Frame Inspection: To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner as to restrict air passage.

(3)Final Inspection: To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. A completed Energy Code Compliance Certificate shall be installed in or near the electrical panel as required by code.

Councilmember Dippolito noted that the state used to use the Standard Building Code. Ms. Wakefield replied the state calls their code the Georgia State Minimum Standard Building Codes. She said the state refers to those codes; they are adopted in their regulations as the International Building Codes with Georgia State Amendments. She noted that those are the codes published by the International Code Council. Mayor Wood said the City would be adopting it with the International with the Georgia Amendments. Ms. Wakefield replied yes. The Mayor asked which entity with the State of Georgia adopts these codes; who is it that decides that this is the Code for the state of Georgia. Ms. Wakefield replied, "DCA; the Department of Community Affairs."

Councilmember Dippolito asked when the state of Georgia made that change. Ms. Wakefield stated it was either in 2006 or 2007. He asked if it is a more stringent code. Ms. Wakefield replied, "No sir. The code that previously was in place and the code that is referenced in the City's ordinance is the Southern Building Code, Congress International. That is a code that no longer exists."

Councilmember Price said she tried to find the genesis of this. She explained that the International Code Council (ICC) in conjunction with the National Association of Home Builders collaborated to make the initial recommendation. They currently have a public comment period on this that ends September 24, 2012. She said it seems that the City may be premature in adopting this prior to that public comment code since the industry deserves the opportunity to weigh in. The International Code Council (ICC) is comprised of American city officials, no international members. The standards incorporate the National Green Building Standards which is a voluntary entity. If adopted then it is mandatory. Councilmember Price said, "If we adopt it what was set up to be voluntary would then be mandatory and there are a lot of things in that that I am not sure we really want to make mandatory." She said that under Section 5.3.3 it states the City would adopt Appendix G, which she did find on the internet; it specifically addresses swimming pools and gives a lot of opportunities and options for different ways to enclose your pool, etc. One of the options is, "and the local standard." She said if the City adopts this without a local standard, then the other standards would be the ones we would be accepting. She said she did not know if we have local standards that we would want to adopt at the same time as this or this would leave the City open because people will have difficulty in constructing a swimming pool because they cannot adhere to these standards. Councilmember Price noted that she had previously mentioned to Ms. Wakefield that a gentleman had mentioned to her that he had been denied the opportunity to build a swimming pool in Roswell because he did not adhere to what he was told was "the coming

standards.” She said she noticed on the first page of the proposed text amendment, that it says it is “to reflect the current Georgia state minimum codes and for the inspections to reflect the current inspections that are being performed or will be performed.” She asked if that means that the City’s current inspections are outside the scope of the current ordinance.

Ms. Wakefield replied, “The codes that are currently in the Code of Ordinances, no longer exist. The City is mandated to follow the International Building Code as approved by the State of Georgia. This is not anything that is new or different from any other municipality in the state. It is the mandated state code. If the City decided that it did not want to adopt them, every building built in the City has to follow this code because it is a state code.” She said the City’s code could be made more restrictive but it could not be made less restrictive than what the state requires. There is nothing overly cumbersome about this code, it is a code that is not just the state code but is used in very many cities so there are standard construction safety standards that developers and builders can follow. It is about property and structure safety and making sure that the City is not liable in the event that the structure is improperly constructed. Ms. Wakefield stated she was not aware of anyone being told that they could not build a swimming pool. She noted that there are situations at times when a swimming pool is not approved for instance because a setback may not be met, there may be something inappropriate about the location of the pump versus the pool, an issue related to location of the deck. Ms. Wakefield stated she was not in a position to address that issue because she was not aware of it until now.

Mayor Wood asked if this International Building Code is the building code in effect in Alpharetta, Milton, Johns Creek, Sandy Springs, and Atlanta. Ms. Wakefield replied, “Yes, sir.”

Mayor Wood said Councilmember Price had raised a question having to do with the Green Building code and asked if the City is now making it mandatory when it is voluntary in other jurisdictions. Ms. Wakefield replied that is a voluntary code, not a mandatory code. Mayor Wood asked if this amendment is adopted, would the record reflect that the Green Building code is voluntary and not mandatory. Ms. Wakefield replied, yes, and the ordinance is structured so that the mandatory codes are under Section 5.3.1 (a)(1-12) and Section 5.3.1 (b)(1), the National Green Building Standards are there for someone to follow if they want to build a green building. Ms. Wakefield confirmed it is not mandatory.

