



# City of Roswell

38 Hill Street  
Roswell, Georgia 30075

## Meeting Minutes Mayor and City Council

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

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Monday, September 23, 2013

7:00 PM

City Hall

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### 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: Deputy City Administrator Michael Fischer; City Attorney David Davidson; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Master Police Officer Robert Colombo; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Assistant Director Morgan Rodgers; Special Events Coordinator Bobbie Daniels; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Development City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Grants Manager Danny Blich; Grants Specialist Charles Alford; Environmental Programs Manager Janet Liberman; Historic and Cultural Affairs Manager Morgan Timmis; Transportation Land Development Manager Clyde Stricklin; Transportation Planning Manager Chris Chovan; Traffic Operations Supervisor Mike Elliott; Transportation Administrative Assistant Kim Weber; Executive Assistant to Deputy City Administrator Chris Ward; Executive Assistant to Mayor Wood Robyn Kenner; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.*

### **Pledge of Allegiance - Youth Officials representing the City in the 63rd Annual Frances McGahee Youth Day Parade**

## REGULAR AGENDA

### Mayor's Report

1. **Recognition of Joy Schroerlucke as Georgia PTA Middle School Outstanding Principal of the Year.**

Joy Schroerlucke was unable to attend. This recognition was postponed.

2. **Recognition of youth officials representing the City in the 63rd Annual Frances McGahee Youth Day Parade.**

*Recreation and Parks Assistant Director Morgan Rodgers came forward for recognition of the youth day officials. He said if a single event could define a community, then the Frances McGahee Youth Day Parade is Roswell and that sixty-three years ago, a group of women including Frances McGahee, the parade's namesake gathered to raise money to provide recreational activities for the youth of Roswell. This parade was started as a highlight of those efforts. The Youth Day Parade is the history of this City and the youth that are being honored are the future of this City. This year's theme is "Hats off to Roswell." This simple theme means praise, respect, and admiration for someone or for something they have done. With this theme, the commission is expressing their respect and admiration for the youth of Roswell for being the beacon of light for the bright future of this great community. He said "Hats off to Roswell's Youth".*

*Mr. Rodgers said the Youth Day Officials would like to invite the Mayor and Council to ride with them in the parade but in exchange for that, wanted to briefly take the place of their City official for tonight's meeting. He introduced each of the officials from high schools in the City of Roswell: Blessed Trinity, Centennial High, The Cottage School, Fellowship Christian, and Roswell High and they each took the seat of their respective official:*

- Axel Martinez (Centennial High) represented Mayor Wood*
- Anna Soderlund (Fellowship Christian) represented Councilmember Dippolito*
- Caroline Stroud (Fellowship Christian) represented Councilmember Price*
- Lindsay Vice (Blessed Trinity) represented Councilmember Wynn*
- Jake Daunt (The Cottage School) represented Councilmember Diamond*
- James Dorsey (The Cottage School) represented Councilmember Orlans*
- Justin Bellamy (Roswell High) represented Councilmember Igleheart*
- Victoria Brock (Roswell High) represented City Administrator Kay Love*
- Ameet Kallarackal (Blessed Trinity) represented Police Chief Rusty Grant*
- Haley McKay (Centennial High) represented Fire Chief Ricky Spencer*
- Dani Khoury (Roswell High) represented Debra Ewing, Recreation Commission Chair*

### 3. **Reading of a Proclamation for Roswell Youth Day.**

*Youth Mayor Axel Martinez read the Proclamation for ROSWELL'S 63rd ANNUAL YOUTH DAY CELEBRATION stating, whereas, The Youth of Roswell represent the future of our great City; and The Youth of Roswell are an important part of the community and The City of Roswell for the past 63 years has celebrated its Youth with a City-wide parade and festival. The theme for the 63rd Annual Youth Day Celebration is "HATS OFF TO ROSWELL." On behalf of the City of Roswell, Axel Martinez, Youth Mayor of the City of Roswell proclaimed Saturday, October 12th, 2013 as Youth Day in the City of Roswell, and called upon all citizens, young and old, to help celebrate and promote this most honored day in this community.*

*Recreation and Parks Assistant Director Morgan Rodgers announced this year's Grand Marshall for the Youth Day Parade, Fred Williams. In selecting the 2013 Grand Marshall, the Recreation Commission chose an individual that has had a tremendous impact on the youth of this community. Mr. Williams served as a teacher and coach at Roswell High School for 13 years. He was first appointed to the Roswell Recreation Commission in 1988. During his 25 years on the Commission, he served as Chairman for 18 of those years. A few of the milestones that the Recreation and Parks Department were able to accomplish under Mr. William's leadership include the addition of 128,722 sq. ft. of indoor program space including the physical activity center, the visual art center, East Roswell Recreation Center, Hembree Park, the Adult Recreation Center and Art Center West. They added 596 acres of park land including the Leita Thompson Memorial Park, Big Creek Park, Riverside Park, Don White Memorial Park and Grimes Bridge Park. Under his tutelage, the City was able to pass three separate bond referendums approved by Roswell voters to expand acreage and operation of the department by \$39 million. During that time, they also added mountain bike trails, disc golf courses, two dog parks, two community gardens, two spray grounds and also gained river access. The Roswell Recreation, Parks & Cultural Affairs Department was five times named the Agency of the Year in 1988, 1990, 1998, 2004 and 2011. Mr. Williams pushed the Department to be the 32nd agency in the country to be accredited by the National Recreation & Parks Association for adhering to the 144 standards of operation. Currently there are almost 200 agencies that are accredited. The Roswell Recreation Department is also the gold medal finalist as National Agency of the Year for 2011, 2012 and 2013. The Recreation Department is a better agency because of Fred Williams. His dedication, commitment and hard work will endure for many generations and has made Roswell a better place to live, work and play.*

