



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council Open Forum

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

Monday, April 29, 2013

7:00 PM

City Hall

WELCOME

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

Pledge of Allegiance

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Director Joe Glover; Transportation Deputy Director David Low; Budget Manager Ryan Luckett; Budgeting Coordinator Denise Brown; Financial Analyst Lynn Williams; Community Relations Manager Julie Brechbill; Water Resources Manager Alice Champagne; Environmental Education Coordinator Vicki Culbreth; Historic and Cultural Affairs Manager Morgan Timmis; Cultural Arts Center Coordinator Brandee Bryant; Barrington Hall Historic Site Coordinator Robert Winebarger; Smith Plantation Historic Site Coordinator Chuck Douglas; Administrator of Park Services Jeff Pruitt; Building Operations Technician Jim Lane; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.

Recognition of the winners of the 2013 Drinking Water Week Poster Contest (Special Called meeting agenda item #2, scheduled to immediately follow the Open Forum meeting).

Mayor Wood called Item #2 of the Special Called Meeting to immediately follow Open Forum; Recognition of the winners of the 2013 Drinking Water Week Poster Contest. Environmental/Public Works Director Stu Moring said this is the City's second annual poster contest for elementary and middle school students to celebrate National Drinking Water Week, May 5 -11, 2013. All of the poster contestants were in attendance tonight. Mr. Moring said they did a great job as can be seen by their posters that very succinctly explain how water is treated. These students did a great deal of research and probably now know more about water treatment than 99% of Americans, and we can be very proud of them. This program was organized by Environmental Education Coordinator Vicki Culbreth and Water Resources Manager Alice Champagne.

Environmental Education Coordinator Vicki Culbreth explained that in honor of National Drinking Water Week, students were asked to create an education poster explaining the process of drinking water to their peers. She said the students had conducted a lot of research and spent a lot of time creating their posters; she thanked them for participating in the contest. The students were invited to come forward and show their winning posters. She recognized the contest winners Matthew and Megan Greenberg from Fulton Sunshine Academy for the Grades 3-5 category and Cassandra Manrique from Elkins Pointe Middle School for the Grade 6-8 category. Students who earned honorable mention are Brandon Boettinger, Christopher Humphrey, Meghana Madduri, Rhea Mamta Daswani, Anvitha Suram, Christian Fuller, Nathasya Tacljvain, Natalie Tooley, Chloe Sluss, and Katherine Asman. Photos were taken with the contest winners and the Mayor and City Councilmembers.

Addition to Agenda:

*Announcement of the Mayor's Water Conservation Challenge
The Mayor H2O Conservation Challenge video was shown. Afterwards, Environmental/Public Works Director Stu Moring said anyone can participate in the challenge by registering online on the City of Roswell website by selecting the link to the H2O Conservation Challenge and following the guidelines to mywaterpledge.com. Mr. Moring said the City of Roswell is currently number five in the nation and through participation in this challenge could become the leaders in water conservation organizations around the country with a major push by the end of April. He encouraged all of the citizens to pledge. He invited everyone to attend the annual Water Plant Open House and Drinking Water Festival on Saturday, May 4. He said there would be demonstrations about conserving water, for example using City of Roswell water versus purchasing bottled water. He said the cost for a pint of purchased bottled water is about \$1 versus 270 gallons of City water delivered directly to the home which is already treated and purified beyond the standards required for bottled water.*

Public Comment - Open microphone

Fulvia Mancini-elza, 248 Chads Ford Way in Holcomb's Crossing community stated she has lived in Roswell for 20 years and in Holcomb's Crossing since 1999. She expressed concerns about problems in her community. She said she paid premium pricing for a nice peaceful piece of property in a community that over time has deteriorated and that crime has increased. She stated that in an attempt to stop trespassing and loitering, thus reducing crime, the Holcomb's Crossing homeowners association targeted her area of townhouses that border Chads Ford Way due to the proximity to the entrance to Aspen Point Apartments. They gated the property of the first row of townhouses as a barricade to secure the rest of the community. This created a difficult and unsafe situation for her and the other residents along Chads Ford Way. She said this was an unfair solution and none of these properties are safer from crime and loitering. Not only have their property values been affected, but there are also security concerns. The perimeter units including hers cannot be accessed from the front door to the back area and vice versa which is an issue when the police have responded to calls and could not access the front of the property because of the permanent fence that is used as a barricade. The root problem of the entire situation is that the entrance of Aspen Point Apartments is located inside their community. She requested a study of the layout of these two communities in order to relocate the Aspen Point Apartments entrance outside of the Holcomb's Crossing community rather than portioning their own community.