Councilmember Orlans said they would have to follow these standards if they want to build a green building; he asked where does the “optional” comes into play. Ms. Wakefield replied that they do not have to follow them it only gives standards to go by, but they must follow Section 5.3.1 (a)(1-12).

Mayor Wood clarified that these would be recommended standards and not mandatory. Ms. Wakefield replied that is correct.

Councilmember Orlans asked Mr. Hulsey if it is worded that way. Mr. Hulsey replied that the wording in (b) states, “The following code is adopted insofar as it does not conflict with the Georgia State Minimum Standard Codes.”

Mayor Wood said Councilmember Price’s concern is that this is being adopted. The Mayor asked Mr. Hulsey how it could be made clear that this is voluntary, not mandatory. Mr. Hulsey replied he was not intimately familiar with this and needed to look at it and check with DCA and determine how it fits all the other building codes. He said he could not provide an answer at this time.

Mayor Wood asked Mr. Hulsey if they could adopt everything that they have clear answers on and defer the things that are of concern to Councilmember Price. Mr. Hulsey replied if that is the case, they should defer the second reading or start over; he asked if there is a deadline on this. Ms. Wakefield said there wasn't so much a deadline but the regulations do not reflect the current code. She said Council could adopt this, but not adopt the National Green Building Standards.

Mayor Wood said the language is confusing as to whether this is voluntary. H Mr. Hulsey and Councilmember Price were uncomfortable with that and perhaps that could be adopted at a later time. Mr. Hulsey suggested omitting sub-section (b) in its entirety for now and come back to that later. Mayor Wood said that option is available to Council.

Councilmember Price said the National Green Building Standards states it would be mandatory only in as much as it were adopted at the local level. She said therefore, by adoption it would seem to indicate that the City would be requiring it, by its own definition.

Mayor Wood said this is an open question regarding this which Mr. Hulsey has not had a chance to review. Councilmember Price said it would be prudent not to move ahead since the State of Georgia already has requirements that any builder has to adhere to.

Mayor Wood said he believed Ms. Wakefield is bringing this forward as far as the mandatory building code is because the City's current statute refers to something that no longer exists and that creates a problem in itself. He said the City is trying to enforce a code that no longer exists and is now out of step with everything else that probably makes it more difficult for builders who are used to working with other cities. He said he understood the reason to come into compliance with the code rather than having contradictory information in there, but he also agreed with Councilmember Price's argument that Council needs to know whether the Green Building codes are mandatory or voluntary before making this decision. He said some Councilmembers might support mandatory while others might support voluntary but Council should not be asked to make a decision without knowing which one it is. Mayor Wood suggested that Council only adopt the mandatory codes and further review the other as to whether it is voluntary or mandatory.

Councilmember Igleheart asked Ms. Wakefield if she could better explain what is voluntary versus mandatory. Ms. Wakefield replied her understanding is that there are several codes that may or may not be adopted and then there are codes that are mandatory. The National Green Building Standard is not a mandatory code for local jurisdictions to adopt.

Councilmember Igleheart said he assumes if someone wants certification for a certain type of green building then that standard must be followed. He said they don't have to, that is their choice, but if they want the certification, then those standards must be followed. Ms. Wakefield replied, "Yes, sir."

Councilmember Price asked for someone to look carefully at Appendix G with respect to the pools. Ms. Wakefield said she would have the chief building official look at that because he is the most qualified person. Ms. Wakefield asked Councilmember Price to provide the contact information for the person who had the issue with the swimming pool and that she would contact them. Councilmember Price said it was about swimming pool materials that she didn't even see addressed in Appendix G, but that she would provide the contact information to Ms. Wakefield.

*Further Council Discussion:**Councilmember Igleheart asked what the plan would be for follow up.**Councilmember Diamond replied they would come back with a plan at the next meeting.**Councilmember Price urged defeat of this motion because they are still in the public comment period until September 24. She urged the building community to take advantage of this time to input their suggestions and recommendations for these codes to the ICC.*

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Item be Approved on Second Reading with changes. Council members Orleans, Igleheart, Wynn, Dippolito, and Diamond voted in favor. Council member Price was opposed.