*Mr. Rodgers invited Fred Williams to come forward for recognition.*

*Mr. Williams said this was an honor for him. He said he came to the City of Roswell in 1967 and this town has been great to him and his family and he could never repay what the City has given to him and he hoped he had given a little back. He said all his life he had sat on the curb and watched the parade go by and now he would have the honor of leading the parade.*

**4. Introduction of the City of Roswell's new Cultural Arts Center Coordinator, Sarah Chandler.**

*Youth Official Anna Soderlund representing Councilmember Dippolito introduced the new Cultural Arts Center Coordinator, Sarah Chandler.*

*Historic and Cultural Affairs Manager Morgan Timmis came forward and said she was thrilled to have Sarah Chandler on board. Sarah is a Georgia girl who grew up in Macon and had come back home from Philadelphia. She has a Master's degree in Theater Management and years of experience running facilities and rental operations and special events, etc. Ms. Timmis invited Ms. Chandler to say a few words.*

*Sarah Chandler thanked everyone and said Roswell has a lot of good energy and she was excited to be a part of it.*

*Youth Official Anna Soderlund thanked Ms. Chandler and said the City was looking forward to having her here and all of the wonderful things that she would be doing.*

**5. Introduction of Deputy Police Chief Craig Easterwood.**

*Youth Official Lindsay Vice representing Councilmember Wynn invited Chief of Police Rusty Grant to come forward to make the introduction.*

*Chief Grant said he was excited to introduce the new Deputy Police Chief, Craig Easterwood. Chief Easterwood retired from the Cherokee County Sheriff's office after 23 years where he was a Captain and was known there as a problem solver in law enforcement. He invited Chief Easterwood to come forward.*

*Chief Easterwood said he was excited and humbled to be associated with an agency of the caliber of the Roswell Police Department and the City of Roswell. He said Roswell is a fantastic City and he was very glad to be here.*

**6. Recognition of K-9 "Bart" joining the Roswell Police Department.**

*Youth Official Lindsay Vice representing Councilmember Wynn said that K-9 unit Bart had completed his training and reported for his first duty assignment with K-9 officer Robert Colombo. She invited Chief Grant to come forward for the recognition.*

*Chief Grant said for years the Roswell Police Department had only one K-9 and now they have two and that was a significant step. He thanked Mayor and Council for making that possible. He said Bart's handler is Officer Colombo. He said Bart was from the Netherlands and both Bart and his handler had undergone extensive training and the department was excited to have them as part of the Police Department. He said Bart's name was mentioned frequently in the shift reports where he assisted with traffic stops and finding drugs. He said Bart had hit the ground running. He welcomed Bart to the department.*

*Youth Official Lindsay Vice invited Bart and his handler Officer Colombo to come forward. Officer Colombo thanked everyone for this opportunity. He said K-9 Bart is a very good dog and they are going to do great things and they already have. Bart, a 22-month old German Shepherd that was born in Germany, went to Holland at six months old and trained until he was one and a half. He had already made a big difference having only been in the United States for about six months. He said in just a little over two months, they had already confiscated 2.5 ounces of marijuana, 11-12*

grams of methadone, and just recently confiscated marijuana and paraphernalia from a hotel room. They have also tracked and apprehended one suspect. As Chief Grant said, K-9 Bart hit the ground running. He expressed special appreciation to Councilmember Wynn and Chief Grant for this opportunity.

7.

### **Reading of a Proclamation for Rivers Alive 2013.**

Youth Mayor Axel Martinez read the Proclamation for RIVERS ALIVE 2013 stating, Whereas The citizens of Roswell in the State of Georgia recognize that all life is dependent upon clean water and strive to restore and maintain the chemical, physical and biological integrity of Georgia's waters. Watersheds, the key component of the hydrologic – water-cycle, are an integral part of all the earth's systems and Georgia has 70,150 miles of streams and rivers that nourish our native plants and wildlife and Roswell has 1,675 miles of streams and is fortunate to have the Chattahoochee River running through it. We must bring together citizens, community representatives and local government leaders to restore and preserve our watersheds and the mission of Rivers Alive is to create awareness of, and involvement in, the preservation of Georgia's water resources through this annual volunteer cleanup of the fourteen river basins in Georgia. Keep Roswell Beautiful, in partnership with the City of Roswell, The City of Alpharetta, The Alpharetta Nature Resources Commission and The Chattahoochee Nature Center, is presenting the largest cleanup in metro Atlanta on Saturday, September 28th from 8:30 a.m. until 11:30 a.m. Keep Roswell Beautiful is also continuing their Great Annual Duck Race to be held immediately after the cleanup event at 12:30 p.m. on Oxbo Road in Big Creek. On behalf of the City of Roswell, Youth Mayor Axel Martinez proclaimed September 28, 2013 as Rivers Alive Day in Roswell and encouraged all the citizens to take part in this cleanup event.