Ms. Mancini-elza said an additional problem is that there are no sidewalks along Old Holcomb Bridge Road which is very curvy and it is dangerous for pedestrians that are forced to walk in the street and some people drive much too fast on that road.

Ms. Mancini-elza stated that she feels like a "second-hand citizen" because no one will listen to these problems that are affecting her life and her neighbors and the community. She asked that the City help find solutions to these problems.

Mayor Wood said he would address both issues. First, in regards to sidewalks on Old Holcomb Bridge Road, this Council is spending over \$1.5 million per year on sidewalks, and the priorities have been set. The first priority is to connect existing sidewalks where there is a short break. The second priority is to get sidewalks to the schools and parks from existing neighborhoods for children. He said he did not know where Old Holcomb Bridge Road falls in those priorities. This Council supports having sidewalks on every street in Roswell but there are limited funds available. He suggested that Ms. Mancini-elza discuss this with Councilmember Price, the liaison to the Transportation Department and that she might be able to determine where those sidewalks are on the list. He said roads that don't meet the two top criteria would likely have to wait until the other sidewalks are connected. Ms. Mancini-elza said a lot of children are there because the school buses come through and suggested that the sidewalk would not have to be cement because there is room on the side for a path. Mayor Wood said there have been occasions where the City has created non-concrete sidewalks and that Councilmember Price could review that as a possible solution.

Mayor Wood addressed the issue of the entrances to Holcomb's Crossing and Aspen Point Apartments stating he believes that it is on private property. He said the City would work with the property owners if it is in public right-of-way, but otherwise it would not be within the control of the City to make changes on private property. He said that also applies to the fence issue if it is on private property, unless there was a building code violation. He said her only redress may be to the homeowners association. Ms. Mancini-elza said this has been going on for years and she tried numerous times to address this with the homeowners association but no one is listening to her. She said this is not fair and her freedom is at stake. Mayor Wood reiterated that if this is private property the City is not in the position to tell an owner where to put their fences as long as they meet the building code; that is outside the public realm. Ms. Mancini-elza said that Chads Ford Way is a City road, not private. Mayor Wood again suggested that she discuss this with Councilmember Price.

Councilmember Orlans suggested that Community Development Director Alice Wakefield could determine if the fence was put in properly or if something may not have been done according to the plot that was submitted that is on record with the City.

Mayor Wood said they would find out if there were any building code violations but if they are in compliance with the law and it is on private property, then there would be very little the City could do.

Councilmember Wynn, referring to the issue regarding police officers not being able to access the community, said if there is a concern about public safety people being able to access those units then that is something else that the Community Development staff along with the Public Safety staff could look into to make sure that the required access is there. Ms. Mancini-elza said she feels especially unsafe because her door is one of the first on the street where people can come right in and the fence is there and that she feels like a prisoner in her own home.

Mayor Wood again encouraged Ms. Mancini-elza to discuss this with Councilmember Price and Ms. Wakefield.

Janet Russell, 260 Willow Springs Drive, explained that she was at the Roswell Recycling Center yesterday in a pouring rain and while they were unloading her car, she noticed along the overhang of the building a gutter downspout perpendicular from the overhang that pours on top of the people unloading their cars and thinks it is ironic that water is being wasted at a recycling center. She suggested connecting rain barrels to the downspout to collect the rain; it would also serve as an educational tool for people who are using the center who will see that as water conservation and a way for using rainwater in their gardens.