The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: ORD 2012-08-13

4.

Approval of a Resolution to Accept CDBG funds in the amount of \$22,077.21 from prior program years from Fulton County and Approval of Budget Amendment 22162000-08-27-12 in the amount of \$22,077.21.

Presented by Alice Wakefield, Community Development Director

Director of Community Development Alice Wakefield said this is a request to approve a resolution to accept funds and transfer of funds from prior years of CDBG funds with the county for 2003 and 2008 in the amount of \$22,077.21, which brings the funding for the Adult Recreation Center Phase I to \$739,163.64. Staff recommends approval of this resolution and to forward this on to Fulton County.

Mayor Wood asked for clarification if this is to approve accepting money and spending it at the Adult Recreation Center. Ms. Wakefield said, "Yes, sir."

Council Comment:

Councilmember Price asked about the extent of Phase I of the project. Ms. Wakefield replied Phase I is the expansion of the recreation area for the adult fitness center. Councilmember Price asked if it included any portion of the swimming pool. Ms. Wakefield replied it does not. Councilmember Price said then these funds would not be used for the swimming pool. Ms. Wakefield confirmed that they would not.

City Administrator Kay Love noted that CDBG funds could not be used for the therapeutic pool because they do not meet the requirement so this funding could not be used for that.

A motion was made by Council Member Diamond, seconded by Council Member Orleans, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2012-08-40

Environmental / Public Works Department - Councilmember Kent Igleheart**5. Approval of updated changes to the Roswell Water Distribution Specifications, Section 4.0, of the Roswell Standard Construction Specifications.**

Presented by Stuart Moring, Director of Public Works/Environmental

Environmental/Public Works Deputy Director Mark Wolff said these are proposed updates to the Roswell Water Distribution Specifications found within Section 4.0 of the Roswell Standard Construction Specifications. The proposed updates are mainly housekeeping items that relate to new federal standards for lead content in parts such as valves and fittings; the document was also reorganized for easier reference. He said this would be read as a resolution.

Mayor Wood asked what specifically is changing. Mr. Wolff replied there are new federal regulations for the amount of lead that can be in valves and fittings, and the percentage has been redefined. Mayor Wood clarified that this is for the City to adopt the federal standards.

Council Comment:

Councilmember Price said she noticed that the number of manufacturers that will be allowed to be used in the Roswell water system is being reduced. She said she didn't like to see anything that was possibly perceived as anti-competitive. She asked if they adhere to all of these standards it seems they should be used in a competitive process.

Mr. Wolff replied this is mainly a cost savings measure so the City can better specify and limit the types of materials that are allowed within the system; the City does not have to keep all sorts of models and manufacturer types on hand in case of emergency repairs. It is to better standardize that list and within the specifications. He said the City already specifies certain manufacturers or a City approved equal and it is open to all manufacturers but would like to standardize that list within the specifications.

Councilmember Price said she did not understand because if we were being so specific on details of certain fittings, etc. She said if the manufacturers wanted the business they would make their items to fit. She asked why the City is selecting them and why can't this be done through a bid process. Mr. Wolff replied that it is done through a bid process. Councilmember Price said then we are limiting the number of people who can apply. Mr. Wolff said we are limiting the types of manufacturers and the model numbers but any contractor can bid on any projects. He said it is the types of materials that they are able to put in their bid documents that allow us to have a more standardized and more efficient water system.

Mayor Wood said the City would not be buying knock off unknown products but would be buying recognized products so they can get parts for them.

Councilmember Price said a number of the products list several companies under "Acceptable Manufacturers" and then it also says "City of Roswell Approved Equal" and she asked where that fits in if we have already defined the companies that we could use.

Mr. Wolff replied, for example if a contractor comes forward with a product that is not

on the approved list that meets all of our technical specifications, it would give us the opportunity to approve that specific manufacturer or model that is not called out there and leaves that flexibility if it meets the City specifications for this.

Councilmember Price asked why we would be naming any at all because she does not like to see government picking winners and losers. By excluding certain companies, it looks like we are saying we could use them but preferring not to and she asked if that is correct.