Youth Mayor Martinez invited members of Keep Roswell Beautiful to come to the podium.

Environmental Programs Manager Janet Liberman reminded everyone to rent a duck and said they could rent three ducks for \$5 and could win \$100. She invited everyone to come out for the event and said that Rivers Alive had changed a lot over fourteen years and they had gone from collecting six tons of trash to one ton of trash and feel they have had a great part in that. She said they hoped to see everyone at Rivers Alive 2013.

Youth Mayor Martinez asked where the ducks could be rented.

Ms. Liberman said that Kim Weber was located in Suite 235 at City Hall and anyone could come during the hours of 8:00 am and 5:00 pm on Monday and this Friday. Ducks could also be rented at Rivers Alive on Saturday morning. She said the duck race would begin at 12:45 pm at the foot bridge on Oxbo Road and they hoped the Mayor would be there to start the ducks on their way.

**8. Reading of a Proclamation recognizing October 2013 as Roswell Arts and Humanities Month.**

*Youth Mayor Axel Martinez read the Proclamation for Roswell Arts and Humanities Month, stating, Whereas, October is National Arts and Humanities Month as so designated by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades. Our Nation and the City of Roswell have a rich artistic heritage; and Literature, theater, dance, art and music capture our history, build bridges amongst us, provoke dialogue and often raise important questions. Artistic expression resonates with us, challenges us, and teaches us important lessons about ourselves and each other. The Arts are vital components of our children's education, teaching students to observe closely, interpret creatively, and think critically, and participating in the Arts ignites wonder and imagination. Roswell has a strong commitment to Culture and Arts and this dedication drives the economic progress in our community for all our residents and visitors, and is sure to entertain and enlighten all ages. On behalf of the City of Roswell, Youth Mayor Axel Martinez proclaimed October 2013 as Roswell Arts and Humanities Month and called upon all the citizens to celebrate National Arts and Humanities Month with many special programs, activities and events.*

*Historic and Cultural Affairs Manager Morgan Timmis came forward and said they were excited to celebrate Arts and Humanities Month in Roswell. She said a brochure was available listing all of the 37 unique events for the month. She said they had done one thing differently thanks to an idea from Chair Rochelle Mucha of the Cultural Arts Board, soon to be Roswell Arts Commission and had reached out to the education institutions in the community as well as Roswell businesses asking them to develop an event in commemoration of Arts and Humanities Month and a few of them had done that. She then invited each group to come forward and talk about what they would be doing during the month.*

*Phil Parker, the middle school teacher at The Cottage School, came forward and introduced the students who were attending with him and said they would be bringing around a poster they created promoting their event, "A Celebration of RosWALL." He explained that RosWALL was a 200 foot long mosaic of colorful and creative ceramic tiles located on a retaining wall along Forest Street behind the Cultural Arts Center and was the largest permanent piece of environmental art in Roswell. Their goal was to make people more aware of this amazing mosaic wall. He said for approximately ten years; schools, cub scouts, boy scouts and individual artists had been participating by including their piece of creativity on the wall. He announced their event would be held on Saturday, October 26 from 10:00 am to 2:00 pm and they would be installing new pieces created, glazed and fired at The Cottage School. He invited everyone to join them and put their piece on the wall and be a part of history.*

*Chuck Douglas, Historic Site Coordinator at Smith Plantation talked about "Fall Farm Day" on October 12 after the Youth Day Parade and said they usually have around 900 attendees for this free event that includes crafts, wagon rides, and gem painting. He invited everyone to join them following the parade.*

*Fran Larry, Education Coordinator for Barrington Hall announced that during the month of October, they would have performances of "Henry V" by the North Fulton Drama Club on October 4, 5, 6, 11 and 12. There would also be an adult creative writing class on children's books on October 17, 24 and 31, a cooking class, "Fall in New England," on October 29 and "Beasties at Barrington-A haunted tour of the grounds of Barrington Hall" on October 18. She invited everyone to attend their*

events.