Ms. Russell referred to the comments that Stu Moring had made about the cost of bottled water and noted that she had approached Janet Lieberman several years ago about reusable shopping bags before they were even on the horizon in America. She said they partnered with a waste management company and had given them to the riders at the first Mayor's Ride to use in lieu of plastic bags for their swag and the riders had loved them. She said she first saw the bags on a trip to South Africa where they were sold in the grocery stores. She said she brought back the reusable bags and reusable water bottles for the children in the parks programs. She said she had suggested at a previous council meeting that the City become proactive by creating a welcome kit that would include a reusable shopping bag and water bottle with the City logo that would help teach our citizens about taking ownership of their own natural resources. She also suggested selling the bags for perhaps \$1 at City events and festivals such as the concerts on the river and Alive After Five. She said she had also proposed that it be mandatory to use reusable bags over disposable bags such as is the case in San Francisco where it is prohibited.

Ms. Russell referred to MARTA funds that were recently used for sidewalks and crosswalks and stated she was amazed that less than 90-days after Council approved to use the remainder of the \$467,000 from MARTA that they had completed a sidewalk on Norcross Street and a crosswalk to connect Highway 9 to a path to the City Hall parking lot, and that MARTA money was used for that. She said in less than 90 days they went from approval of the money to having completed the project just in time for Alive After Five and that must have been the ETA for that project. She said it is beautiful and she wasn't criticizing that but questioned how the City had gotten GDOT to sign off in less than 90 days. She said they have waited three years for a project at the corner of Jones Drive and Highway 9 that would soften a corner for cars that are turning so they don't have to go into the northbound lanes. She said there is an accident there every week. She said the Transportation Department has told her that GDOT moves very slow and she must be patient. She said this is a very small project that does not involve a crosswalk, merely changing a corner to make the turn easier. She question again how GDOT signed off on such a massive project in 90 days when they have waited three years for this very small one.

Mayor Wood asked Transportation Department staff present at the meeting to address the question. There was an inaudible response. Mayor Wood said the answer is that our Transportation Department does not know. He said City Administrator Kay Love might have an answer.

Ms. Love said the construction of the project was short. However, the design and approval process and the discussion of how the sidewalk would connect and where the pedestrian crossing would go had been in the works for a year or more. Mayor Wood asked if she was referring to the sidewalk between City Hall and Canton Street. Ms. Love said she is referring to the crosswalk from City Hall across Highway 9. She that was a long process and there were tweaks to the design; construction was not long but the project had been in the works for a while.

Ms. Russell continued her comments. She said it did not matter that the design had been in process for one year; the money was only approved 90 days ago at a City Council meeting to use the remainder of the MARTA money to improve this crosswalk section and somehow the City was able to get that done. She said she had asked the three years ago if they could soften the curve at Jones Drive when the City put in the new water lines and dug up all of Highway 9 and in front of the church parking lot. She said she was told, "Oh Janet, we don't know." She said they also took down the street sign and after about three months when she finally asked about it, they put it back up. She said they also feel like second class citizens and she could sympathize with the woman who had asked for sidewalks because they have been waiting forty years for a sidewalk in their area. She invited Councilmember Price to take a walk with her down Highway 9 to the river where there is no sidewalk at all.

Councilmember Price said she would love it if Ms. Russell would call her when she has these concerns and they could work them out. Ms. Russell said she has been working with Transportation because that is who she was told she had to work with. Councilmember Price said she thinks Ms. Russell knows how the process works and that the Councilmembers are all assigned a department; she would be very happy to work with her and get this solved. Ms. Russell said she went to the Transportation Department because that is where she was directed by the Water Department three years ago. Ms. Russell said she didn't know if Councilmember Price was the Transportation liaison three years ago because it changes. Councilmember Price said she has been the liaison to Transportation for over a year and has never received a call from Ms. Russell. Ms. Russell asked again why they are waiting for such a simple project that is a "bag of gravel and a shovel."

Mayor Wood said they are not in a position to answer that question tonight but encouraged her to follow up with Councilmember Price.