Mr. Wolff said he would explain that list of manufacturers as the preferred manufacturers to better standardize the system, but it is not at the exclusion of any other manufacturer, model, or contractor by making these changes and have not in the past.

Public comments were invited. No public comments were made.

A motion was made by Council Member Igleheart, seconded by Council Member Wynn, that this Item be Approved. Council members Orlans, Igleheart, Wynn, Dippolition, and Diamond voted in favor. Council member Price was opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: R2012-08-41

Public Safety - Councilmember Becky Wynn

6.

Approval to renew the High Intensity Drug Trafficking Area (HIDTA) Memorandum of Understanding (MOU) between the DEA and the Roswell Police Department.

Presented by Dwayne Orrick, Chief of Police

Chief of Police Dwayne Orrick said this proposal is to request consideration to continue the City's Memorandum of Understanding to participate in the Atlanta High Intensity Drug Trafficking Area (HIDTA), an initiative throughout metro Atlanta that includes several federal agencies and over 39 local agencies in 11 counties. He explained that the resources from this program are used for interdiction and arrest of high-level drug traffickers in local communities. Currently, two officers assigned to this program. The City pays their salary and HIDTA pays their overtime up to 25 percent of the salary of a federal employee at GS-12, Step 1 which is approximately \$17,000 per officer. They also pay up to \$500 of operational costs for their vehicle and any liability claims covered by the justice department. In return, the City receives access to a significant valuable intelligence network as was seen in two recent investigations that occurred in Roswell. He said the asset forfeiture proceedings are shared equally among all the agencies in each task group.

Councilmember Price said she was happy to see the specification of the removal of liability from Roswell. Chief Orrick replied that Major Watson had done a good job of pulling that together. Councilmember Price said it did not go unnoticed and expressed her appreciation.

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

In Favor: 6

Recreation and Parks Department - Councilmember Jerry Orlans

7. **Approval of revisions to the Cultural Arts Center "Policies and Procedures" and "Rules For Use."** *(This item was deferred from the July 23, 2012 Mayor and City Council meeting)*
Presented by Joe Glover, Recreation, Parks, Historic and Cultural Affairs Director

Historic and Cultural Affairs Manager Morgan Timmis presented this item accompanied with Cultural Arts Board member Debora Enea. Ms. Timmis said that there were a few revisions presented. She noted there was discussion at the last meeting regarding the length of time that they could book out the Cultural Arts Center, which was recommended to be increased from 6 months to a maximum of 24 months. Council's questions and concerns regarding that were taken back to the Cultural Arts Board for their reconsideration. Ms. Timmis said tonight they are bringing back the same recommendation to Mayor and Council that they brought to them initially, without any changes.

Council Comments:

Councilmember Orlans asked for background information and an explanation as to why this is returning the same way. Ms. Timmis said Ms. Enea would address that.

Debora Enea said the Board had a very spirited discussion about this and they talked about an exception and what that would entail because there would probably be discussions about fees changing over that time period. She said there are four reasons why they are presenting the same thing. She said the first reason is that the 24 month window doesn't just double what is currently in place; it is a 400 percent increase in the time that people can book before their event. She said the board thinks that going from the current window of 6 months to 24 months is already quadrupling the window. She said after a year, if it appears that the window could be pushed out even more to perhaps 36 months, they would look at it again. Ms. Enea said the second reason is that it seems the exception would not benefit very many renters at the facility; only three of the regular users have requested that it be more than 24 months and none of the non-regular users. She said when they were asked to elaborate; only one of them got back to them. Putting this exception in place for longer than 24 months would only benefit one of their users. In fact, it would not benefit the people in Roswell at all because that one person said she wasn't going to use it to bring new shows or new events, rather to hire better talent to come for the shows that she currently has; therefore there would be very little positive impact on the people of Roswell. Ms. Enea said the last reason is that if they grant an exception further out than 24 months, they would already have the Georgia Ensemble Theatre (GET) in place on the schedule because the policies as currently written gives GET first right of refusal on all of the dates. If someone wants to schedule something 36 months out, they would first have to book GET for 36 months out and then go back to the other person which would be a logistical nightmare. She said in summary, those are the reasons that were discussed and the Board strongly recommends that the original proposal be put forward to the Mayor and Council, which was to increase from 6 months to 24 months without any exceptions at this point. She said they would look at this again in a year based on how much it is used this year.

