



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, February 11, 2013

7:00 PM

City Hall

WELCOME

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

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Interim Police Chief Rusty Grant; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; City Planner Jackie Deibel; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Transportation Construction and Maintenance Manager Neo Chua; Senior Transportation Engineer Robert Dell-Ross; Community Relations Manager Julie Brechbill; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Tim Thompson; Deputy City Clerk Betsy Branch.

Pledge of Allegiance - Diane Goldsmith - Up with People

Misael Oliver speaking on behalf of Up with People said it is a global education program that strives to bring the world together through service and music. He said they are in the process of bringing 120 students from twenty different countries to the North Fulton County area the week of March 11- 18, 2013. He said he is from Mexico City and is part of the advance team making arrangements for their visit and they are reaching out to the community to involve as many schools, churches, businesses, associations and non-profits as possible. He said one of the most important components of the program is finding host families for the students for one week and they only ask them to provide a place to sleep, a few meals during the week, and to provide limited local transportation. He said anyone interested in the program, could contact him by phone at 303-515-1545 or via their website www.upwithpeople.org/northatlanta.

Girl Scout Troop #25334, Roswell

Mayor Wood read the Proclamation stating that, National Girl Scout Cookie Day is a day designed to celebrate the Girl Scout Cookie Program and the five basic skills girls learn by participating in the program: goal setting, decision making, money management, people skills, and business ethics. Girl Scout Cookie sales began in 1917 as a way to finance troop activities. This was only five years after Juliette Gordon Low started Girl Scouting in the United States. The Girl Scout cookie sales started as a service project, where the Mistletoe Troop in Muskogee, Oklahoma baked cookies and sold them in a high school cafeteria. Today, the Girl Scouts of The USA offer 11 flavors, which are sold nationally and Girl Scout Cookies are an icon of American culture. For nearly 100 years, Girl Scouts, with the enthusiastic support of their families, have helped ensure the success of this annual sale. The months of February and March are designated for cookie sales and is championed with a powerful skilled sales approach and responsible personal delivery to our homes and offices – a time-honored tradition. Mayor Wood, on behalf of the City of Roswell, proclaimed February 8, 2013 as National Girl Scout Cookie Day and urged all the citizens of the City of Roswell to applaud the commitment Girl Scouting has made to support the leadership and professional development of girls in the State of Georgia.

Mayor Wood noted that his mother had started the first Girl Scout troop in Roswell and that his sister was also a Girl Scout. He asked for a round of applause in honor of all of the Girl Scouts as he recognized Senior Troop #25334 who were present at the meeting. MerSadie Tyree, Sydney Jerez, Jourdan Cox, and Caroline Buckner introduced themselves and announced that they have cookie booths at various locations near Roswell High School or they can be contacted through their service unit for more information about cookie sales.

CONSENT AGENDA

1. **Approval of January 14, 2013 Mayor and Council Meeting minutes (detailed minutes to replace Council Brief adopted on January 28, 2013); Approval of January 28, 2013 Mayor and Council Brief.**
Administration
Approved
2. **Approval for the Mayor and/or City Administrator to sign a construction contract with PE Structures and Associates, LLC for the Old Roswell Road Sidewalk project in the amount of \$105,481.01.**
Transportation
Approved
3. **Approval to install fourteen (14) trees as part of the Hembree Road Multi-Use Path project in an amount not to exceed \$4,600.**

*Transportation**Approved***Approval of the Consent Agenda**

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

In Favor: 6

REGULAR AGENDA**Mayor's Report****1. Reading of a Proclamation for Georgia Day.**

Mayor Wood recognized Shirley Lowe and other members from the Martha Stewart Bulloch Chapter of the Daughters of the American Revolution.

Mayor Wood read the Proclamation, stating that the State of Georgia was founded by General James Edward Oglethorpe, who received a Royal Charter for establishing a colony in honor of King George II and led 116 people from England on the HMS Anne landing near present day Savannah on February 12, 1733. George Walton, Button Gwinnett, and Lymon Hall each signed the Declaration of Independence on behalf of Georgia which became the fourth State to ratify the U.S. Constitution on January 2, 1788. Since its founding 280 years ago, Georgia has grown to over nine million people and progressed from a rural state to a commercial, financial, and cultural center for the southeast and the nation. On behalf of the City of Roswell, Mayor Wood proclaimed February 12, 2013 as GEORGIA DAY in the City of Roswell and encouraged all of the citizens to acknowledge and celebrate the State's history and accomplishments.

Mayor Wood invited Shirley Lowe to speak on behalf of Georgia Day.

Ms. Lowe said the purpose of this is to promote everything about Georgia including its heritage, agriculture, the products manufactured here, and Georgia's original patriots.

Mayor Wood thanked the Daughters of the American Revolution for bringing this to the City and asked everyone to join in celebrating this day.

2. Recognition of Trouw Nutrition USA for donating a Kevlar Vest for the Roswell Police Department (RPD) K-9 Unit.

Councilmember Wynn introduced this item and invited Brent Kirm of Trouw Nutrition USA, Interim Police Chief Rusty Grant, Officer Greg Cooper, and K9 Officer Bruno to come forward. She thanked Trouw for donating the Kevlar vest for Bruno.

Interim Police Chief Grant said Brent Kirm is a Roswell resident and an employee of

Trouw Nutrition USA. Trouw Nutrition USA approached the Roswell Police Department several weeks ago about donating a K9 vest for Bruno; the vest is valued at over \$800. Chief Grant thanked Trouw Nutrition USA for this tremendous gift to Bruno and the City of Roswell. Mr. Kirn speaking on behalf of Trouw said it was an honor to present this Kevlar vest to the K9 Corps of Roswell.

Councilmember Wynn expressed her appreciation to Mr. Kirn and Trouw Nutrition. She noted that the City would be getting another K9 next year, and hoped they would be able to have a vest for that one as well. She requested that photos be taken. Mayor Wood invited the Girl Scouts to be included in the photo.

Administration and Finance Department - Councilmember Rich Dippolito

3. Presentation of the Fiscal Year (FY) 2012 Comprehensive Annual Financial Report (CAFR).

Presented by Keith Lee, Finance Director

Finance Director Keith Lee stated that he would be presenting the 2012 Comprehensive Annual Financial Report (CAFR). He said Georgia Code requires that the City's financials are reviewed on an annual basis by an independent auditor; the City had selected Mauldin & Jenkins to perform this audit. Mr. Lee introduced Adam Fraley from Mauldin & Jenkins and thanked him for working so closely with the City staff specifically with Accounting in reviewing the transactional supporting documents, internal control, as well as financial systems. He said Mauldin & Jenkins rendered an unqualified opinion which means that the financials have been presented fairly and they conform to accounting principles accepted in the United States. He said in addition to the auditor's opinion included in the CAFR, he will discuss the statement of activities for the governmental type activities, the business type activities as well as component units, and would cover financial highlights as identified in the CAFR, some of the fund balances, and an overview of the findings.

Mr. Lee began with assets and liabilities. He said that the net assets for the City increased by \$7 million over the course of the last fiscal year. The total net asset is \$249 million and of that, \$64.3 million is unrestricted and is available for the obligations of the City. The City's bonded indebtedness decreased by \$12.25 million. Mr. Lee stated that the outstanding GO bonded in obligations is \$9.9 million, which is 2.1% of the legal debt limit; it is \$127.00 per capita; the Federal government's per capita debt is \$52,500.

Mr. Lee then said he would discuss the City's governmental activities revenues. He said property taxes represent 32.85% of the revenues and sales tax represents 23.76%. The General Fund revenues were \$1.4 million more than was budgeted; a 2.4% variance. The governmental activities expenditures include 39% for public safety and 20.13% which includes public works and transportation. The General Fund expenditures were \$2.3 million less than budgeted, which is a 4.1% variance. Regarding, the General Fund, the City also has a stabilization policy which requires that 25% be set aside for emergency reasons; that amount equates to \$13.5 million. At the end of FY2012, there is \$7.18 million above the policy. The General Fund ended FY2012 with \$3.6 million more than was anticipated in the budget.

Mr. Lee then discussed the business type activities that include the Enterprise Funds, Water Fund, Solid Waste Fund, Stormwater Fund, and Rec Participation Fund. Net assets increased by \$1.9 million. Solid Waste revenues decreased by 11.9%, which is a result in the reduction in the fee structure when creating the Stormwater Fund. The Stormwater Fund ended FY2012 with \$1.2 million in net assets.

Mr. Lee discussed additional highlights included in the CAFR. The City's Defined Benefit Plan is funded at 83.1%, compared to City of Atlanta's Defined Benefit Plan which is 51.2% funded. The largest taxpayer and employer in Roswell is Kimberly Clarke with nearly 1,300 employees. 97.43% of billed property taxes were collected during the fiscal year. In contrast to previous fiscal year, there were minimum findings in this year's audit that were related to the accruals in the Water Fund as well as the Group Benefits Fund. There were no findings in the General Fund which last year was related to collateralization, bank reconciliation, and budget. He said that is a marked improvement from the previous year. The findings this year is related to the accruals of the unbilled revenues in the Water Fund as well as the booking of an expense in the Group Benefits Fund.

Mr. Lee said this year's CAFR shows improvements in internal controls; the City operated within the appropriated budgets; the General Fund ended with \$3.6 million more than was anticipated; the Stormwater Fund was successfully implemented; the Solid Waste Fund used \$68,000 in fund balance as a result of restructuring the fees; the Rec Participation Fund added \$424,000 to fund balance; net assets for governmental activities increased by \$5 million; business type activities net assets increased by \$2 million; revenues came in as expected; expenditures were below budget. He said there is an unqualified opinion with minimum findings.

Mr. Lee thanked Mayor and Council, City Administrator Kay Love, the Department Heads, the Accounting staff, and the City staff for being good stewards of the City's funds. He said it is important to recognize the efforts that are made to utilize the funds for appropriate uses.

Mayor Wood asked for Council comment. There were no comments.

Public comment was invited.

Public Comment:

Lee Fleck, Martins Landing, said in light of last year's less than stellar financial report and the fact that this report took such an extensive amount of time over eight months to finalize, he requested that Mr. Lee go over the auditor's overview of all the sections that they highlighted to provide a full explanation of their final analysis.

Mr. Lee said the auditor's opinion letter that is in the CAFR is unqualified, meaning that the City's financials were presented fairly and in accordance with accounting principles generally accepted in the United States. He said there were two findings at the end of the CAFR on pages 105 and 106 have to do with revenue and accrued liability reporting. He said the internal controls related to the method in which the unbilled revenues were accrued in the Water Fund as well as the way the sewer fees were accrued and disbursed to Fulton County. He said the second had to do with the way a payment was posted for insurance in a fiscal year and had to be a journal entry to the current fiscal year.

Mayor Wood asked if the process and accounting methods have been adjusted since receiving this to account for these findings.

Mr. Lee replied they have, and they have adjusted the spreadsheet that is utilized for unbilled revenues to account for the appropriate percentage that they should be accruing in the prior fiscal year. He said they are doing additional reviews of invoices in closing out the fiscal year.

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

Mayor Wood noted that this does not require a vote; it is only to report.

Council Comment:

Councilmember Dippolito said that the net assets are a good measure of the financial strength of the City; the fact that net assets are up \$7 million in one year is a real positive for the City itself. He said one thing that Mr. Lee did not go over but is also of interest to the public is that the City had \$2.4 million in grants and federal awards that were applied toward capital improvements this year. He said the City is doing a good job of finding opportunities to leverage the taxpayer dollars and to use federal funding to help supplement what the City is doing.