*Tommie Ramsey from the Teaching Museum North on Mimosa Boulevard said their events for October include the "Historic Roswell: Gateway to GA History Walking Tour" presented by The Teaching Museum North. She asked another speaker to talk about the tour. He said he portrays Reverend Nathaniel Pratt, one of Roswell's founders and the founding minister of the Roswell Presbyterian Church and announced that their children's museum program is for eighth grade students from around North Fulton and the children tour ten locations where they learn about the Civil War era in Roswell. He said keeping eighth graders in awe is a great pleasure and a lot of fun. He invited everyone to visit the Teaching Museum.*

*Lynn McIntyre, from the Chattahoochee Nature Center announced the thirtieth year of "Halloween Hikes" that takes place over two weekends at the Nature Center, an improv event with costume characters in the forest, a family friendly event that is not scary but simply theatre in the woods. She said they would also present "Harvest on the Hooch" on October 13 at the Chattahoochee Nature Center, a Unity Garden Party with ten restaurants, many from Roswell with tapas style food from the Unity Garden. She noted the Unity Garden provides food for the North Fulton Community Charities food pantry and they have raised over twelve tons of food. This event includes live music and art with live alpacas. The opening ceremony for the Georgia Nature Photographers Association reception where Georgia celebrates photography is also on that same day.*

*Jane Swift with Roswell Fine Arts Alliance invited everyone to attend their grand opening on Saturday, October 19 that would also include the ribbon cutting for the new Arts Center East at East Roswell Park. She displayed examples of some of the art that would be on display and for sale at the grand opening.*

*Carolyn Young representing the Song of Atlanta Show Chorus, said they are a women's cappella group who sings harmony in the barber shop style. She announced an open house guest night on October 8 at Northbrook United Methodist Church and invited all females who could sing ages 14 and up to attend. She was joined by a group of singers as they performed a song.*

*Sarah Chandler, Cultural Arts Center Coordinator announced that Crystal Bowersox who competed on American Idol in 2010 would be performing in concert in October at the Cultural Arts Center and that postcards were available about this live entertainment series.*

*John Parsons, President of the Atlanta Wind Symphony (AWS) said they would perform their first concert, "Go West Young Man," at the Cultural Arts Center on October 13. He said part of the core values for the AWS is to provide a music outreach to the community through free concerts throughout the year. Two free concerts would take place at the Roswell Cultural Arts Center and two at the Roswell First United Methodist Church. He said they also support the Roswell Remembers Memorial Day and there would be a final concert at one of the local elementary schools for Peter and the Wolf. He thanked everyone for their support of the arts community and the Atlanta Wind Symphony.*

*Alex Paulson and Leslie Carruth from Randall-Paulson Architects, Inc. came forward. Mr. Paulson announced in celebration of the National Arts and Humanities month, that they would present an art exhibition at The Roswell Mill, "Creative Mill: Roswell Mill Art Exposition," on October 2 and 4 for some of their employee's art. He invited everyone to join them as part of their celebration of doing business in Roswell for 20 years.*

*Rochelle Mucha, Chair of the Cultural Arts Board, soon to be the Roswell Arts Commission said that National Arts and Humanities Month lasts 31 days and she hoped everyone who loves art and are passionate about supporting the arts would attend all of these events. She said it was evident from all the things they talked about tonight that the arts embody Roswell's community character and vitality bringing people together and capturing the City's history and future.*

*Lee J. Howard and Rochelle Mucha thanked the Mayor and Councilmembers and the many business leaders, particularly Steve Stroud and said they had come a long way in the merging and that there had been a tremendous commitment to the arts in Roswell for a long time. Mr. Howard said he had been on the Cultural Arts Board for eight years but in the last two or three years, they had accelerated with a lot of velocity through the partnership of business and the arts and as that partnership continues to grow, it would be a great future for the City of Roswell.*

**9. Reading of a Proclamation for "It Can Wait" Drive 4 Pledges Day.**

*Youth Mayor Axel Martinez read the Proclamation for "IT CAN WAIT" DRIVE 4 PLEDGES DAY stating, Whereas, The City of Roswell regards the public safety of our driving teenagers and adults as a chief concern and virtually every adult and many driving teenagers in Roswell and across Georgia rely on wireless service to keep in contact with family and friends. Since the first text message was sent 21 years ago, text messaging has become the preferred method of communications for many, especially teens who send on average 60 texts per day. Ninety-eight percent of American commuters know sending a text or email while driving is not safe, but statistics show that nearly 50 percent of commuters text while behind the wheel. A Virginia Tech study showed those who send text messages while driving are 23 times more likely to cause an accident involving fatalities or grievous injury. A driver that sends a text message while driving not only jeopardizes his or her safety, but also the safety of other innocent passengers, pedestrians, and other drivers. Through ItCanWait.com, Facebook, Text-to-Pledge, Tweet-to-Pledge, and events sponsored in communities, more than two million people have committed to never text and drive. On September 19, 2013, AT&T and Roswell High School united with students, parents, teachers, administrators and community business leaders to take the It Can Wait Pledge and to share their commitment with family, friends and others to encourage awareness of no texting and driving. On behalf of the City of Roswell, Youth Mayor Axel Martinez proclaimed September 19, 2013 as "Drive 4 Pledges Day" in the City of Roswell and urged all citizens who are licensed and get behind the wheel, to take the It Can Wait Pledge.*

*Rich Johnson from AT&T expressed appreciation to the City and Mayor and Council for the support they have given and said it was obvious they have a great commitment to their youth as shown by celebrating Youth Day. There was also a strong commitment to public safety and why this no texting while driving "It Can Wait" pledge was so important to the youth as well as adults and citizens of all ages. He thanked the City for their commitment and continued leadership. He said the City of Roswell is a great community.*