Councilmember Orlans asked if they have discussed this with the other organizations

and made them aware of it and if any of them have issues. Ms. Timmis said yes, it was Nancy Tolbert with Tolbert Yomaz Dance Company and said she had discussed this with Ms. Tolbert. She said there is only one weekend that is in possible conflict in the winter of 2013 and that issue had been resolved.

Councilmember Orlans said regarding going to 24 months out, what happens if there are fee increases during that time and would, they keep the old fee or would the new fee take precedence. Ms. Timmis said the original recommendation that is still being put forward allows the fee to be locked in for the 24-month period. Councilmember Orlans thanked Ms. Timmis.

Councilmember Diamond said a comment was made in the last presentation that one of the reasons was so the City presentations would have first right of refusal. She asked if this means that the City presenting programs would have the same 24 month window.

Ms. Enea replied that everyone would have the same 24 month window.

There was no further Council discussion.

Motion: Councilmember Orlans made a motion for Approval of revisions to the Cultural Arts Center "Policies and Procedures" and "Rules For Use." Councilmember Igleheart seconded. Public comments were invited. No public comments were made. The motion passed unanimously.

There was an inaudible comment. Mayor Wood noted there was a question.

The vote was withdrawn.

Councilmember Price asked, in regard to the locked in fees, if there would be a way to have that float to the current amount when the event actually happens. Ms. Enea said they decided to encourage people to book out for 24 months, which gives the groups consistency. She said it is highly unlikely for someone to book something out two years from now if they didn't know what the rate will be and this gives the users certainty. Ms. Timmis said they have not had any requests to book out anywhere near two years other than from the Georgia Ensemble Theatre and their two-year resident company contract in this one user.

Councilmember Price asked who the four Cultural Arts Center's resident companies are. Ms. Timmis replied only Georgia Ensemble Theatre and Atlanta Wind Symphony.

There were no further Council questions.

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

In Favor: 6

Transportation Department - Councilmember Betty Price**8. Approval for the Mayor and/or City Administrator to sign the annual resurfacing contract with Northwest Georgia Paving, Inc. in the amount of \$1,827,610.**

Presented by Steve Acenbrak, Director of Transportation

Transportation Deputy Director David Low presented the item and said seven bids were received ranging from \$1,827,610 to \$3,060,842. Northwest Georgia Paving, Inc. was the lowest responsive responsible bidder in the amount of \$1,827,610. The total quantities in the bid package will provide roughly 14 center line miles of resurfacing for two-lane roads. This scope of work includes items found in the City's paving contracts such as patching, milling, striping, adjusting height of manhole covers, leveling and traffic control. Based on the final field conditions, the contractor will stop at a point where the total contract is met.

Mayor Wood asked for a list of the earmarked roads. Mr. Low displayed a map of the roads. He said there is also a list of approximately 83 roads beginning with the worst road rating to the next worst as far as they can go within the \$1.8 million. Mayor Wood asked how that rating is compiled.

Mr. Low replied that the Transportation department has a yearly road maintenance program based on the pavement network condition and rating and the available budget. The condition rating is arrived at with the use of MicroPaver, a computer program that provides street conditions based on inspection results. He said the program was developed by the U.S. Army Corp of Engineers and is widely supported by the American Public Works Association. He said each street is measured and visually inspected every year. MicroPaver has nineteen different distresses and three severity levels. The results run a scale from 0-100 with 100 being the best and 0 being the worst; it has a pavement condition index.

Mayor Wood asked what is listed as the worst road in Roswell. Mr. Low replied that Saddle Creek Court is number one on the list with a rating of 15 and Roswell Commons Way is number two on the list with a rating of 19.

Council Comment:

Councilmember Orlans said since the contract came in at \$1.8 million and they are the lowest of all the bidders and there is more in the budget, why is the City not doing more streets under this contract. He said it appears to be a competitive contract and there is money to do additional roads. He asked why the City would wait another six months or a year to do those.

Transportation Construction and Street Maintenance Manager Neo Chua replied that they were about two months behind on this current awarded contract; the current contract recommended for vote today is actually based on the FY2012 budget. He said what was approved for 2013 will be the next contract that is coming up; there is about \$1 million that will be left.