4.

Approval of a Resolution to Provide Notice and Intent to Sale Bonds in the aggregate principal amount of approximately \$10,000,000.

Presented by Keith Lee, Finance Director

Finance Director Keith Lee said this is a Resolution to declare the intent to issue general obligation bonds in an aggregate principal amount of approximately \$10 million. He said the City held an election on November 6, 2012 where the majority of voters in that election approved issuing bonds up to \$14.7 million for transportation, recreational activities and the fire station. This notice of intent will be provided to perspective underwriters and purchasers who will submit their bids in a competitive environment to the financial advisor due on or about March 11. The award will be made to the proposer with the best and lowest true interest cost to the City.

Mayor Wood asked Mr. Lee to tell the audience which of these projects will be funded this year through this \$10 million. Mr. Lee said this particular funding will be for the fire station, Holcomb Bridge Road, Eves Road, the synthetic turf fields and the multi-use trail on Holcomb Bridge Road.

Mayor Wood asked if they anticipate issuing another \$4.7 million next year. Mr. Lee replied yes, they will issue an approximate additional \$4.7 million next year after July 1.

Mayor Wood asked what interest rate is anticipated. Mr. Lee replied between 1.4% and 1.8% in true interest cost.

Mayor Wood asked for Council comment. There were no comments.

The hearing was opened for public comment.

Public Comment:

Lee Fleck, Martins Landing asked if it is correct that when Mr. Lee or the Council talks about fire station, are they talking specifically about Fire Station #4. He said that should be stated for the record. Mayor Wood replied that is correct. Mr. Fleck thanked Mayor Wood.

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

Enactment No: R2013-02-07

Community Development - Councilmember Nancy Diamond**5. TowerCom V. LLC (wireless facility) - 10185 Swaybranch Drive, Land Lot 501, 502.**

Presented by Jackie Deibel, Planner III

Councilmember Diamond introduced this item. City Planner Jackie Deibel stated the TowerCom wireless facility is at 10185 Swaybranch Drive for MetroPCS, located on land lots 501 and 502. Ms. Deibel stated the applicant requests a 150' monopole tower with a four foot lightning rod attached at the top. The plans for the tower indicate that there will be five carriers located on this tower. An aerial photograph was displayed of the location. Northeast of the property is an office and office building with retail. To the south of the property there are residential homes which are zoned commercial. All homes on Swaybranch Drive are commercial properties. Ms. Deibel referring to the zoning map, noted that the property is zoned C-3, which is commercial. Ms. Deibel referred to a map indicating the locations of existing cell towers. She explained that a new cell tower must be at least 2,500 feet away from preexisting wireless transmission sites; the closest one is 2,600 feet away. Ms. Deibel displayed the proposed site plan. The applicant has proposed building a monopole tower on the subject property. The proposed site plan indicated the five carriers. The monopole is 150'. Ms. Deibel noted that Community Development staff asked the applicant if they could build an alternative tower. She stated that the applicant's response included proposed simulations of stealth towers which could be done at this site. Drawings were displayed of a 150' monopole; a 150' monopine; a 150' unipole; and a 175' unipole. Photo simulations were displayed for another view at Warsaw Road looking at the site which included the 150' monopole; the 150' monopine; the 150' unipole; and the 175' unipole. Ms. Deibel stated if Council chooses to do a stealth tower the applicant would need 175 feet, which would require a variance based on Section 21.2.5 of the City Code due to the height limitation of 150 feet in the C-3 zoning district. She noted that the applicant's request is for a 175' unipole which would require that Council grant a twenty-five foot variance. Mayor Wood asked if it is a monopole, would it require 150 feet; he asked if it is a unipole, would it require 175 feet. Ms. Deibel stated that is correct. She confirmed for Mayor Wood that the applicant is agreeable to either. She clarified that if the applicant uses the unipole, it would require an additional twenty-five feet in order to stack the antennae to place five carriers.

Council comments:

Councilmember Dippolito stated it was his understanding that there was a cellular antenna in the Prudential building next door to the subject property. Ms. Deibel replied that there is an antenna on the Prudential building. Councilmember Dippolito asked why that is not included in the distance requirement. Ms. Deibel replied that the map indicated cell towers. The Prudential building has an antenna which is different than a tower; the ordinance states that the distance requirement is 2,500 feet from a cell tower. Councilmember Dippolito asked if the applicant attempted to locate on that building. Ms. Deibel replied that she had previously indicated to the applicant that Council would like that question answered during this meeting. She believed that the applicant would be able to answer that question.

Ms. Deibel continued with the staff report stating Community Development staff recommends approval with the following three conditions:

1. The applicant/developer shall construct the unipole structure not to exceed 175 feet.
2. The applicant/developer, (MetroPCS) shall construct a vinyl fence with screening so the facility equipment cannot be seen through the fence. The type of fencing and

color shall be approved by the Roswell Design Review Board.

3. The applicant/developer, (MetroPCS) shall use trees and bushes to screen the compound area. The type of trees and bushes shall be approved by the City of Roswell Landscape Architect and Roswell Design Review Board.

Ms. Deibel stated that the applicant indicated to her that if these conditions are approved, the names MetroPCS need to be replaced with the name TowerCom in conditions #2 and #3.

Applicant:

David Kirk, Troutman Sanders, LLP, 600 Peachtree Street, Atlanta, stated he would be representing the applicant, TowerCom. Mr. Chip Bulloch, TowerCom Vice-President and Mr. Joseph Pelmore, Radio Frequency Engineer for MetroPCS were also in attendance. Property owner Geraldine Hilliard and her son Jimmy Hilliard were in attendance. Mr. Kirk stated TowerCom is based in Jacksonville, Florida but also has an Atlanta office, headed by Mr. Bulloch. Mr. Kirk stated that his firm works closely with telecommunications carriers to identify, evaluate, and develop sites for telecommunication towers. He said their anchor tenant on the subject site would be MetroPCS. In the area surrounding the subject property, MetroPCS has identified a significant service deficiency. With MetroPCS input and support, this location was identified as the most appropriate one to serve MetroPCS customer needs. Mr. Kirk, referring to Councilmember Dippolito's earlier question, said he would provide the answer as his presentation progresses. Mr. Kirk stated MetroPCS is looking to provide coverage over a broader area. He displayed a graphic indicating the radio frequency propagation study conducted by MetroPCS for this site, indicating that "MetroPCS is on virtually every tower surrounding the site, but what they have is a significant gap in coverage." They are looking to provide service to cover or close that gap as much as possible. Mr. Kirk stated, "That can simply not be done on the top of a roughly two-story building. We have looked at that location, and our interpretation of that site is it is meant to provide some capacity relief solely in the Holcomb Bridge Corridor. An analogy would be they are using essentially a spot light or a flash light to provide very targeted service in that area, whereas what this facility does is essentially light up the stadium." Referring to a graphic, he pointed out the differences, stating there are significant differences between the areas of poor coverage and where the improved coverage will be in that area. He noted that there is a very significant difference between a capacity site and a coverage site. This is a coverage site. Mr. Kirk stated the Community Development staff report recommends approval of the unipole design and recommends further that the height be increased to 175 feet to accommodate the same number of tenants. The reason is that with a unipole, there are no antennae on the outside of the pole itself, they are hidden. Instead of being stacked horizontally, as it would be on a typical tower, they will be stacked vertically which limits the number that can be placed. A photo simulation was shown to demonstrate a 150' monopole versus a 175' unipole. The monopole had five carriers on it with the antennae mounted horizontally. There will be typically nine antennae at each of these locations. Mr. Kirk stated that the applicant would have to require the carriers to stack their antennae vertically; there is not enough room inside the canister to put nine antennae around at the same location, they would be "curly-cue" around the interior of the pole. Mr. Kirk said additional height would be necessary to essentially provide the same level of service and make the tower feasible for co-location, which is what the City ordinance encourages. He said the industry's preference is to co-locate. Mr. Kirk reiterated that MetroPCS was present to answer specific questions regarding radio frequency. He said MetroPCS is committed to being the anchor tenant on the pole. He noted that Mr. Bulloch has had conversations with a number of other major carriers, and they are very interested, in locating here. Mr. Kirk stated the staff report indicates that this proposal before Mayor and Council meets all applicable development code requirements. He noted that the applicant has read the staff report and the proposed conditions; the

applicant is in agreement with the conditions, however, the applicant would prefer that within those conditions, the name MetroPCS be stricken and the name TowerCom be inserted; MetroPCS is not the applicant or the developer of the tower, but will be a tenant. Mayor Wood replied that it would not be an issue, if there is an issue. Mr. Kirk stated he understood but preferred to make that clarification. Mr. Kirk stated the applicant is trying to meet a clear need in an area with significant demands and significant unmet demands. MetroPCS is utilizing existing towers in the area already yet there still is a gap in their service. He said the proposal has been fully evaluated by City staff and found to meet all code requirements. Mr. Kirk stated the applicant has agreed to incur the additional cost of a cell structure but need the additional height to provide equivalent capacity and is committed to design, building, and operating this in a safe manner in accordance with all federal requirements. Mr. Kirk said he respectfully requested that Mayor and Council accept the recommendation of City staff and approve the draft resolution for this item presented to Mayor and Council. Mr. Kirk offered to take questions.

Council comments:

Councilmember Orlans asked if a unipole could be utilized at 150' with perhaps four carriers placed on it. Mr. Kirk replied, "We want to support your goal of having co-location possible by as many carriers as possible. A 150' unipole simply does not provide the capacity to make it financially feasible. After you get one or two carriers on there the other carriers will be so low that they will look for other alternatives. They may even be in here before you asking for another tower when by simply adding twenty-five feet to this one we can accommodate them." Councilmember Orlans asked if he was saying that four carriers would not be financially feasible, but five carriers are. Mr. Kirk replied, "I doubt that we could get four on a 150' unipole. If we want to go by hierarchy and preference, just for the Council's benefit, from strictly our perspective, our preference would be a 150' monopole, after that would be a 175' unipole, after that, quite frankly would be the 150' monopine because you can mount antennae on the outside of the monopine. It simply has the artificial limbs to mask the antennae. The 150' unipole, if approved, may be essentially a de facto denial."

Councilmember Price stated, "I realize there is a rule of the height not being from a residential area of the distance of the height of the tower. I know across the street although it is zoned commercial, they are actually, I believe private homes, so I don't know if we are considering that residential for the purposes of the tower height." Mayor Wood stated that would be a question for staff rather than the applicant. Ms. Deibel confirmed that the area is zoned C-3; the City does not look at those as residential structures due to the zoning designation of C-3.

Councilmember Diamond asked the applicant if there has been a change of coverage now or if there has always been a spot in this area without coverage. Mr. Kirk replied, "MetroPCS, like all the other carriers, and I actually represent another major carrier and I am here representing TowerCom, but if MetroPCS is like all other carriers, they have a budget. Every year they have a list of sites that they want to try to build within that budget. Depending upon factors such as zoning and the difficulty of finding a landlord or finding an appropriate piece of property, those sites may or may not get built. We can ask Mr. Pelmore how long this has been an issue, but we work very closely with them to identify where they have gaps. Not every gap can be addressed obviously. Sometimes it takes a lot of digging to find an appropriate location. What we believe we have demonstrated here is this is an appropriate location." Councilmember Diamond stated she had never had a problem with her phone in this area. She asked if there is a back-up generator or some other provision for power. Mr. Kirk replied that is strictly up to the individual carriers; some will handle it with battery back-up, others will handle it with generator that is a diesel type generator. Councilmember Diamond asked if there would be any fuel storage on this

site.