*Youth Mayor Axel Martinez asked if AT&T had plans to expand this to other high schools in the Roswell area. Mr. Johnson replied they were continuing to work with the Fulton County Schools leadership to deploy a program that all students can engage in and all students can be made aware. They would like to do this across the state not only in Fulton County. On September 19 as noted in the proclamation, AT&T and its partners did over 40 events across the state to drive pledges and*



*awareness of this issue. AT&T is committed to doing this and would continue to be a part of it.*

**10. Approval of a Recreation Commission appointment - Theo Keyserling.**

*There was no discussion.*

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

**In Favor: 6**

**11. Approval of an Historic Preservation Commission appointment - Bill Bruce.**

*There was no discussion.*

**A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this appointment to the Historic Preservation Commission be approved. The motion carried by the following vote:**

**In Favor: 6**

**12. The call to vote for Municipal Court Judge.**

*City Attorney David Davidson presented this item stating this was a resolution to regulate and provide for the calling of a special election, if necessary, to fill the unexpired term of the Chief Judge of the Municipal Court of the City of Roswell, Georgia, to provide Fulton County to conduct said election and for other purposes. He said that Judge Hilliard resigned on August 5 and that the City Charter requires for this Council to call for a special election to replace the Chief Judge within 60 days. That time would run out on October 4 and this was being brought to Council tonight as this is the last regular meeting. He said two resolutions were included in Council packets for the March 18, 2014 election date and the May 20, 2014 election date. March 18 would be for a special election for which the City would be forced to pay for the election due to it not being a statewide election.*

*Mayor Wood asked for an estimate of the cost if the election was held in March. Mr. Davidson replied approximately \$150-\$200 thousand.*

*Mr. Davidson said the May 20 election date would be the date of the general primary and the question could be put on that ballot and there would be much lower cost to the City.*

*Mayor Wood said he understood that even if they place this on the agenda, there would be further consideration for Council to go with an appointment and if they chose to do that after public hearing, this would be taken off of the calendar.*

*Mr. Davidson replied that was correct. He said state law provides that no matter what a city's charter says, the City Council in its determination could decide that they want to appoint a judge of the municipal court. He said the Council has asked for more information including a study from the Carl Vinson Institute of Government at the University of Georgia and he had received a proposal from them and a copy was provided for each of the Council. The Institute was willing to do the study but it would*

*not be completed until around October 30. He said they would present that study at a public meeting to the Mayor and Council and answer questions. He noted that the Charter says that the Council needs to call for the special election by October 4; therefore Council would not have all the information. He said it was his opinion that Council should pass one of these resolutions and then if they decide in their sole discretion that they want to appoint then they would be able to cancel the election.*

*Mayor Wood said then so this vote does not commit the Council from making a later decision to go with an appointment.*

*Mr. Davidson said it would be committing the Council right now. However, Council could change their mind later.*

*Mayor Wood said he thought Council understood that. He then asked for Council questions.*

*Council Comment:*

*Councilmember Price said, "It seems that we are sort of going through the motions of calling for the election which we are bound to do by our Charter; but then you are telling us that perhaps we don't have to. I would like some clarification as to, would we need to change the Charter or do we need to follow our Charter. I didn't think our Charter was optional."*

*Mr. Davidson replied that the state legislators passed a general law which applies to every city and trumps any city charter. Therefore, the general law says that council at any time no matter what their charter says has the authority to appoint a judge. Therefore, if the council at a later date decides they want to appoint a judge then they are free to do so.*

*Councilmember Price said, "But, if we have sworn to uphold the Charter, would we not be in violation of our oath; should we go that route?"*

*Mr. Davidson said the state has superseded the Charter; therefore Council would still be following the Charter. He said it would be his recommendation if Council elects to go to an appointed judge to change the Charter and they could do that prior to the election date.*

*Councilmember Igleheart asked on what date the qualifying end would be if they had a May 20 election. Mr. Davidson replied, "It would be required to be at least two weeks prior to the election. So, you have got a long time." Councilmember Igleheart asked, "Is this two weeks?" An unidentified speaker replied, "Yes." Mayor Wood said, "A minimum of two weeks; you could call for qualifying prior to that." Mr. Davidson said, "Right." Councilmember Igleheart said, "The point being; that we just need to have a cutoff point that whenever we make a decision one way or the other so that we do it prior to it." Mayor Wood said, "Correct." Councilmember Igleheart said, "Because I thought it was just a couple of months, but okay. Thank you."*

*Mayor Wood called for a motion.*

*There was no further Council discussion. Public comments were invited. There were none.*

**A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that this call for a special election to be held on May 20, 2014 be approved. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-09-60

**Environmental / Public Works Department - Councilmember Kent Igleheart****13. Keep Roswell Beautiful (KRB) Annual Report Summary for the period July 1, 2012 through June 30, 2013.**

*Presented by Stuart Moring, Director of Public Works/Environmental*

*Youth Official Justin Bellamy representing Councilmember Igleheart introduced the item and read the item summary, "Each year KRB is required to produce an Annual Report for Keep America Beautiful outlining activities and finances. KRB will present a summary of the report including the dollar value benefits for programs and events." He invited Environmental Programs Manager Janet Liberman to present the summary.*