Councilmember Orlans said he didn't remember the exact numbers but he didn't think it was \$1,827,610 that was approved in the budget. He said, for example, if it were \$2 million then why isn't the City spending the \$2 million to get more roads done at these prices.

Mr. Chua explained that in FY2011, they exceeded the limits of what was budgeted

and that ate into some of the dollars on the FY2012 budget. He said what was left for the 2012 budget year was roughly \$1.9 million; that is what this was probably bid on.

Councilmember Orlans asked if the reference to the additional monies is in the FY2013 budget. Mr. Chua replied, "Yes, sir." Councilmember Orlans said and you are going to do the separate contract on that; he asked when that will be done. Mr. Chua replied the plan is to have it advertised in the winter so it will be ready for the spring.

Mayor Wood said, "We will spend all the money."

Councilmember Orlans said he understood that but he was trying to see if this could be done quicker and better.

Councilmember Dippolito said there had been Council discussion in committee a couple of months ago about a protective coating that would be put on the streets and asked if that was included with this. Mr. Low said this is separate. Mr. Chua explained that the coating is being advertised separately and is with the Purchasing Department now. Mayor Wood asked if that is a separate bid. Mr. Chua replied, "Yes sir, it is a different specialty." Councilmember Dippolito said they had anticipated including that coating in the amount budgeted. Mr. Chua replied that is correct and they have enough money for it. Councilmember Dippolito said that is good.

Councilmember Dippolito said Cherry Street never makes the list and it needs improvements. Mr. Chua replied that Cherry Street is not really a defined street; it is patches of parking lot overlapping the others but they could use in house forces to do that work. Councilmember Dippolito asked if it is considered a public right-of-way. Mr. Chua replied it is, but at one time the department talked about improving that road but Mr. Acenbrak had not made a final decision. Councilmember Dippolito said it is very rough and probably by far the worst street in the City. Mr. Chua said that is probably right but it is not a well-defined roadway in that area; it is just overlapping parking lots. Mr. Chua assured Councilmember Dippolito that Transportation has been responding to the maintenance calls as they are received. Councilmember Dippolito asked if there are plans to either redo the street or maintain it better at this point. Mr. Chua said he thought there are plans, but if need be, Transportation department forces can be used to do the work because they have a smaller paver that can fit well in that street. Councilmember Dippolito said he would like to see it either make the list or improvements be made; he knew there had been some ideas to make real improvements to the street and significant changes, which he supported. Mr. Chua noted that he would certainly bring Councilmember Dippolito's request to Steve Acenbrak, Director of Transportation. Mr. Chua noted that they had at one time talked about bringing the width, curb and gutter up to standard, including the condition of the asphalt there; in addition, there are drainage issues on Cherry Street.

Mayor Wood said it needed to be a new redesigned road, not just resurfaced. Mr. Chua said it would have to be engineered; he noted that he would hate to see money spent on resurfacing if the drainage issues were not totally resolved. Councilmember Dippolito said then there are other issues that need to be solved first. Mr. Chua agreed; in addition, there is not a well-defined right-of-way on that location. Mayor Wood said then there are bigger issues. Councilmember Dippolito said they should keep working on it.

Councilmember Orlans thought the issue was that it is a private street and private parking lots, not a City street or a City issue; he asked staff if that was correct. Mr.

Chua said when he came onboard with the City, it was already being been maintained by the City's forces for quite a while. Councilmember Orlans said then they had not maintained it very well. Mr. Chua noted that as was said before, it is just patches of parking lot with no real profile; it is "just a bunch of paved areas that have been added on by adjacent properties."

Councilmember Orlans asked if research had been done to determine who is responsible for taking care of it, if it is a private street or private parking lot, or if it belongs to the City. Mr. Chua replied that based on the maintenance record, the City has been maintaining part of it and possibly all of it. Councilmember Orlans asked how long the City had been maintaining it, if it had been seven years. Mr. Chua said for several years prior to him coming to the City.

Mayor Wood said this should be put on the list of projects for research because he did not think they would get all of the answers tonight.

Councilmember Price said she recalled that when the department presented a plan to improve Cherry Street it was mostly widening that would have removed all of the parking for the nursing home and there would have been some problems with the dumpsters, etc. at the restaurant. She said widening the road was not going to help them a whole lot, but it might help traversing.