Joseph Pelmore, Radio Frequency Engineer for MetroPCS, Norcross, stated MetroPCS would use a battery back-up system; there would be no fuel at the site. The site would meet code.

Public comments:

Allison Sturm, resident of Pine Needle subdivision and property owner on Swaybranch Avenue, stated there are residential houses, as was mentioned. She said it has been zoned commercial. A storm water facility has been placed there. She said there is "a water feature, I'm not sure what it is called behind the street, behind all the houses." She said the area is being encroached upon for homeowners to be able to sell these properties. Ms. Sturm said that with "the area being more encroached upon, more businesses, there is less property for businesses to grow there which means less chance for the residents who own those properties to sell them." She said the majority of the properties have been up for sale within the past five years and none have sold, except the one she purchased with the "idea that it would be sold commercially because it is a C-3 property." Ms. Sturm said she "sees the land shrinking and shrinking and there is just not going to be anything for business owners to purchase and already the homeowners can't do anything about it." Ms. Sturm asked that there not be a cell tower placed there so they have "at least a fighting chance to sell these properties."

Sasa Pirc, 5000 Victor Ridge Lane, stated he lives right behind the site of the proposed tower.

Beth Harvey, 5060 Victor Ridge Lane, stated her lot is less than fifty yards from the proposed cell tower; she is the proximate neighbor immediately behind the neighborhood where the cell tower is proposed.

Todd Hugo, 3035 Lauren Court, stated he lives around the corner from Ms. Harvey. He said they are all in the same situation where most of the subdivision can easily see where the tower will be built. They are concerned about the property values and the overall appeal to the neighborhood. Mr. Hugo asked what type of study has been done to determine what the proposed cell tower may do to their property values and how it might affect the potential future property sales. Mr. Hugo said he does not experience any cell phone service problems in this area.

Ms. Harvey stated she does not have any problem with cell phone service in this area. She asked if there is any risk for children in the area. She said they are concerned about "people coming to look at it and seeing something at one hundred and fifty feet." Ms. Harvey said she was not present to see the balloon test, but "The height is just extraordinary, even to make it a pine tree at 150' would still be an eyesore, much less the one hundred and seventy-five feet." She said their concerns are health; if there are implications to families living nearby; the visibility from their property; and the potential impact on their value.

Mayor Wood said he appreciated their concerns; he noted that staff is not aware of a study related to property values.

Bassam Meshaal, stated he is a resident of Roswell and spoke on behalf of the Ilm Academy, as a member of its governing board. They have just acquired the building at 1200 Grimes Bridge Road. The school currently has approximately 120 students; they hope to have 150 students by August. He is concerned about the health issues that may be related to radio frequency issues for children and adults. He said the research they have conducted so far, shows there are about 85 towers within an area less than two miles from the proposed site.

Mayor Wood stated he would give the applicant an opportunity to respond to the public comments. The Mayor said that there are some issues as to whether or not this Council can consider the health risks; he thought there is some authority on that.

Applicant Rebuttal:

Mr. Kirk replied that the authority is the City Attorney and the Telecommunications Act of 1996.

Mayor Wood replied, "For the benefit of the audience and the Council you might remind us of that." Mr. Kirk replied that he would be happy to. Mr. Kirk said he had a handout that he could provide the Council. He said wireless devices and generator facilities like this are required to adhere to very strict radio frequency guidelines that are established by the Federal Communications Commission. Because of that, under federal law, state and local governments are prohibited from regulating the placement, construction, or modification of wireless facilities on the basis of presumed environmental effects having to do with radio frequency emissions. Mr. Kirk said, "What you can do is require us, and all the carriers that come onto this tower, to adhere to FCC emissions guidelines. Radio frequency emissions that are generated from wireless facilities are typically much, much lower than the standards that are set forth by the FCC. There is no credible scientific evidence that radio frequency emissions from wireless facilities such as this have any adverse health or environmental effects. That has been the conclusion of the World Health Organization, that's been the conclusion of the U.S. Food and Drug Administration, as well as the Office of Engineering and Technology at the federal level." Mr. Kirk asked if he had addressed that sufficiently. Mayor Wood replied he had for his purposes.

The Mayor stated another question that was raised was that one of the adjacent property owners was concerned about use of the property and shrinking commercial area. Mayor Wood asked if this property is going to be dedicated solely to this cell tower or is there a possibility for other uses on this lot. The Mayor said perhaps that question should be addressed to the owner. Mr. Kirk replied, "Our intent is to use it solely for purposes of... (The remainder of comment was inaudible)." Mayor Wood asked if the applicant is leasing the entire lot. Mr. Kirk replied, "We are purchasing the entire lot." Mayor Wood asked for the size of the lot. Mr. Kirk replied, "The tower compound itself is only 2,500 square feet." Mayor Wood asked how much area is in the lot and how much area is the tower compound. Mr. Kirk replied, "The lot itself is over half an acre, so that would be roughly 25,000 square feet. We would be using about 2,500 square feet for the fifty by fifty tower compound." Mayor Wood stated that would be about half of the lot. Mr. Kirk replied it is actually significantly less than half; 2,500 square feet would be about ten percent of the lot. Mayor Wood asked if the applicant intended to place the tower on the front of the lot or the rear. Mr. Kirk replied, "Toward the back. It is wooded on the backside, open on the front side. It was formally a residential lot." Mayor Wood stated he thought the concern was taking property off the market and having a vacant lot on a commercial street; he was trying to find a way to address the concerns of the commercial property owner. Mr. Kirk replied that the tower would be placed on the back of the lot. He noted that they develop towers but do not develop commercial space. Mr. Kirk said, "I suppose you could possibly put something toward the front, eventually. We have no plans to do that at the moment. That would probably have to be done by somebody else." Mayor Wood asked, "But if there was profit to be made and it did not disrupt your tower, the applicant probably would not object." Mr. Kirk responded, "Probably would not object."

Councilmember Wynn said she assumed that the reference to encroachment on properties was

regarding the detention pond. She asked City Administrator Kay Love if the detention pond had been failing and that the City purchased that land to rehabilitate it, and also purchased some land to "punch through Swaybranch to Marketplace." Ms. Love replied, "Yes. That portion thereof and the detention pond was a joint project with the Corps of Engineers." Ms. Love asked Stu Moring to confirm if that was correct; she indicated that Mr. Moring agreed. Councilmember Wynn said, "I think that what I am hearing is that this encroachment, that was an existing detention pond that was failing, and we went in there and rehabilitated that detention pond. Am I correct?" Ms. Love replied, "Right. We made an investment and we improved it." Councilmember Wynn asked staff for the distance between the site of the cell tower and where the proposed private school is going on Grimes Bridge. I assuming that is the old post office, if I am not mistaken." Ms. Deibel replied, "It is around fifteen hundred feet." She displayed an aerial view showing the proposed site at 1200 Grimes Bridge road. She stated it is approximately 1,558 feet. Councilmember Wynn asked for the distance from the tower itself to the residents who live off of Lauren Court at 5060 Vickery Ridge. Mr. Kirk responded that he had that information. Referring to a graphic displayed, he noted the location of the tower. He said it is approximately two hundred feet from the front of the lot. The surveyor indicated it is over four hundred and ninety feet to the nearest residential zoning classification. Councilmember Wynn asked for a better aerial view showing the location of 5060 Vickery Ridge versus the site location. Ms. Deibel displayed a graphic and noted the location of the subject property. She stated the tower is sitting in the back of the property. She pointed out the properties on Swaybranch which are zoned C-3; the closest residential house to the subject property (5060 Vickery Ridge). Councilmember Wynn responded, "That house is across Swaybranch behind some C-3, and then that house. Am I correct?" Ms. Deibel responded that is correct.

Mayor Wood asked if the applicant had anything further to state.

Mr. Kirk stated, "What got us started at looking at a stealth design was in fact the communication from Ms. Harvey suggesting that we use some sort of stealth treatment as well." He said he believed that she works for AT&T and therefore is familiar with stealth treatments. Mr. Kirk displayed a photograph of a telecommunications tower in a jurisdiction where there is a pencil factory across the street and so that is appropriate. Mr. Kirk stated that was Ms. Harvey's suggestion and so "I am a little confused why she is now against the tower, period." An interjected comment from the audience was inaudible. Mayor Wood stated he took that as a rhetorical question and that public comments were no longer being taken at this point in the meeting. Mr. Kirk noted that it was a rhetorical question.

Council comments:

Councilmember Price said, "I know we've got an ordinance about the distance that the pole has to be from residential. I guess I am curious as to why we don't have a similar distance from commercial or any other place where a person might be. I am concerned also, something I read in the packet that these are rated up to ninety mile an hour winds. I am not sure how many times we have gusts or any winds any higher than that and I know they are supposed to break off. I am not sure whether that thing falls supposedly falls straight down or falls a greater distance away. What is the history on these towers in bad weather?" Mr. Kirk replied, "They are actually quite resilient. I keep trying to get the picture of Dunwoody after the tornado came through several years ago. The trees are all torn apart, the homes are all torn apart but yet the monopole is still standing. We have had engineering analysis done on both the 150' monopole and I've provided information to Ms. Deibel this afternoon, we had an engineer look at the design for the 175' unipole. They use a design that has essentially a weak point at some point on the structure itself so that it is subjected to

extreme conditions, a tornado that would obviously have much broader impact on the community, these are designed to bend at that weak point. Both in terms of the monopole that we originally proposed, and the 175' unipole, that bending, the tip of the tower would still be within the boundaries of the parent tract of that parcel and would not fall onto adjacent properties." Councilmember Price asked, "Are there any guy wires or is it sunk into cement." Mr. Kirk replied, "No. This has a foundation. It is a building, so it is an engineered structure. The plans would be reviewed by your building department. They would be prepared by a professional engineer just like any other structure in the City has to be. This would have a concrete foundation and would be entirely self-supporting. There would be no guy wires on this type of tower. There is a type of tower that has those guy wires. Those are typically much taller like the WSB tower downtown that is close to five hundred feet tall."

Councilmember Dippolito, referring to the segment of the City Code which states the maximum tower height is 150' and four users. He asked City Attorney David Davidson to confirm that the request is for 175' and five users. Mr. Davidson clarified, "The request is for one hundred and fifty (150) feet. That is a monopole structure that they are requesting. If the Council would like the antennas on the inside, they need to go to one hundred and seventy five (175) feet, for the unipole." Councilmember Dippolito replied, "The way our Code is written, it is a limitation of four users, so the five is really irrelevant, is it not?" Mr. Davidson replied, "We want to encourage co-location. If you go to four, you can go up to one hundred and fifty feet. We just did not go up five. You can go to 175'. It is not a limitation on the number of users." Mayor Wood asked if it is a minimum rather than a maximum. Mr. Davidson stated that is correct; it was how high the City was willing to go. Councilmember Dippolito asked if the intent of the Code was to go up to one hundred and fifty feet for four users. Mr. Davidson stated that is correct, and the City did not address five users. Mayor Wood stated, "Mr. Dippolito, if I could give you my recollection of it. The intention was is to try to limit the number of towers in the City. The intention was if we could put a hundred on one monopole at 150', we would have. The intention by putting the number four in there, saying, 'If you want a one hundred and fifty feet you need to have at least four, not more than four.' The intention was if we could have gotten ten on one hundred and fifty feet, fifty on one hundred and fifty feet, we would have supported it. In the way it was written, it was not written as a limitation, it was written as a minimum to say if you want 150' you are going to have to have four on there. If we could have gotten five, or six, or ten we would have been happy with that."