*Janet Liberman came forward and introduced Randy Switts, immediate past Chairman of Keep Roswell Beautiful and said he would be presenting the Annual Report Summary.*

*Mr. Switts said he wanted to talk about some of the intangibles that occur when groups like KRB get involved. For example, when they do Adopt-A-Road, the roads are a lot cleaner for a lot longer and as was mentioned earlier, the Rivers Alive project has gone from collecting six tons of trash to one ton. The reason for that is that KRB has raised the consciousness of the community and people litter less. He noted some of the many programs that are part of KRB that include Green Expo, Adopt-A-Road, Adopt-A-Stream, Storm Drain Marking, Bring One for the Chipper, Big Creek Wetlands Workday, Rivers Alive and Bulky Trash Amnesty Day. He said KRB tries to determine a dollar value for the hours that the volunteers give to the City and that totaled \$73,859.04. The value for other non-dollar benefits came to \$53,589.31. Therefore, the total dollar value of benefits that KRB gave back to the City was \$127,438.35. That is a 16:1 cost to benefit ratio which is very good. He said he was very proud of their group for what they accomplished this year.*

*Mr. Switts and Ms. Liberman presented an illustration of a check to Mayor and Council for \$73,859.04 and said the amount represented the value of the hours that the volunteers gave to the City and to Keep Roswell Beautiful. Photos were taken with Mayor and Council, the Youth Officials and the Keep Roswell Beautiful team.*

*\*\*\*The Youth Officials were adjourned from the dais.\*\*\**

**CONSENT AGENDA**

14. **Approval of September 11, 2013 Mayor and Council Meeting Brief; Approval of September 16, 2013 Special Called Mayor and Council Meeting Minutes.**  
*Administration*  
Approved
15. **Approval for the Mayor and/or City Administrator to sign a release as part of the Travelers Casualty and Surety of America claim for the Barrington Farms Street Lighting, to sign an agreement with Georgia Power for purchase and light installation and approval of Budget Amendment 35042200-09-11-2013 increasing both the revenue and expenditure budget by \$4,336.27.**  
*Transportation*  
Approved
16. **Approval for the Mayor and/or City Administrator to sign a contract with Jacobs Engineering Group, Inc. (Jacobs) to perform a review of the City of Roswell's Engineering function in a not to exceed amount of \$18,000 and approval of Budget Amendment 10015850-09-23-13 in the amount of \$18,000.**  
*Administration*  
Approved
17. **Approval of a Resolution to accept a U.S. Department of Justice FY2013 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$10,604 and Approval of BA 22132101-09-23-10 in the amount of \$20,000.**  
*Public Safety*  
Approved  
Enactment No: R2013-09-61
18. **Approval of a Resolution to apply for a Target™ Public Safety Grant to fund Roswell's Heroes & Helpers Event in the amount of \$4,000.**

*Public Safety*

Approved

Enactment No: R2013-09-62

19. **Approval of Budget Amendment 21032501-09-23-13 in the amount of \$15,000 to continue the Police Department Leadership Development Training Program.**

*Public Safety*

Approved

20. **Approval for the Mayor and/or City Administrator to sign a renewal contract with CorrectHealth Roswell LLC for the provision of telehealth services for the Roswell Detention Center in the amount of \$76,275.60.**

*Public Safety*

Approved

**Approval of the Consent Agenda**

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

In Favor: 6

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

21. **Approval for the Mayor and/or City Administrator to sign a contract with the Jacobs Group to provide services for the Municipal Court Services Reorganization Plan in an amount not to exceed \$405,609 and amendments to the FY 2014 Approved Budget and Position Control. (This item was deferred at the August 26, 2013 Mayor and Council meeting) Presented by Michael Fischer, Deputy City Administrator**

*Deputy City Administrator Michael Fischer presented this item stating that this item was deferred from a previous meeting. This is to move the Court Services to an outside agency, the Jacobs Group. They proposed a work model that would reduce the amount of positions for all of court from sixteen and one half (16.5) to thirteen and one half (13.5). The amount would be not to exceed \$405,609 and the budget amendment is included for that for the group benefits and the transition period. Staff recommends going with the Jacobs Group for Court Services functions.*

Mayor Wood asked if they were also considering moving the Marshalls operationally from Administration to the Police Department. Mr. Fischer replied, "That is correct, Mayor." Mayor Wood asked if that would require an action of this Council. Mr. Fischer replied, "As part of the reorganization, that would also be included; we can move those over separately as a separate...(remainder of his comment was inaudible)." Mayor Wood asked if Council could vote on the Marshals separately from voting on the privatization of the clerks. Mr. Fischer replied, "You could certainly do that."

Mayor Wood asked Mr. Fischer to explain for Council and the audience exactly what was being done.

Mr. Fischer replied, "What we have in Court Services, part of the reorganization, there is a section of that for Jacobs to handle the operations in the court area with the clerk functions. Then there is also a reorganization recommendation. We have four Marshal positions currently under Court Services that falls under the Administration Department in the City and the operations would be more conducive to be put under the command staff organization of the Police Department, so those four Marshals would be transferred; those positions would be transferred over to the Police Department under that command staff."