Mr. Low said it is a narrow street with quite a bit of parking along it, there would be impacts to parking, and possibly buildings, but Transportation staff would address that issue. Councilmember Price said they should address the potholes even if the road was not widened.

Mayor Wood said the point is that Council must decide what to do but first, staff needs to determine who owns it and then there can be improvement recommendations. It is not just a resurfacing project, it is redesigning the street and that includes how wide of a right-of-way there is. He encouraged the Transportation Department to look into the options; there are concerns that widening it too much could create other problems. There is a need to solve the problem, not just patch it. Mr. Low said the Transportation Department would address this issue and bring it back to Council.

Motion: Councilmember Price made a motion for Approval for the Mayor and/or City Administrator to sign the annual resurfacing contract with Northwest Georgia Paving, Inc. in the amount of \$1,827,610. Councilmember Orlans seconded.

Public Comment:

Janet Russell, 260 Willow Springs Drive, said her office was on Cherry Street 25 years ago when it was considered a driveway with a name, nothing has changed. It was owned by the building that she rented from. She said the parking spaces and the parking across the street parallel to the nursing home and the home that fronted Highway 9 were considered private driveways. She said all the way down, the little bit of directional parking and next to where the Swallow at the Hollow is was always considered private parking lots. She said she didn't think anything has changed on that street since 1979 and didn't think any black top has ever been poured either.

There were no further public comments. Public comment was closed.

There was no further discussion from Council.

A motion was made by Council Member Price, seconded by Council Member Orlans, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

9. Approval of a Resolution to abandon a portion of Old Roswell Road.

Presented by Steve Acenbrak, Director of Transportation

Transportation Deputy Director David Low said when Westside Parkway was built, Old Roswell Road was relocated further away from the creek. There was a stub of the old road that remained. He said this discussion is regarding the removal of a part of that stub that is closest to Westside Parkway. He displayed a map showing a trail along the creek and a trailhead; he indicated the stub that is being referred to, the portion that is being abandoned which is the part closest to Westside Parkway. He pointed out Westside Parkway, and the area where Old Roswell Road was relocated, and the old location of Old Roswell Road. Mr. Low noted that Mansell Partners is the owner of a property on both sides of the terminated portion of Old Roswell Road. Mansell Partners is now requesting that the City vacate the former right-of-way since this portion of the road was relocated when Westside Parkway was constructed several years ago. He said the City accepted a greenway easement from Mansell Partners on April 23, 2012 but has not yet fulfilled the terms of the easement by taking the action to vacate or abandon the former right of way. The permanent easement provides the City with a significant link to the Foe Killer Creek Trail system; the abandonment would enable Mansell Partners to consolidate their two ownerships formerly split by the road for a more efficient development.

Mayor Wood said this is not actually abandonment, it is an exchange. Mr. Low replied it is. He indicated a hatched area on the map displayed and said it is about 125 feet wide for the trail easement; he indicated the location of the stub and a 60-foot right of way to be abandoned that is the lower end of the stub. Mayor Wood asked if there is a trail easement to connect to this to the north. Transportation Land Development Manager Clyde Stricklin stated not yet; he noted that there is about a 79 foot gap between this and the City park property. Mayor Wood said, "And another property owner owns that 79 foot gap." Mr. Stricklin replied, yes, the owners of Moksha restaurant currently own the land. Mayor Wood said they might want the City to abandon some property in front of them at some point so there is a possibility of an exchange down the road because we are not abandoning the property in front of Moksha.

Council Comment:

Councilmember Orlans referring to a drawing said the parking lot that was shown is what is on the City property. He asked for clarification if the parking lot just above the abandonment would give access to the City Park.

Mr. Stricklin said the parking lot that is just to the north of the abandonment is the parking lot for the Moksha restaurant. He said the parking lot shown as a drawing on the drawing is a concept for a trailhead for the trail at some point. He noted that their earlier concern was that they might keep the abandoned portion for a trailhead but the new part that was accepted which was the Dotsie Garner Mills Park, is seven acres of land which is much better suited for a trailhead.