Councilmember Dippolito asked the applicant if there has been any study regarding what other carriers are potential users of this. Mr. Kirk replied that Mr. Bulloch meets on a regular basis with the other major carriers, AT&T, Verizon, T-Mobile; there is interest from all. Mr. Kirk asked for confirmation from Mr. Bulloch.

Chip Bulloch, 6040 Overlook Park Drive, Cumming, Georgia, explained that he does meet with most all of the five carriers on a regular basis providing information on the sites he is currently working on. He said there is significant interest from the other carriers for the site. Councilmember Dippolito asked if he was fairly confident that they will have five carriers. Mr. Bulloch responded, "Eventually. It depends on where their budgets fall. I would think three to four within the next two to three years, is my projection."

Councilmember Diamond asked if the analysis of the coverage gap provided to Mayor and City Council is a document that is certified by an independent group. She said, "I recognize your engineer created that, but how does that get certified by a non-interested party." Mr. Kirk replied that within the application document, is a signed affidavit by the manager of Radio Frequency Analysis for MetroPCS. These

are not professional engineers in terms of a seal. Some of them are but typically a radio frequency engineer is a trained professional who has a background in electrical engineering or something similar. They input data from information regarding customer complaints, dropped calls. They are able to track all that data as well as utilize a computer model that simulates. This is a simulation. It is not perfect. It simulates the effect the proposed tower would have on their system."

Councilmember Diamond asked City Attorney David Davidson if there is a requirement to prove need and coverage. Mr. Davidson replied, "This one is actually allowed in the C-3 zoning." Councilmember Diamond replied, "If it meets all the criteria other than we always hear you can do whatever you want, the reality is what is our flexibility here, if it meets the criteria set forth in the ordinance." Mr. Davidson replied, "There is a criteria about how it looks, the esthetic value of it, but that is legally pretty weak, if that is what you are going to base everything on. If they meet all the criteria except for that one, I would recommend approving it. How you want it camouflaged would be a decision for the Council." Councilmember Diamond asked, "Do we have more to say about what it looks like that if it is. Can we require removal upon the end of its use?" Mr. Davidson replied that could be made a condition. Mayor Wood asked for clarification. He asked Councilmember Diamond if she was saying that the City no longer needs cell towers and they only use this for cell tower transmission, they would have to remove the tower. Councilmember Diamond stated, "Right. Could we require that they don't store fuel on the site." Mr. Davidson replied, "They said they don't. I think that would be a good condition to put on there."

Councilmember Diamond asked if there will replacement of the trees that are removed in that area since there is quite a bit of space. Mr. Kirk replied yes. He stated one of the conditions is that the landscaping plan would be approved by the Design Review Board (DRB) and the City arborist. He noted that the City Code has a removal provision that requires removal of improvements if they are abandoned. Councilmember Diamond asked if there is a potential for a pocket park in the parts of the subject lot that are not used. Mr. Kirk replied, "There will certainly be landscaping. That is something that we are not prepared to answer tonight but it is certainly I think something that could come up in the discussions with the DRB should you see fit to approve this. We would have to look at issues related to safety and security of the facility itself. We would have to look at ingress and egress and make sure that is not hindered in the event there needs to be some emergency service done on it. Typically a carrier will have to have access to it basically once every month or two for standard maintenance." Councilmember Diamond asked if they have considered a dog park or "some little area" there. Mr. Kirk replied that could certainly be looked at and discussed in more detail with the DRB. Mayor Wood stated, "What I was hearing from the commercial property owners was that they wanted more commercial presence there and less green space. Normally I am a big green space supporter, but given the circumstances of Swaybranch, anything we can do to encourage the development of Swaybranch as a useful commercial corridor we have. The Council has been supportive of in the past and Councilmember Dippolito's connection of Swaybranch making it a through street was a major point to sort of improve the marketability of that property for commercial use." Councilmember Diamond replied, "What I am hearing is between security concerns and access, it would be very difficult to put a commercial enterprise on that lot. I am not saying it is impossible." Mr. Kirk replied, "You could potentially could and there is still, if we go back to the zoning map, there is still a significant amount of commercial property that is there and quite frankly, having good cellular or wireless reception is helpful to that sort of development because you have so many folks that are operating in a wireless environment now. About a third of the households in Georgia are completely wireless."

Mayor Wood stated, "Councilmember Diamond, I could imagine, knowing the concerns we have with parking in other areas that this could potentially be developed in concert with an adjacent piece of property, simply putting parking on the front part of the lot with proper landscaping to help have a more commercial square footage on the adjacent lot. I could see the potential in the future for a co-operation between property owners as a win-win situation on a commercial development."

Councilmember Dippolito stated, "Along those lines, I think one of the barriers to any future use of the lot is the way the easement is located right now. What mitigates that somewhat is that the applicant is also going to be the property owner so they can probably re-locate that easement at some point. Having an easement running essentially down the center of the property pretty much eliminates the use of the property for other purposes. If you wanted eventually to use it for commercial for a park or some other parking type use, if the easement ran along the one property line, towards the back of the property that would certainly make it much more useable."

Mayor Wood called for further questions from Council.

Councilmember Diamond said, "I think what we are looking at here is one hundred and fifty feet of cell tower looking pole or one hundred and seventy-five feet, and as Ms. Harvey had articulated to us awhile back, at that point are we better with something that doesn't look so much like a cell tower. Is there any kind of consensus among the neighbors as to what kind of pole, if we are seemingly in that position." (Ms. Harvey, in the audience, was too far from the microphone and inaudible.) Councilmember Diamond responded that it did not look like a tree to her.

Mayor Wood open public comment, in response to Councilmember Diamond's request, on this point only; he asked the respondent to come to the microphone for the record. Ms. Harvey stated, "For the visibility from our neighborhood and the enjoyment from our decks and our property, obviously we do not want anything higher than would be proposed and approved. That is why I sent the email with at least alternative ideas to camouflage the pole whether it is a pine tree or the example I pointed out. There may be other options of what this could look like, a flag pole." Mayor Wood noted that "The options which have been presented tonight are a 175' unipole; a 150' monopole which has arms coming out of it; or a pine pole at 150' with fake limbs coming out of it." Ms. Harvey confirmed for the Mayor that of these three alternatives, her preference is "the 150' pole with the fake pine limbs." Ms. Harvey stated she has seen the same type of pole near the Lenox area from Rt. 400.

Mayor Wood asked if anyone else wished to state their preference.

Sasa Pirc, 5000 Victor Ridge Lane, stated his preference is the pine tree on a monopole.

Todd Hugo, 3035 Lauren Court, stated his preference is the pine tree on a monopole.

Councilmember Diamond noted that is helpful although she would not have thought that.

Councilmember Igleheart stated he thought that the pine tree monopole draws attention because of its extra height. He noted that he does not notice the unipoles in the area any longer. Councilmember Igleheart stated that in his personal opinion, the straight poles at 150' are less obtrusive.

Mayor Wood stated the options of which were a unipole with arms coming out at 150' and the unipole at 175' which is taller. Councilmember Igleheart reiterated that in his personal opinion, he does not notice the unipole nearby City Hall any longer. The

fake pine tree down Rt. 400 draws his attention.

Mr. Hugo stated the neighbors would not be looking at the pole from the standpoint of driving down Rt. 400 since it would be seen from their properties. His concern is regarding future property sales and any potential buyer who first sees the pole. He said from their perspective, it looks better to have a unipine from off in the distance, it is high enough up and a little bit far enough away to where it actually looks like it actually belongs there to more of a degree than a single pole.

Councilmember Orlans asked that the pencil pole photo be placed on the overhead screen. He referred to the photo of the 150' monopole and asked if that was similar to what the residents were thinking of. Ms. Harvey replied, "Not the one that goes all the way to the ground, but just on the top like a real pine tree." Councilmember Diamond said, "I think it probably is the top, it just looks like that in the picture." Councilmember Orlans asked how the picture at the bottom, second from the left, compares to the one that sticks up all by itself. Mr. Kirk said he did not know the height of that particular model; it did not show the base. Councilmember Orlans said he thought it would work without standing out like the other one does. He noted that was his suggestion. Councilmember Diamond asked if it had a name.

Mayor Wood asked if anyone else wished to speak regarding preferences on pine tree, unipoles, or monopoles. No further public comment.

Councilmember Diamond asked if there would be flashing light at the top. Mr. Kirk replied there would not be, unless it is required by the FAA. The analysis that has been done has indicated that the FAA would not require lighting. Typically, if the tower is 200' or higher it is required by the FAA to be lit. That would be a white strobe during the day and a red beacon at night.

Councilmember Dippolito stated the City code permits up to 150'; the request by the applicant is for one hundred and seventy-five feet.

City Attorney David Davidson clarified that the request by the applicant is a one hundred fifty (150) foot monopole.

Mayor Wood stated the applicant would be satisfied if he gets the 150' pine tree; the neighbors have said they would also be satisfied.

Councilmember Dippolito said he was trying to figure out the code and look at the photo simulations. He said that in comparing the 150' unipole and the 150' pine tree, as shown on the photographs, it is his opinion that the 150' unipole looks a lot better. Councilmember Dippolito said the 175' that the applicant wants would require a variance; that was his point. The two photographs referenced were placed again on the screen.

Mr. Kirk replied, "If given a choice, Councilmember, between a 150' monopine and a 150' unipole, we would prefer the 150' monopine simply because as I said earlier, the 150' unipole simply does not provide sufficient capacity to make this a commercially feasible site, in our opinion."

Mayor Wood stated his concern if there are only get a couple of companies on the tower at 150' regardless of the commercial viability, we may end up with another tower 1,500 feet away. Councilmember Dippolito said by code that could not be done. Mayor Wood clarified that the City could end up with another tower 2,000' feet away. Mayor Wood stated he would rather co-locate as many on a tower as can be done. Councilmember Dippolito referring to photograph of the 150' unipole versus

the 150' unipine, said the unipole "kind of disappears in the sky, which is kind of nice."

Councilmember Diamond stated the people who will live with this every day need to have a say in this; she agreed with Councilmember Dippolito's opinion but wanted the residents of that area to be comfortable with what will be seen from their residence.

Applicant:

Mr. Kirk, displayed the photograph which showed the balloon test. He said what was shown was #5; it showed that even in the winter, the balloon was barely visible at the height of 150' from that location.

Sasa Pirc, 5000 Victor Ridge Lane, stated the applicant would like to put as many providers on the tower as possible. He said that he believed the "150' pine tree antennae would look much better for us than another twenty-five feet unipole, which would be much higher and much more visible from where we live."

Councilmember Diamond asked the applicant how many providers they plan to put on a 150' monopine. Mr. Kirk replied that they probably could get four or five. Mr. Bulloch stated it would probably be five providers. Mr. Bulloch said, "The only difference between a 150' monopole and 150' monopine is the camouflage and the additional costs to build it."

Councilmember Diamond concerned about the look of the pine limbs, asked if the DRB would review exactly what the pine would look like.