Eric Schumacher, 145 Prospect Street, commented on the old Roswell cemetery located on both sides of Woodstock Road and distributed handouts of backup materials to the Mayor and Councilmembers. He said he would provide some history about the cemetery as well as new information he obtained through open records search, title search, and conversations with people from the City of Roswell. He said the Roswell Cemetery Care Association provided the maintenance care for the cemetery financially until 1997. In April 1997, the City of Roswell Council voted to assume care of the cemetery. It was recommended that the Roswell Cemetery Care Association continue their work soliciting donations and overseeing the care of the cemetery. The City accepted a donation of \$135,000 to fund future maintenance. The interest of the funds was to be used for the maintenance. The ownership of the cemetery at that point wasn't questioned according to the information he found in the documents he saw. It was assumed that the cemetery ownership was unknown at that time. There was a Georgia code that gives the City the authority to use money to maintain the cemetery. The most significant part of that code is that the City could provide for reimbursement of funds by billing any legally responsible person or levying upon any of their property as authorized by local ordinance. If there was a private owner of that cemetery and public money was being spent then the City could have an ordinance to retrieve that money from the owner. He said new information is that there are new definitions for abandoned which means, that for which no person could be found who is legally responsible and financially capable of the upkeep of the cemetery. Recent title search shows there is clear ownership of a portion of the cemetery. He said he had spoken with Jeff Pruitt who has been partially responsible for the contracts and such for the cemetery upkeep and that Mr. Pruitt was unaware of the ownership of a portion of the cemetery.

Mayor Wood asked for clarification if it is a tract or cemetery plots that is under private ownership. Mr. Schumacher replied it is an entire lot with proper property identification. Mayor Wood asked if he knew the dimensions of the lot. Mr. Schumacher said he does and it is in the handout materials. Mayor Wood said it would be helpful to understand which portion is being discussed. Mr. Schumacher displayed a map on the overhead screen and indicated the area highlighted in yellow and said it is also notated by the Fulton County Tax Assessor's office. Mayor Wood said it is the location behind Lucky's and Thumbs Up. Mr. Schumacher replied that is correct. Mayor Wood asked if the area is already platted for cemetery or is it vacant land. Mr. Schumacher replied there are plots and internments. Mayor Wood said this is in the Claire and C.C. Foster. Mr. Schumacher replied that is correct. Mayor Wood thanked him for the orientation information.

Mr. Schumacher continued with his comments. He said from his perspective that the City and Jeff Pruitt was unaware of the ownership of this plot until he provided the title search information. He said the owner and the owner's lawyer visited the property recently and they know they own it. He said portions of the property have been sold as recently as 1998 which is after the City took responsibility for the maintenance. Cemetery plots have been sold by the current owners. Care for this privately owned portion of the overall cemetery is estimated at about 15% of the overall square footage of the entire cemetery. There is no responsible person or entity managing the activities and internments of the cemetery. He said he lives next to the cemetery and sees internments possibly once a month and it does not appear that anyone is managing this or accepting fees or organizing and ensuring that it is the correct person and plot, etc. Mr. Schumacher said his concerns are that the City is inadvertently spending money maintaining a private property without due diligence in finding out who actually owns the property. The Roswell Cemetery Care Association was dissolved in 2010 and no longer solicits funds. The City is missing opportunities to augment this cemetery care fund and care for this historic cemetery by collecting money from property owners or collecting internment fees that are normally associated when someone is interred for the care of the overall property. There is a lack of a donation vehicle now because the care association is no longer functioning. He does not believe the City is soliciting funds to care for the cemetery long term. The privately owned portion of the cemetery is not located within the historic district according to the maps, which is confusing. He referred to another map and described how the historic district cuts through the cemetery. He said he doesn't understand why a portion of the cemetery is historic and another portion is not. There is no oversight with respect to who or what is buried where and how and there appear to be shallow graves and packed graves, etc. which is not something they should have happening long term. He said he has witnessed drug use in the cemetery as well as adult activity as recently as Saturday night because his back yard borders the cemetery. The Roswell Police Department found an active urban camp in the adjacent undeveloped lot at 110 Woodstock Road which is adjacent to the property. New bars in the area are increasing late night activity in the cemetery. There are no sidewalks on Woodstock Street from the midtown overlay to Canton Street and the only way to get to that area is through the cemetery. There are no barriers between Lucky's parking area and the cemetery and people frequently walk through into the cemetery. He said it has been suggested that graves exist on the adjacent 110 Woodstock Road property which is currently pending sale and will probably be developed at some point and that is a concern for maintaining the historic nature of the cemetery and protecting the graves that might be in that location.