Mayor Wood asked for Council questions.

Council Comment:

Councilmember Diamond said, "Michael, I know we talked about this and I don't know if anybody from Jacobs is here tonight. Is there anybody?" Mr. Fischer replied, "Their contact was here at the Committee meeting and they are at ICMA for this week." Councilmember Diamond said, "I kind of ran through those, but I would love to get that on the record; that I have heard from a number of churches and other people that work in the community about how exceptional our Court Services has been as far as empathy and compassion in special situations that may not always look like they look on the surface and in spending that extra time. And, I know the gentleman from Jacobs heard that, but I just want to make sure that is a priority because that is a level of service that I don't think we are willing to give up." Mr. Fischer replied, "I appreciate that. I think our level of service is going to be what it is today as far as working with our citizens; that unfortunately is our customers. Jacobs understands that just as the City understands that; these are citizens and our neighbors that from time to time have to come through our courts. So there are different circumstances depending on the cases and that will always be handled in a very personal manner; just like it is today." Councilmember Wynn said, "Just to get back to the Marshals. My understanding when we had this conversation is that is a lateral move. Am I correct?" Mr. Fischer replied, "Correct." Councilmember Wynn said, "From Marshal to PO1?" Mr. Fischer said, "Correct, Marshal to PO1." Councilmember Wynn said, "And, the job description does not change; they still would be serving papers so they would still be doing the job but just under Chief Grant and Deputy Chief Easterwood now." Mr. Fischer replied, "It is part of the PO1's duties to do those things, yes."

Councilmember Orlans said, "Michael, also, my understanding that the current employees would also be able to apply to Jacobs to work with them and also still work in Roswell if that works out well for them. Am I correct?" Mr. Fischer replied, "Yes sir, we encouraged them to talk with Jacobs; apply for their other positions within the City that may be a benefit to them that they could work with if those openings are there. Our Human Resources Department is working with them. There are some services that we have available and we will be providing but they are

certainly encouraged to continue in courts if that is what they want to and talk to Jacobs about that, yes sir."

Mayor Wood called for a motion regarding the movement of the marshals.

Councilmember Dippolito said, "First I wanted to thank Mr. Fischer for bringing the gentleman from Jacobs and getting us the additional information that we had requested. I appreciate that. It enabled us to make a good decision on this. I want to pull the marshals out separately, so I will have two motions."

*First Motion:* Councilmember Dippolito made a motion for Approval to move four full time equivalent Marshal Positions to the City of Roswell Police Department. Councilmember Diamond seconded the motion. There was no Council discussion on this motion. Public comment was invited. There was none. The first motion passed unanimously.

Councilmember Dippolito said, "For the balance of the suggestions by the staff, I am glad to hear that our employees will have an opportunity to interview with Jacobs and I would encourage them to do so. We have had a reduction in the amount of workload in this department so unfortunately it is one of those things that we just need to take care of and be mindful of the taxpayer's dollars."

*Second Motion:* Councilmember Dippolito made a motion to Approve the remainder of the Reorganization Plan as suggested by staff that was not just previously voted on.

Mayor Wood clarified that the gist of this was to outsource the court clerks through Jacobs. Councilmember Dippolito replied, "To Jacobs, correct." Councilmember Wynn seconded the motion. There was no further Council discussion. The second motion passed unanimously.

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, to move four Marshall positions to the Police Department. A second motion was made by Council Member Dippolito, seconded by Council Member Wynn to approve the remainder of the reorganization as suggested by staff. The motions carried by the following votes:**

**In Favor: 6**

**22.**

**Approval of a Text Amendment to the Zoning Ordinance to amend Chapter 18, "Outdoor Lighting." (Second Reading)**  
*Presented by Michael Fischer, Deputy City Administrator*

*\*Please go back to Meeting Details, File #13-0374 for the detailed minutes of this item.*

**A motion was made by Council Member Dippolito, seconded by Council Member Igleheart, that this Amendment to Chapter 18 of the Zoning Ordinance be approved on Second Reading. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD2013-09-08

23.

**Approval of a Resolution to reallocate unobligated 2012 Community Development Block Grant (CDBG) funds in the amount of \$85,206.55 for permanent outdoor structures at the Adult Recreation Center and Waller Park Extension.**

*Presented by Michael Fischer, Deputy City Administrator*

*Councilmember Dippolito introduced the item and congratulated the Recreation and Parks Department for cost savings that they had on the project. He said he was pleased to hear about consideration for adding some additional structures in that area and to Waller Park in particular.*

*Deputy City Administrator Michael Fischer said he would be present this item but noted that Grants Manager Danny Blich was present to answer particular questions regarding the grant.*

*Mayor Wood asked if there was a chart available showing how this would be allocated. Mr. Fischer replied not for this one, but there was a chart for another item that would be coming up. He said this is strictly for the amount of funds that were saved from a past CDBG that has to go back into another CDBG qualified project. The target area they are looking at is Waller Park and the Waller Park Extension, which is also the Adult Recreation Center. The recreation staff had identified a couple of good projects that also fit within the public meetings they had regarding those parks. He said staff recommends moving these funds over to the permanent structures at the Adult Recreation Center and Waller Park Extension. Mayor Wood asked which structures they were proposing to build. Mr. Fischer replied that there would be a structure adjacent to the Adult Recreation Center that would cover a patio area to be used for programmed activities in the case of rain or during hot temperatures. There were also a couple of areas at the Waller Park Extension around the playground area that could use some permanent structure and possibly at the athletic field.*

*Mayor Wood asked for Council questions. There were none. Public comment was invited. None were made. Mayor Wood called for a motion.*

**A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this Resolution to reallocate unobligated 2012 CDBG funds be approved. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-09-63



24.