Councilmember Orlans referred to a parking lot on the drawing and said he thought part of that was on City park property now and that the Parks Department was going to try to use that for parking as well to access the park because from there straight down to the creek is some beautiful land. He asked if none of that is on City park land or will the City have easement to that park.

Mr. Stricklin stated Transportation staff would like to talk with the owners of that parking lot and to make some sort of arrangement with them. He said he has been trying to contact them for the last week or so. When the restaurant closed, it went into some sort of bank action but he does not know how to get in touch with those people.

Councilmember Orlans asked how this relates to the Mansell property that the City is abandoning and if they have access to this parking lot.

Mr. Stricklin said the road part in the drawing is still an existing road. He said the City is not abandoning that portion of the road. Councilmember Orlans said his point is that there are two different owners so the City does not have any leverage on the abandonment to get easement to use the parking lot.

Mayor Wood asked if the City wishes to abandon the property in front of Moksha and do a similar exchange with them, will we be in a position to abandon the road even though it is serving this Mansell Road properties. Mr. Stricklin replied yes we could do that. Mayor Wood said then we still have some leverage with Moksha if they want to get some more property. The Mayor said he thought that is where the real option is once we can get with someone that can make the decision.

Councilmember Orlans said that is what he was trying to clarify. He said the ones that we are talking about now have no access to it so we have no leverage with them.

Mr. Stricklin said the ones we are talking about now have access on the new road and they don't need it. Basically, what they would like to do is be able to consolidate the pieces of property which would be much more developer. Councilmember Orlans said then they have no access to the restaurant property and therefore we have no leverage with them. Mr. Stricklin agreed. Councilmember Orlans said his other point is that he thought we already had the easement for the trail going across the restaurant property that was given to us in a rezoning the City did a long time ago. Mayor Wood said that is on the opposite side of the creek. Mr. Stricklin said on the other side of the creek, we have an easement all the way down the other side of the creek. Mayor Wood said that would have been before his time because the City did not get any rezoning for Lickskillet; we didn't rezone the Lickskillet property so we never had the leverage.

Councilmember Orlans stated the City did rezone the Lickskillet property for a small conference center along with the restaurant; the City got an easement through that property on the creek. He noted that he used to push for an easement with any rezoning that was on the creek.

Mayor Wood asked for that to be researched. Mr. Stricklin said he would be happy to research that. Councilmember Orlans said that was the only point he was going to make. Mayor Wood said he appreciated that being brought to the Council's attention because he had forgotten about it. Mayor Wood said we have asked in the past to have GIS mapping of all easements so they are not lost and forgotten.

Councilmember Price asked for clarification for the extent of the recent donation and any other city owned properties or easements. Mayor Wood asked Councilmember Price to narrow the question. Councilmember Price said she was trying to figure out if the red line with the dots on it is already an easement or already owned by the City.

Mr. Stricklin said the red line is a concept of the trail on that side; it is only a concept. Councilmember Price asked if the City owns that. Mayor Wood said we own part of it because part of it is on the Dotsie Garner property.

Mr. Stricklin referred to the drawing and indicated the property donation by Mike Knolls, the Dotsie Garner Park, that has a creek in the middle of it and a pond that the City does not own. He said it is currently undeveloped, a sign recently was placed there. He pointed out the easement that was proposed and accepted by the City from the Mansell Properties and said it is 79 feet and if we already have an easement on that it would be great but that is the part that we don't have at least a signed easement that he is aware of. Mayor Wood said but we have something to trade for. Mr. Stricklin said they are interested in the sign, which he has been working on for about two years.

A motion was made by Council Member Price, seconded by Council Member Orland, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2012-08-42

City Attorney's Report

- 10. Approval of a Boundary Adjustment for the East Roswell Library Site located at the intersection of Holcomb Bridge Road and Fouts Road and approval of a Fouts Road Library Deed.**

This item was pulled from the Agenda at the Mayor's request.

This item was pulled from the Agenda at the Mayor's request.

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

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this Item be Approved. Council members Price, Igleheart, Wynn, Dippolito, and Diamond voted in favor. Council member Orland opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Adjournment

After no further business, the Mayor and Council meeting of Monday, August 27, 2012 adjourned at 8:18 p.m. Mayor and Council reconvened for a Work Session discussion regarding the City Hall Town Center Project Concept.