Mr. Schumacher suggested that the City take the following steps: Will the City organize and assess the current position on the cemetery? Will the city identify and contact existing owners of the cemetery and ask them to maintain their properties?

Will the City create an ordinance to support collecting money for maintenance not provided by the legal owners per the state code? Will the City take action to ensure that there is responsibility for any and all internments in the cemetery? Will the City define roles and responsibilities for all aspects of the property? Will the City ensure the safety of the area? Will the City consider requiring bordering fences or barriers to increase security, safety and preservation? Will Jeff Pruitt reinstate the Roswell Cemetery Care Association or a similar group to help ensure the cemetery is maintained over time? He noted that Mr. Pruitt was the former president of the group that was dissolved by the state for non-payment of the incorporation fees. Mr. Schumacher said there is a lot of additional information in the handout materials with more supporting documentation.

Mayor Wood said that Mr. Schumacher is clearly the expert on the Roswell Cemetery in this room at this time and that he had raised a lot of good points that could not be responded to point by point at this meeting but they bear looking into. He confirmed with Joe Glover that the Recreation and Parks Department is maintaining the cemetery and asked Councilmember Orlans as liaison to that department along with City Attorney David Davidson to follow up. He said these are good points but at this time does not know what the City's options are. He thanked Mr. Schumacher for looking into this and for bringing it to the attention of the City. He said by default the City has become manager of this cemetery. He suggested also soliciting the help of some of the local funeral homes.

Councilmember Orlans said they would look into this and determine what the City's options are and what additional information is needed. He thanked Mr. Schumacher for the information he had provided.

An unidentified speaker spoke about the need for bike racks stating he has noticed bikes, especially at the Grimes Bridge/Old Roswell Road intersection being chained to MARTA signs and various other signs at the MARTA stops, and they have become unsightly. He stated that he understood that Councilmember Price is working on the budget to get bike racks for the City and requested that some of the bike racks be installed at the MARTA stops. He commented on the subject of the cemetery and said that a beverage tour is starting soon and perhaps they could use that to help raise money for the cemetery because they use the cemetery cut through for safety to get to Green Street to Canton Street and their other beverage stops.

Mayor Wood said it is good to know that people are using their bikes and are riding MARTA. He encouraged the speaker and other cyclists in Bike Roswell to give their recommendations for the bike rack locations. He said Council had approved \$10,000 for bike racks and are reviewing where they should go. The speaker said they would gather their ideas and submit them to Mr. Acenbrak. Mayor Wood asked Councilmember Price when a decision would be made on the locations for the bike racks.

Councilmember Price said last year in the mid-year budget, they appropriated \$10,000 for bike racks and have asked people to suggest the best locations. She said she thinks they have expended and are ready to receive \$7,000 worth of new bike racks that are in the shape of the "R." She said they also looked at more decorative bike racks that have been seen around the country and if people are inclined to combine a functional item along with a beautification item then perhaps in this year's budget they can get a little more money to do that. She said they are keeping a log of requests for locations and will start putting them out where they feel is the best need for them.

The unidentified speaker said that Bike Roswell would definitely help with this. He

said he would request that this be put on the Bike Roswell agenda for discussion and an action item and to assign someone to help communicate with the City.

Lynn McIntyre, 2210 Steeplechase Lane, stated her community had requested a meeting with Ms. Stephanie Moody, Chair of the Fulton County Library Board about the East Roswell Library construction timetable. She said at this point, they have been told nothing and there is nothing on the website. She asked if anyone with the City of Roswell could provide an update on when the ground breaking will take place.

Mayor Wood replied that the City does not have any inside information and noted he had also spoken to Ms. Moody and understands that the East Roswell Library is at the top of the list but no dates have been provided. Ms. McIntyre said the community has concerns and have asked them for information but they are unable to tell them anything at this time.

Ms. McIntyre said she would like to express her appreciation to the City Councilmembers and commented that everyone should thank them once in a while because too often public officials don't get thanked. She offered happy birthday wishes to Councilmember Wynn and Councilmember Orleans and gave them each a card.

Adjournment

After no further business, the Mayor and Council Open Forum meeting of Monday, April 29, 2013 adjourned at 7:50 p.m. A Mayor and Council Special Called meeting immediately followed the Open Forum.