Mayor Wood stated Councilmember Diamond asked if the Design Review Board would review the limbs. The Mayor asked if there are options regarding the pine limbs on the pole. Mr. Bulloch stated there are companies that manufacture "stealth" towers; there are different varieties of limbs. He stated there is business called Stealth Towers. Mr. Bulloch confirmed for Mayor Wood that they would provide photographs of different limbs to the Design Review Board.

Motion: Councilmember Diamond moved for approval of TowerCom V. LLC (wireless facility) - 10185 Swaybranch Drive, Land Lot 501, 502, with the following conditions:

- 1. The applicant/developer, Towercom, shall construct a vinyl fence with screening so the facility equipment cannot be seen through the fence. The type of fencing and color shall be approved by the Roswell Design Review Board.*
- 2. The applicant/developer, Towercom, shall use trees and bushes to screen the compound area. The type of trees and bushes shall be approved by the City of Roswell Landscape Architect and Roswell Design Review Board.*
- 3. The structure will adhere to all of the FCC emissions guidelines.*
- 4. No fuel storage shall be located on the site.*

Councilmember Orlans seconded the motion. (Final set of conditions below.)

Further discussion:

Councilmember Orlans directed that a particular photograph of the pine limbs be a preferred example offered by staff as it goes forward. Councilmember Orlans clarified that it was the photograph that was the second from the left on the bottom, directly under the photograph of the pencil pole; this photograph was included in an email from Beth Harvey and dated January 14, 2013.

Final conditions:

- 1. The applicant/developer, Towercom, shall construct a vinyl fence with screening so the facility equipment cannot be seen through the fence. The type of fencing and color shall be approved by the Roswell Design Review Board.*

2. *The applicant/developer, Towercom, shall use trees and bushes to screen the compound area. The type of trees and bushes shall be approved by the City of Roswell Landscape Architect and Roswell Design Review Board.*
3. *The structure will adhere to all of the FCC emissions guidelines.*
4. *No fuel storage shall be located on the site.*
5. *The monopine shall resemble the picture from the email sent by Beth Harvey on January 14, 2013, the second picture from the left directly under the pencil.*

A motion was made by Council Member Diamond, seconded by Council Member Orlans for approval of this wireless communication facility for a 150' monopine with the following conditions:

1. **The applicant/developer, Towercom, shall construct a vinyl fence with screening so the facility equipment cannot be seen through the fence. The type of fencing and color shall be approved by the Roswell Design Review Board.**
2. **The applicant/developer, Towercom, shall use trees and bushes to screen the compound area. The type of trees and bushes shall be approved by the City of Roswell Landscape Architect and Roswell Design Review Board.**
3. **The structure will adhere to all of the FCC emissions guidelines.**
4. **No fuel storage shall be located on the site.**
5. **The monopine shall resemble the picture from the email sent by Beth Harvey on January 14, 2013, the second picture from the left directly under the pencil.**

Council Members Diamond, Wynn, Igleheart, Price, and Orlans voted in favor.

Council Member Dippolito was opposed.

The motion carried by the following vote:

In Favor: 5

Opposed: 1

Enactment No: R2013-02-08

Public Safety - Councilmember Becky Wynn

6. Approval for the Mayor and/or City Administrator to sign an Amendment to the North Fulton Contract with Rural Metro Ambulance (RMA) Service.

Presented by Ricky Spencer, Fire Chief

Fire Chief Ricky Spencer presented this item stating this is an amendment to the existing contract with Rural Metro Ambulance (RMA) for ambulance service in the City of Roswell. He said over the past twenty-five (25) years, the ambulance service assigned by the District III EMS Council has required a subsidy. He said since becoming Roswell Fire Chief in 2004, he has been adamantly opposed to a subsidy. It has taken eight years to get the point of no longer having one.

Chief Spencer commented on the following points from Exhibit A of the amendment: Response Time: Chief Spencer said the response time will be twelve (12) minutes for Emergency Medical Responses, and fifteen (15) minutes for Alpha-Level calls which are not considered emergencies. In the past, there were a maximum of six (6) ambulances in North Fulton County, not including Sandy Springs. With the amendment to this contract there will now be nine (9) ambulances during peak times.

MDT Installation: Chief Spencer said RMA has agreed to install Mobile Data Terminals (MDT) in each rural metro ambulance at the cost of \$300,000 that will

enhance the time it takes from when the 911 center receives the call until it is received at RMA, which will be the same time that Roswell dispatches the call and will decrease response times.

Dispatch Consolidation/CAD Interface: Chief Spencer said RMA will consolidate the 911 Public Safety Answering Point (PSAP) calls. He explained that presently the City of Roswell takes a 911 call and dispatches the ambulance after notifying RMA. With this agreement, Roswell will give up the right to dispatch the ambulance; all dispatched ambulances will come from RMA headquarters located in Roswell which will expedite the process of getting the ambulance to the scene. RMA has agreed to pay the estimated cost of \$100,000 for the consolidation.

Transporting Public Safety Personnel: Chief Spencer said that RMA will transport on duty injured Public Safety personnel to the nearest hospital as a professional courtesy at no cost.

Chief Spencer said he has been waiting for this and is proud to say that the subsidy which costs the City \$132,250 will end June 30, 2013.

Council Comment:

Councilmember Wynn expressed her appreciation to Chief Spencer and said he has saved the department a lot of money, including the new fire trucks. Councilmember Wynn for clarification regarding RMA's response time that is twelve (12) to fifteen (15) minutes; she asked if it is correct that it is RMA, not the City's Public Safety.

Chief Spencer replied that is correct and asked if he could further explain.

Councilmember Wynn said she would like further clarification because she doesn't want anyone to think that the City's response time is fifteen (15) minutes. Chief Spencer said, "We increased the response times from eight (8) to twelve (12) minutes on emergency calls. We gave them four (4) additional minutes. The reason for that is the consensus was that we give and they give. When the City's Fire Department gets an emergency call for emergency medical services, we have an average response time of six (6) to eight (8) minutes from the time we get the call until we arrive; from the time we get off the call, take our equipment in, evaluate, get the patient ready to go for any life saving measures that we me perform. We can perform the same measures that the ambulance can except we do not transport to the hospital. So, by the time we get the call, arrive on the scene, make patient contact, take care of the patient; fifteen (15) minutes of the ambulance sitting outside and ready to go to transport the patient."

Councilmember Wynn said she wanted to make sure that the clarification is that the City's Public Safety response time is six (6) to eight (8) minutes whereas the ambulance time is twelve (12) to fifteen (15) minutes. Chief Spencer replied that is correct. Councilmember Wynn thanked Chief Spencer.

Councilmember Price asked the physical location of the ambulance dispatch. Chief Spencer said currently for the City of Roswell it is located at the 911 center at 39 Hill Street. He said the location of the dispatch center after this agreement is put into place will be 250 Hembree Park Drive in Roswell located off of Hembree Road in the commercial district area of Sanctuary Park Way, Hembree Road, and Hembree Place. Councilmember Price asked if there is one location only. Chief Spencer replied that is correct; that location will dispatch for Roswell, Alpharetta, Johns Creek, Milton and Sandy Springs.

Councilmember Price asked how long the City has been subsidizing this. Chief Spencer replied that he has been in the 911 business since 1975; he remembers that

in the early 80's the County had been subsidizing the ambulance service for many years. He said he believes that it was in 2004 when the County said they would no longer subsidize the ambulance. He said that was when the City was tasked with using RMA for District III EMS who said they assign the ambulances and the City has to come to an agreement with them to provide the service. At that time, the agreement was for all the cities in North Fulton County to each pay \$132,250 to ensure proper and adequate ambulance service coverage by the private provider.

Councilmember Price asked how RMA will manage without the subsidy. Chief Spencer replied that they are putting more ambulances on the street, which may not sound right, but it makes good sense because they are also incorporating their general transport into the 911 system. He said that means instead of having six 911 ambulances dedicated to 911 calls, there will be six 911 ambulances plus an additional three to six general transport trucks in the area that can be pulled to run the 911 calls. He said once the 911 call threshold is reached at a minimum of four ambulances, then no general transports will be allowed by RMA. He said they will monitor that very closely.

Councilmember Price asked if the City will be involved at a greater level. Chief Spencer said they will be involved in a lesser level because they are relinquishing the 911 dispatch center back to RMA. He said they will receive monthly reports from RMA on their contracted times to respond to calls which is monitored and any discrepancies will be discussed between RMA and the fire chiefs.

Councilmember Price asked if for whatever reason RMA does not comply or is unable to maintain this response time is there a period of which to hold them to it. Chief Spencer replied that if he is not mistaken, this is an annual agreement. Councilmember Price said then if there were issues with them not complying over a span of several months, the City would not have any recourse, because they could say over the year it might work out. Chief Spencer said the City's recourse would be a communication with the District III EMS office to advise them that the contracted ambulance service is not meeting the requirements with their contract with the City of Roswell. Councilmember Price asked if that will be based on a time frame. Chief Spencer replied that it would be looked at over a several month period and if there is a pattern of times where they were not meeting their response, then they would contact District III EMS after having conversations and meetings with the management of RMA. He said the department's suggestion is that if there is a pattern of non-compliance, then the North Fulton County Fire Chiefs would ban together as they have to make this contract the way it is today, and poll District III EMS for another provider. Councilmember Price asked if RMA has always provided the service. Chief Spencer replied they were contracted with Fulton County and have had the contract in North Fulton since the early 2000's when Fulton County stopped funding the service and it became the decision of the cities. He said the cities of North Fulton established the Emergency Medical Response Oversight Committee (EMROC); that organization decided to continue using RMA as the provider with strict rules and guidelines.

Councilmember Price said there was also something in the materials that said the funding would come from a federal source. Chief Spencer replied he was not familiar with that. Councilmember Price asked if she misunderstood that. Chief Spencer replied he is not familiar with any federal source. Councilmember Price thanked Chief Spencer.

There were no further council comments. Public comment was invited. There were none.

A motion was made by Council Member Wynn, seconded by Council Member

Orlans for approval. The current joint contract with RMA Service will be amended to include three additional Advanced Life Support ambulances in the system and the elimination of the subsidy currently being paid to RMA Service in the amount of \$132,250 annually. The subsidy will be eliminated over the next 12 months.

The motion carried by the following vote:

In Favor: 6

Recreation and Parks Department - Councilmember Jerry Orlans

7. **Approval for the Mayor and/or City Administrator to sign a contract with Center Brothers, Inc. to replace the bocce ball courts at the Adult Recreation Center in the amount of \$30,000 and Approval of Budget Amendment 55562000-02-11-2013 in the amount of \$30,000. (This item was deferred from the December 17, 2012 Mayor and City Council meeting)**

Presented by Joe Glover, Director of Recreation and Parks and Historic and Cultural Affairs

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover presented this item stating that the fitness program at the Adult Recreation Center (ARC) continues to grow; staff requests Council approval to replace the bocce ball courts for this growing program. Mr. Glover explained that with the addition to the ARC fitness room, they had to remove the bocce ball court in the back; this is a request to install three courts in the front that will be developed from concrete. The entire area is ADA accessible and will be used by both men and women. Currently there are two groups using the one small court. Mr. Glover noted that the Roswell Ramblers club has generously donated money to the fitness center as well as to this particular program. The bocce ball groups want to have league play and tournaments. The courts will also be used for the Golden Games along with many other activities. Mr. Glover said this is a very important segment of the ARC.

Mayor Wood asked for Council comment.

Council Comment:

Councilmember Price asked why this was deferred in December. She stated that she thought it was for additional data. Mr. Glover replied the deferral was based on the location; how the neighborhood would be looking at the site. He said staff has looked into that and indicated they have no problems with the location. Councilmember Price thanked Mr. Glover.

There was no further Council comment. Public comment was invited. There were none.

A motion was made by Council Member Orlans, seconded by Council Member Wynn, 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 a design contract with McGee Partners, Inc. for the Holcomb Bridge Road Westbound Through Lane Project in the amount of \$276,656.**

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item stating this is one of the bond projects important for the City that will rebalance a network that has been out of balance for far too long. He referred to a graphic on the overhead and pointed out the Holcomb Bridge Road/GA-400 interchange and the Kimberly-Clark campus to the north. He said currently there are three eastbound lanes but only two westbound lanes which cause significant delays and a lot of turning movement restrictions. He said the addition of a third through lane westbound terminating at the northbound ramp onto GA-400 would improve the Old Alabama Road and Kimberly-Clark/Market Blvd. intersections. This is a request for approval of a contract with McGee Partners, Inc. for the design of this project. McGee Partners is one of the City's on-call firms and is very good at this type of road design. Mr. Acenbrak said there is a very aggressive timeline in order to bring the bond projects to fruition; McGee Partners is prepared to begin the project immediately. Staff recommends approval of this project.

Council Comment:

Councilmember Dippolito stated he is excited about this great project. He suggested there be discussions with the property owners at the corner. He asked that they look at parking configuration and access into each of these parcels to find a way to configure it to work better with the road system. Councilmember Dippolito said each property owner will want their curb-cut and he does not want that to be disturbed. He said this is probably a tough assignment but he would like, to the extent that the City could work with the property owners, to get their feedback...(Councilmember Dippolito did not complete this comment). Mr. Acenbrak asked which corner Councilmember Dippolito referred to. Councilmember Dippolito replied the corner with the BP station, Waffle House, and a shopping center where there are a lot of grade changes, access points; the parking lots do not work well together. He asked if there was a way to clean that up and help the street environment because what is happening is a lot of cars darting in and out onto both Old Alabama Road and Holcomb Bridge Road and that creates part of the problem. He said widening it would solve the capacity issue but would not solve some of the turning movements and conflicts with cars going in and out of the shopping center. He said it would be great knowing they had the cooperation of the property owners.

Mr. Acenbrak replied that the property lines are very complicated with the grades that Councilmember Dippolito had mentioned. He said they are fortunate to have inter-parcel access between the BP station, the shopping center, and the Waffle House. Mr. Acenbrak said the Waffle House is already uncomfortably close to the right-of-way and it will be worse, but they will work with the property owners on access and make sure they apply the national standards and do the best they can to make through movement and local movement work as well as possible. This is a very tight area and hopefully, this will open it up and allow more smooth movement. Mr. Acenbrak assured Councilmember Dippolito that this will be done as part of the design process.

Councilmember Dippolito noted that traveling north on Old Alabama Road there are

two entrances into that shopping center; he asked if that is part of the design and will they also be looking at that access. He added when making a left turn into perhaps the Starbucks on the left, there is a raised median for the first portion and then openings in those accesses and asked if there is a way to make that all work better or if that is outside the scope of this contract. Mr. Acenbrak said this project deals more with the east and west movements and the taper extends back through the intersection and incorporates the turn lane into a right through movement. He said he didn't know if that would be included in this project but he could ask McGee as a courtesy to look into it and provide advice. Councilmember Dippolito said he thought all of those movements impact the southbound movement on Old Alabama Road when making a right turn. He said there is a lot more going on than the through movement and he just wanted to call attention to that.

Councilmember Price noted that this is just a preliminary concept. She referred to a yellow line on the graphic and said there are a number of curb-cuts at the corner and then none from Kimberly-Clark all the way to the northbound on-ramp. Mr. Acenbrak said that is correct; he indicated an area on the graphic where there are none and pointed out a service station that will maintain its existing curb-cuts. Councilmember Price said there is no intent to block them off. Mr. Acenbrak replied that is correct.

There was no further Council comment. Public comment was invited. There were none.

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

In Favor: 6

9.

Approval for the Mayor and/or City Administrator to sign a change order with CW Matthews Resurfacing Contract in the amount of \$273,751.

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item stating that Pine Grove Road was a corridor in distress and it had taken approximately three years to put a series of projects together to improve site distance, drainage, curb and gutters, and other things as well. He said while working on this project, they realized it was in worse condition than originally thought and it required six times more patching that was anticipated. Mr. Acenbrak stated they had done a great job on the engineering but not as good on the contract management, and as a result, staff is requesting Council's support to acknowledge that this project went over budget. Mr. Acenbrak explained they took an unauthorized advance on next year's paving because this project would have needed to be done anyway. He said the project was done to great standards that will serve the City well and the commitment must be honored and the contract made whole.

Council Comment:

Councilmember Dippolito asked if it is possible to use funds from this year's paving contract to cover this change order. Mr. Acenbrak replied they are doing that. Councilmember Dippolito said that is where the funding is coming from. Mr. Acenbrak replied it is technically next year's. Councilmember Dippolito asked for an explanation. Mayor Wood asked City Administrator Kay Love to address this question.

Ms. Love said this is about paving years versus fiscal years; the amount that is

appropriated and budgeted for FY2013 has adequate funding to cover this change order. She said Mr. Acenbrak is talking about the paving list that is prepared in the spring of each year to submit for the LMIG funding with the state. She said it is this year's money within the budget that has been appropriated within FY2013. Councilmember Dippolito said for clarification that this will come out of the city-wide resurfacing account. Ms. Love replied that is correct.

Councilmember Price said that is not entirely correct because hopefully there are going to be some state funds available as well.

Mr. Acenbrak replied, "Yes ma'am. I did mention this in Committee but I will reiterate here. Pine Grove Road was essentially the LMIG which was the state-wide contract for the Local Maintenance Improvement Grant (LMIG) that we get every year. We apply for it and they give us money for that. What they do as you will recall, that LMIG is a formula based on the population of the City and the centerline miles. It is not related to the condition of the road. So, they gave us this money and they go out and they survey the road in a cursory look to make sure that we are spending the money appropriately. They will do a quick analysis of how much they think we need for this. When we went over budget, we went to the state and said this road was in very bad shape. They said you are right, it was in really bad shape, and we said we went over budget. They said we are sorry to hear that. We said is there a way you can help us out; knowing that the state Department of Transportation is in fact financially challenged. And, they came back to us and said, we agree that the road was in really bad shape. Our standard of the industry is a 20% overage. So, they agreed to give us a 20% overage on our contract amount which amounts to about \$90,000. I am amazed personally. I have never heard of that being done before. I think it is a testament to our good relationship with the GDOT. They found the money and they are currently in the process of working that through their system and I hope to be bringing a check to you at some point in the very near future for about \$90,000 which will offset our share of the overage."

Ms. Love said, "Just for clarification for the record, until such time that we receive the check, the funding will be coming from the city-wide road resurfacing appropriation, as I mentioned before. When the funds are received, it will offset it, but the invoice is due and payable and we will be paying it from that funding that I mentioned before." Mr. Acenbrak thanked Ms. Love.

Mayor Wood asked for a motion. He noted that Councilmember Price does not wish to make the motion. He asked if another Councilmember would like to make the motion.

A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this Item be Approved. Council Members Orlans, 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

10.

Approval of the roadway improvement plans for the Coro Development located at Highway 92 and Hardscrabble Road.
Presented by Steve Acenbrak, Director of Transportation

Councilmember Price introduced this item. Director of Transportation Steve Acenbrak displayed a graphic of Highway 92, the intersection of Hardscrabble Road, and the CORO property. Mr. Acenbrak stated the applicant has brought a proposed site plan to the City.

Mr. Acenbrak reviewed the original three conditions:

- 1. Providing a raised median on Hardscrabble Road from the Woodstock Road intersection to the second Target driveway including a left turn bay at the end.*
- 2. Adding a continuous northbound turn lane on Hardscrabble Road which will be used as a series of right turn deceleration and acceleration lanes into and out of the Coro property.*
- 3. In lieu of pedestrian countdown timers at the Woodstock/Hardscrabble intersection, providing a pedestrian crossing about 100 feet north of the Whittingham Place subdivision intersection. Providing a raised pedestrian refuge island in the median with a "Z" crossing through the middle, and a Rapid Rectangular Flashing Beacon (RRFB) on each side of the road, with signage.*

Mr. Acenbrak noted the raised median would help avoid head-on collisions. He displayed a graphic depicting the crosswalk which would be located at the Whittingham Place subdivision intersection which would be a two-part crossing across the road. Mr. Acenbrak stated City's plan for the Roswell loop, is currently under design for the "Hardscrabble Green Loop." This loop will be located along Hardscrabble Road between the Roswell High School at King Road and Sweet Apple School on Etris Road. This plan is for it to eventually go down Hardscrabble Road. Mr. Acenbrak stated the Committee directed Transportation staff to speak with the developer regarding the City Code five-foot sidewalk requirement; because this is going to tie into a multi-use trail, staff discussed a partnership with the applicant regarding upgrading the five-foot sidewalk to become part of the ten-foot multi-use trail system, which is about 1300 feet long in that area. Mr. Acenbrak stated this would be a win-win situation; the applicant would build a section of the trail for the City and the City will provide financial compensation for the delta. Mr. Acenbrak stated, "We will get a nice section of the trail and they will do the construction."

Council comments:

Councilmember Orlans noted that the trail is behind Target. He asked Mr. Acenbrak to describe the location of the crosswalk. Mr. Acenbrak noted that he did not have a graphic with him that would display the entire Roswell loop. Referring to the graphic of a portion of the area, he stated that the trail system would come down the south side of Hardscrabble Road and cross, to try to get pedestrians over to Leita Thompson Park. Staff envisions upgrading making this part of the trail connection in the wood line behind the Super Target, and part of their buffer. Mr. Acenbrak stated staff thought that this would be a great location for the residents of the CORO property and the neighborhood to access the trail; the pedestrian improvements at Hardscrabble and Highway 92 are improvements that Roswell Transportation staff can do at another time, in house.

Councilmember Dippolito stated he had mentioned during a Committee meeting that there were some restrictions regarding approval of these Transportation improvements in the original zoning of the property. Councilmember Dippolito said he did not specifically recall what those were. He asked if staff had reviewed those to be certain this complies with the original zoning requirements when it was re-zoned;

the Transportation improvements were still unresolved so there was a requirement to review, and possibly some other conditions. Councilmember Dippolito noted that Mr. Ludwig was signaling that he may have those conditions with him.

Applicant:

Paul Ludwig, 1815 Marshview Close, and representing CORO Realty Advisors, stated he had the original 2009 zoning conditions and displayed those on the overhead. Mr. Ludwig stated that condition #2 was approval of the general design and the median, which Council had before them at this meeting; condition #3, is regarding the pedestrian signals. Mr. Ludwig stated the applicant proposes to do those now at the mid-block pedestrian crossing; those signals were to be in place by the first occupancy permit, since this is a roadway and the pedestrian crossing is integral to it. Mr. Ludwig stated, "I would like to see that hook removed so that we could just do the roadway, do the pedestrian crossing, and not get tied down with the occupancy permit." He stated that condition #4 has to do with impact fees and payment for the median; condition #5 has to do with adding in a four-foot bike lane which is in the design as it currently stands. Mr. Ludwig stated the sidewalks along the Hardscrabble Road frontage originally were for five-foot. He said that as Mr. Acenbrak stated, they will do a portion of it. Mr. Ludwig said "We will do the ten-foot multi-trail but actually it is an eight-foot multi-trail from the crosswalk going towards the eastbound taper as much as we can because we are limited on right-of-way right there. As soon as we can widen it out, it is going to ten feet." He noted that was worked out with City staff approximately a week ago; some areas are very tight on right-of-way to give that up for the property purchasers.

Council comments:

Councilmember Dippolito asked Mr. Ludwig to go back to the concerns he had with respect to timing. Mr. Ludwig replied that the only timing that was included in the conditions had to do with condition #3 where the pedestrian signal improvements on the intersection of Highway 92 and Hardscrabble Road has to be in place in prior to the first certificate of occupancy for any building in that entire development. Councilmember Dippolito stated, "It says 'as approved by the City of Roswell Transportation Department.'" He asked if the City is okay from a legal standpoint. City Attorney David Davidson replied it is fine as long as the Transportation Department approves it. Mr. Acenbrak replied, "We are fine with it."

Councilmember Igleheart noted that in a previous discussion, Council discussed those countdown signals and that those will still be done, just not through CORO's participation. Mr. Acenbrak agreed and said that is correct.

Councilmember Wynn asked for clarification regarding the eight-foot path. Mr. Acenbrak replied, "It is eight to ten." She noted that she did not see anything that stated eight to ten but did see ten-foot multi-use path on the south side of the road. Mr. Acenbrak replied, "We frequently interchange that. We are fine with eight to ten. The issue is we do not want anything less than eight foot creates problems with us from a legal standpoint. I don't know if it written that way but if the motion says eight to ten foot we are fine with that." Councilmember Wynn stated that it is written we will replace the five foot sidewalk with a ten foot multi-use path. Mr. Acenbrak replied, "I can't remember if the majority was ten feet." Deputy Director of Transportation David Low stated, "Most of it is ten. Where it is tight, it will be eight." Councilmember Wynn said, "I am voting on a ten foot." Mr. Acenbrak replied, "That is fine with us. If it is eight-ten then we can work with the developer to make sure that we get..." (The remainder of Mr. Acenbrak's comment was inaudible.)

Mayor Wood called for further Council discussion. No further discussion.

Motion: Councilmember Price moved to approve the roadway improvement plans for the CORO Development located at Highway 92 and Hardscrabble Road to include the four items to be provided by the developer including: 1. The raised median on Hardscrabble Road up to the second Target driveway. 2. Adding a continuous northbound lane on Hardscrabble Road with a series of right turn deceleration and acceleration lanes in and out of the subject property. 3. In lieu of the countdown timers at the Highway 92 intersection to put a pedestrian crossing north of Whittingham Place with a "Z" crossing as described and a Rapid Rectangular Flashing Beacon on each side of the road with signage. 4. The five foot sidewalk will instead become an eight to ten foot multi-use path on the south side of road to tie into a future trail system with the delta paid by the City, anything over five feet.

Councilmember Price asked if the source of the funding from the City for those extra items has been identified. Mr. Acenbrak stated there are sidewalk connectivity funds that will pay for that delta. Councilmember Price asked what the amount is. Mr. Acenbrak stated impact fee funds or sidewalk connectivity funds could be used. He confirmed for Mayor Wood that there is sufficient money in either one of those fund accounts; he would work with the City Administrator. Mayor Wood stated that would come back to Council for final approval. Councilmember Price responded, "From either of the sources, period." Mr. Acenbrak stated yes.

Councilmember Orlans seconded the motion.

Additional language to the motion:

Councilmember Dippolito stated that the intention of the multi-use path was only to go down to the "Z" crossing. Mr. Acenbrak replied that is correct. Councilmember Dippolito asked if it is required for the full length of the south side of Hardscrabble. Mr. Acenbrak replied that staff believes the trail will cross at that point, go behind Target and connect to the Leita Thompson park; that is a better path than going all the way down 92 and then crossing all those driveways. Councilmember Dippolito asked for clarification from Councilmember Price if that was her motion. Councilmember Price replied, "Yes, thank you, the length of that path to be as depicted." Mr. Acenbrak replied, "Correct." Mr. Acenbrak displayed the graphic again and referred to it. Councilmember Price said it would go from the crosswalk to the end of the property. Mr. Acenbrak replied, "Correct, and this will be five-foot sidewalk down to 92."

Mayor Wood called for public comments. There were none. No further discussion by Council.

Mayor Wood expressed his appreciation to CORO, to the Roswell Transportation Department for bringing forward this Roswell loop, and for Council support. The Mayor noted that the City is making slow but steady progress toward the Roswell Loop. He also noted his appreciation regarding the trail connection behind Target over to the Leita Thompson property.

A motion was made by Council Member Price, seconded by Council Member Orlans to approve the roadway improvement plans for the CORO Development located at Highway 92 and Hardscrabble Road to include the four items to be provided by the developer including: 1. The raised median on Hardscrabble Road up to the second Target driveway. 2. Adding a continuous northbound lane on Hardscrabble Road with a series of right turn deceleration and acceleration lanes into and out of the subject property. 3. In lieu of the countdown timers at the Highway 92 intersection to put a pedestrian crossing north of Whittingham Place with a Z crossing as described and a Rapid Rectangular Flashing Beacon on each side of the road with signage. 4. The five foot sidewalk will instead become an eight to ten foot multi-use path on

the south side of road to tie into a future trail system with the delta paid by the City, anything over five feet.

Clarification of motion:

Council Member Dippolito stated that the intention of the multi-use path was only to go down to the Z crossing. Mr. Acenbrak replied that is correct. Council Member Dippolito asked if it is required for the full length of the south side of Hardscrabble. Mr. Acenbrak replied that staff believes the trail will cross at that point, go behind Target and connect to the Leita Thompson park, which is better path than going down Highway 92 and crossing numerous driveways. Council Member Dippolito asked for clarification from Councilmember Price if that was her motion. Council Member Price confirmed it would be the length of that path to be as depicted in the displayed graphic. Council Member Price referring to the graphic said it would go from the crosswalk to the end of the property. Mr. Acenbrak confirmed that is correct and said it will be five-foot sidewalk down to Highway 92.

The motion carried by the following vote:

In Favor: 6

11. Approval of the Historic Gateway Memorandum of Agreement (MOA) with the National Parks Service (NPS).

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item stating that the Historic Gateway project is the City's plan to eliminate the reversible lanes and to add a fourth lane in a context sensitive way through the historic district. Referring to the graphic displayed, Mr. Acenbrak pointed out the SR-9 bridge across the Chattahoochee River, which is four lanes and becomes three lanes as it enters Roswell. He said the intent is for it to be four lanes all the way through the historic district. The City needs about 1.1 acres of land in order to create the fourth lane that will be passing by the Vickery Creek unit of the Chattahoochee National Recreation area of the National Parks Service (NPS). He said in lieu of payment to the NPS for the acreage, the City negotiated with them and prepared a Memorandum of Agreement (MOA) for the City of Roswell to undertake certain activities and perform certain tasks within the National Parks Service. He displayed a listing of the nine requested items from the MOA. He said he would provide an explanation of each.

The nine requested items are listed below followed by Mr. Acenbrak's comments shown in italics:

- 1. The new bridge(s) over Vickery Creek shall be constructed to free span the entire stream. – Mr. Acenbrak displayed a picture of the existing bridges and pointed out the intermediate supports in the water that attract debris and said that NPS is requesting that these bridges be free spanned across the water.*
- 2. The project shall incorporate enhanced erosion control measures in areas that are adjacent to or have the potential to impact NPS property. – Mr. Acenbrak said they want to eliminate the trailhead and create that as a trail and they want to use the City's parking area at Riverside Park. NPS wants their parking to be out of the NPS area.*
- 3. Remove the existing NPS entrance drive and parking lot off Riverside Drive, restore with native vegetation and convert to a trail with trailhead that includes a visible NPS entrance sign. – Mr. Acenbrak referred to a graphic and pointed out the area where the parking would be eliminated. He said NPS would want to use the City's parking area in Riverside Park, thereby eliminating the parking at this park service area.*

4. *New trails along with new interpretive waysides and signs will be constructed along both sides of Vickery Creek to allow pedestrian access under the new bridge(s). – Mr. Acenbrak pointed out an area along the bank which currently does not have engineered trails that are really paths that will be reinforced and made part of the trail system. Mayor Wood asked if the trails will go under the new free span bridges. Mr. Acenbrak replied that is correct.*
5. *Support the long-term preservation of Ivy Mill Ruins through completion of a Cultural Landscape Inventory (CLI) to accurately inventory, map and assess the condition and significance of all features associated with Ivy Mill. In addition, the project shall incorporate measures to avoid impacts to significant components and features of the mill ruins, including the construction of a retaining wall along the southern edge of Riverside Drive and institution of special provisions to protect mill tailrace remnants on the north side of Riverside Drive. – Mr. Acenbrak said that basically, the NPS wants to make sure the mill ruins are preserved.*
6. *All bridges, walls and structures, that potentially affect the viewshed from CRNRA property shall be designed and constructed to meet NPS aesthetic standards. – Mr. Acenbrak said this refers to things like stack stone and color of stone; things that we wanted to do anyway. He said that the NPS wants to make sure that they are part of the design and approval process of those architectural details.*
7. *Remove the existing NPS entrance drive and parking lot for Allenbrook Historic Site off SR-9 and close the existing curb cut. The disturbed area will be restored with native vegetation and converted to a trail with trailhead that includes a visible NPS entrance sign. A replacement parking lot containing 15-20 spaces will be constructed for Allenbrook at 275 Atlanta Street and donated to the NPS once construction is complete. A trail connecting the new parking lot to Allenbrook will also be constructed. The trail from the new parking lot shall be constructed to support occasional administrative vehicular access and include a gate to limit vehicular access. – Mr. Acenbrak pointed out Allenbrook on the graph, the existing curb-cut off of SR-9, and a small parking area. He said NPS wants to close the existing curb cut to create a trail. He said the City is in negotiations with the property owner now. He said if traveling from the south side of Allenbrook, they want you to come in from the north or the west side of Allenbrook; they want to take the parking that is within NPS property and make it external to their property.*
8. *Complete a thorough archeological survey on NPS property to fully document and map all features associated with Allenbrook, Ivy Mill and associated tailrace features along Vickery Creek to avoid unforeseen impacts during construction. – Mr. Acenbrak said this is to reinforce archeological survey which is part of the environmental document anyway, and staff has agreed to this.*
9. *Additional trails from Allenbrook down to Vickery Creek with a bridge across Vickery Creek may be considered as a concept in the planning process. – Mr. Acenbrak said NPS has requested adding a bridge across the gap at the rock outcroppings along Vickery Creek to connect and create additional trail system.*

Mr. Acenbrak said in exchange for all of these requested elements, the NPS agrees to give the City 1.1 acres of land that is needed. He said approving the MOA at this time will avoid the risk of additional requests and/or changes in personnel at the NPS. He said it has taken a while to reach agreement on these various elements and staff wants to get them formalized as soon as possible. He said until the mitigation elements are identified, the environmental document for Historic Gateway cannot be approved, and the design effort for these elements cannot begin.

Mayor Wood encouraged Council to vote in favor of this agreement stating that when working with the National Parks Service, changes in personnel can be problematic and that they should strike a deal while there is an agreement. He expressed his concern about not knowing the cost of these things. Mr. Acenbrak noted that they have a fairly good idea of the costs. Mayor Wood said Council needs to know the

overall cost of meeting these requirements before having a firm deal because at some point they might find that the property needed for the parking cannot be acquired or the cost of the bridges is too high. He said he wants a Memorandum of Understanding so they know what the working arrangement is, which is what they are talking about here. However, they might find out later that one of the costs is higher than what the Council would approve. He asked City Attorney David Davidson if that should happen will there be a way to back away. Mr. Davidson responded that currently this is only a Memorandum of Understanding and is not enforceable. Mayor Wood thanked Mr. Davidson and said that answered his question; it is not a binding contract; under these terms it would be great to move it forward.

Councilmember Dippolito said that the NPS currently charges for parking. He asked if the parking is going to be free or if there is an opportunity to charge a nominal parking fee the way that the NPS currently does.

Mr. Acenbrak replied that the NPS currently has an honor system in their small parking areas. He said that it is his understanding that their intent on the northern side on the Steve Allen property, which they are currently in negotiations for, is to have the same kind of honor system in that area. He said people would go down to Allenbrook and start the trails from there. He said in the shared use agreement with the City's trail, it would not be one of those issues, he thinks they just want to be able to direct park users to co-locate. He said he has discussed with Joe Glover in Recreation and Parks about sharing that parking and there would not be any charging for that.

Mayor Wood asked if the charge and the understanding about parking is a part of this MOA.

Mr. Acenbrak replied it is not locked in.

Mayor Wood said he thinks that needs further discussion because if the City is maintaining and operating the parking lot then that should be left to the discretion of the Recreation Commission as to what fees they charge, how they collect, and how they apply it. He asked if that could be left as an unresolved issue. He said he does not want to commit at this time to allow the NPS to charge for parking on the City's property.

Mr. Acenbrak replied that a boundary for the park is set by Congress; the intent is that the City will require a parcel of land outside of the existing boundary at City expense and turn it into a parking lot at City expense, and at some point, the NPS will make an act of Congress to realign the boundary around that parking lot to make it part of the NPS boundary. Mayor Wood interjected, "And then you survey that property limit at that time." Mr. Acenbrak said they don't want us to hold up the project. They want us to move forward, with the intent that at some point it will become part of the NPS boundary. Mayor Wood said he would be okay with that. He said if it is the City's property and the City is responsible for the management, it should be under the City's control. He said once it is conveyed to the NPS, if that is part of the deal and that it is fair, then it would be their decision and their policy. The Mayor said temporarily, the City would let the Recreation Commission decide whether to charge and how much, and the City would keep it; long term, once the City conveyed it, it would be totally under their control.

Councilmember Dippolito said that answered his question regarding the charging of parking. Councilmember Dippolito stated, "The two bridges you are referring to in item 1, those are the new bridges; those are the proposed bridges." Mr. Acenbrak

replied that is correct. Councilmember Dippolito said, "We had planned on spanning those banks any way, had we not?" Mr. Acenbrak replied yes and added that the standard state of the art for being environmentally sensitive is to not have intermediate supports in the water course for a number of reasons and that is probably the way they would have gone anyway. Councilmember Dippolito thanked Mr. Acenbrak and said he wanted to make sure they were not going above and beyond what had already been planned for those bridges.

Councilmember Orlans said he had a few questions for Mr. Acenbrak. He referred to Item #6 and asked if that is basically saying that they will be making the surface of the bridges and the flat cement to look like what they had done on Crabapple Road. Mr. Acenbrak replied that they might be enhanced and be real stacked stone. He said they had discussed a Blue Ridge Parkway type of very nice hand laid stone that is not necessarily structural. Councilmember Orlans said then it could potentially be even better. Mr. Acenbrak replied yes and they learned through some of their conversations that NPS is very meticulous about some of the architectural details.

Councilmember Orlans referred to Item #9: "Additional trails from Allenbrook down to Vickery Creek with a bridge across Vickery Creek may be considered as a concept in the planning process." He said these items have been of concern to him in dealing with NPS for the last five to six years; he asked what is meant by "may be considered."

Mr. Acenbrak said his understanding is that this is part of Joe Glover's master plan anyway.

Councilmember Orlans said he wants this to be a part of the Memorandum of Understanding but not with "may be considered" which sounds very vague, as if they are not really giving the option.

Mayor Wood said that it could say "will be considered."

Mr. Acenbrak referring to the Mayor's point regarding funding said they didn't really have a good cost estimate. He said all of the details for the logistics of getting a prefab bridge into that area with the cranes and everything have not been worked through, but they fully intend to span the gap as part of that project.

Councilmember Orlans said what he is looking for is a commitment from the NPS that the City will get the right-of-way to do this trail.

Mr. Acenbrak said they do not want to hold this up and are anxious to get the MOA signed and did not want to get bogged down on the details of this particular item which is why they left it sufficiently vague; it could be modified. Mr. Acenbrak noted that the Mayor had suggested changing it to "will be considered." He thought the NPS can live with that. Councilmember Orlans asked the City Attorney to look at the wording to cement what the City is looking for a little better.

Councilmember Orlans referred to a paragraph on the agenda item report at the end of the list of requested items that reads, "The MOA has not been finalized to date pending the favorable conclusion of the Bull Sluice trail project with the Recreation and Parks Department..." Councilmember Orlans stopped reading from the paragraph and interjected that they have been working on that for a long time as well. He continued reading from the paragraph, "The document for Recreation and Parks is on track for a May approval/signature date which has not changed over the past several months." Councilmember Orlans asked when the signature of the MOA is considered done if they need to wait until May for the Bull Sluice trail project to be

completed and signed.

Mr. Acenbrak said it is his understanding that the Bull Sluice project has overcome all of the objections and it is moving through the NPS. He said these are two independent efforts and he sees no obstacles in the path of getting the project signed.

Councilmember Orlans said, "So, in other words, you can guarantee that if we sign this MOA that we are going to get that trail system done by May, is that correct?"

Mr. Acenbrak replied, "I can't guarantee that, Councilmember Orlans."

Councilmember Orlans said, "Is that what I'm hearing here that you and Joe confirm here?"

Mr. Acenbrak said, "I can guarantee that Joe and I are just as anxious as you are to get these things done."

Mayor Wood said, "It will help this project along, it will help move all of these projects along. And remember that it is just a Memorandum of Understanding, there is still a lot to be done to finalize this."

Councilmember Orlans said, "I know but I've learned. Don't give them anything until we've got what we need in hand because bureaucracy is at its best over there."

Mayor Wood said, "We want to try to approve this to get past one level of bureaucracy."

Councilmember Orlans asked, "When will this be signed if we approve it?"

Mayor Wood said, "It will go back to them for a signature but it will not be a contract until there is a lot more done. I think that is my point."

Councilmember Orlans asked, "Do we have two more months before we have to give it to them for MOA? What is your timing from all the Transportation standpoint?"

Mr. Acenbrak replied, "We are hoping that tonight you will approve this MOA. As you recall, this is a four-party agreement: City of Roswell, the National Parks Service, Georgia Department of Transportation, and the Federal Highway. It is definitely going to take a while to wrap this all through all of those different agencies for signature."

Mayor Wood stated this does not legally commit the City to do anything. The Mayor encouraged Council to move this forward.

Councilmember Orlans said, "And you understand my concerns and direction."

Mr. Acenbrak replied, "Yes sir. We forward your concerns every time we meet and we explain to them that we are very anxious to get that other project done as well, and to use all of their available resources." Councilmember Orlans thanked Mr. Acenbrak.

Councilmember Price said, "Having met with the Director of the National Parks Service, she was very optimistic that the Bull Sluice issue will be solved very quickly. And, also she relayed that because the NPS is getting ready to have their Centennial celebration, that there may be some wonderful opportunities for some project that would be funded that we could collaborate with them to satisfy some of these nine items. So, I think that moving ahead on the concept that we agreed to move in this

direction and will provide some of that is very wise in exchange for the land right-of-way that we will need for the highway project there. I think it is very important that we get this ball rolling."

Mayor Wood asked if that is a motion. Councilmember Price said it was not and asked if he would like a motion. Mayor Wood said we need a motion. Councilmember Price said if no one else has anything to say about this, she would make a motion.

A motion was made by Council Member Price, seconded by Council Member Diamond, that this Item be Approved, with the addition on #9 to insert, if it is agreeable to the NPS, the word "shall" instead of the word "may." The motion carried by the following vote:

In Favor: 6

12.

Approval for the Mayor and/or City Administrator to sign a contract with McGee Partners, Inc. for the design of Sun Valley in the amount of \$309,429 and approval of Budget Amendment BA35042200-02-11-2013 in the amount of \$80,000.

Presented by Steve Acenbrak, Director of Transportation

Transportation Director Steve Acenbrak presented this item. He said this is an exciting new development for the City because a national firm, General Motors, will be moving into the vacant Herman Miller building. He said there is a previously approved project to connect Warsaw Road with Sun Valley Drive and this gives the City the opportunity to accelerate that project by taking it from the current in-house design efforts and turning it into another very good roadway design through McGee Partners, Inc. He said there was not enough money in the current budget to award that project which is short \$80,000. He said for \$80,000, McGee Partners would be able to cut about six to eight months off of the timeline for this design. Mr. Acenbrak said staff believes that is a good use of City tax dollars. He said that they have the survey, and the preliminary layout is started, but they don't yet have the design. He said they are in conversation with some of the property owners and businesses along Sun Valley; he assured Mayor and Council that when the concept design is laid out, they will have a public open house and will reach out to the various residential and commercial properties to make sure their input is in this design process.

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Dippolito said the difference is \$80,000 but the total project cost is significantly more and that he is confused as to where the original money was being spent if the plan was to do this in-house. He asked if only a portion of it was being done in-house.

Mr. Acenbrak replied no, that money was being used for survey, database preparation, hydrology work, and some environmental screening. He said if money was left over it would be used to acquire some of the right-of-way which is what that money was intended for; we do not have money for construction at this time. He said this is one of the first major roadway design projects they we had, so we might have overestimated some of the work that we would actually use for the design but the money was still there in the project and whatever is not used on the design, would be applied to the right-of-way acquisition.

Councilmember Dippolito said the original estimate of \$232,704.58 was based on a lot of the design work being done in-house but then having a lot of outside consultants as well; he asked if that was correct.

Mr. Acenbrak replied that the outside consultants are the professional trades that the City does not have in-house; for instance surveyors. He said they have to outsource when there are issues such as geotechnical, environmental, hydrology, or drainage that require specialty trades. He said we were going to act as the prime consultant but still envisioned supplementing the staff with other resources. That is what the money was for.

Councilmember Dippolito said, "That makes sense. So, McGee Partners will then be including all of those elements within this."

Mr. Acenbrak replied yes, the City has already done the survey work but they will bring everything else they have in-house and that is part of their design fee.

Councilmember Dippolito asked where the new connection will meet Alpharetta Highway and if there will need to be some improvement at that intersection, and if it is included as part of this.

Mr. Acenbrak replied yes; that is quite a bit of the design cost. He said Sun Valley Drive is somewhat substandard and deficient in several areas; McGee Partners will be including all of those improvements in their design.

There was no further Council discussion. Public comment was invited. There was none.

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

In Favor: 6

City Attorney's Report

13. Recommendation for closure to discuss personnel, litigation and real estate.

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

In Favor: 6

Adjournment - with no further business, the Mayor and Council meeting adjourned at 9:46 p.m. Mayor and Council reconvened for a Work Session discussion of the Strategic Economic Development Plan.