### **Approval to submit the recommended allocations for the 2014 Community Development Block Grant (CDBG) funds.**

*Presented by Michael Fischer, Deputy City Administrator*

*Deputy City Administrator Michael Fischer displayed the "Project Recommendations" list on the overhead and invited Grants Manager Danny Blitch to present this item.*

*Mr. Blitch noted two charts included in Council packets; one on the back of the memo and another provided by the City Clerk. He said the last column on the right is the recommendation before Council that include:*

• Child Development Association	\$21,714	
• City of Roswell Public Works	\$194,730	
• Drake House	\$20,000	
• Enable of Georgia	\$8,714	
• Families First	\$5,142	
• Habitat for Humanity North Central GA	\$13,929	
• HomeStretch/Housing Initiative of North Fulton	\$26,786	
• Housing Authority of the City of Roswell	\$11,429	
• North Fulton Community Charities	\$19,862	
• Senior Services North Fulton	\$11,138	
• YMCA Alpharetta	\$4,143	
Total for 2014 Applicants	\$337,587	
• City of Roswell – Administration and Planning	\$80,026	
Total Grant for 2014 Applicants and City Administration and Planning		\$417,613

*Mayor Wood asked for clarification if the \$80,000 was a compliance number to make sure that everyone was in compliance and that was what was anticipated as the City's cost to do this. Mr. Blitch replied yes, it was a three year management of the grant and roughly that amount would be spent out over the three year process. Mayor Wood asked if this would be an estimate of the City's cost, and they are not anticipating money going into the General Fund. Mr. Blitch replied, no that is our cost. Mayor Wood said, "We are not profiting on this." Mr. Blitch replied, "That actually is a little bit less than our actual cost."*

*Mayor Wood asked for Council comment.*

*Council Comment:*

*Councilmember Price asked, "So, how many Grants Specialists do we have in the City?" Mr. Blitch replied, "We have one Grants Specialist by title. We have many that work for the departments that are actual experts in grants." Councilmember Price asked, "So, does this mean that an additional person or is this spread out over a number of people or what exactly?" Mr. Blitch replied, "No, this is a current position; one current position."*

*Councilmember Price asked, "So, there is no additional administration required for this?" Mr. Fischer replied, "Correct. This \$80,000 goes over several things. Part of that goes to fund the Grants Specialist position we have in the Grants Division that works for Danny. It takes the grant liaisons that we have in all of the departments, in several different departments, that work on grants as well as on other things. They bring everything together to the Grants Specialist who puts them all together just like you did managing the ZoomGrants for this. That \$80,000 includes that and a couple of other things as you will see. So, it is not strictly just for his pay but part of his pay, that position's pay comes out of there along with other things. And that's over a three year period." Councilmember Price said, "It seems like I recall, maybe I'm remembering this, but in the past this was a part time position. Now it's a full time*

position?" Mr. Fischer replied, "Correct. We went to a full time position last year and approval from Mayor and Council." Councilmember Price said, "Last year we went from part time to full time?" Mr. Fischer replied, "Correct. We are not changing anything on this one. We are just allocating the funds just like we do every year. A portion of the CDBG is eligible for administration and this is that portion." Councilmember Price said, "Okay, thank you."

Councilmember Dippolito asked Mr. Blitch if he would briefly go over the process and how this works as far as the system that was used this year. He said he thought it was very effective and people should know about it.

Mr. Blitch said the City of Roswell is one of the first entitlement cities in Georgia to go to a process of an online application process for CDBG affiliates and partners. There is a product called, ZoomGrants which went out to bid and was selected. That organization puts forth an online web portal. There is a four week process of soliciting applications from the non-profit community from the departments in the City. They put in all of their paperwork, some of the applications are more than 100 pages long. They include their financials, information about their project, their goals, their objectives and how they are going to measure all of that. That information is stored on the online system and is available for the reviewers, which is the Administration, Finance, Recreation and Parks Committee. They can log on with their user name and are able to score, rank and assign dollar amounts. That is all tabulated inside that web portal. This recommendation was then pushed out.

Mayor Wood asked for further Council questions. There were none. Public comment was invited. There was none. Mayor Wood called for a motion.

**A motion was made by Council Member Dippolito, seconded by Council Member Wynn, to approve submitting the recommended allocations for the 2014 CDBG funds. The motion carried by the following vote:**

In Favor: 6

25.

**Approval of a Resolution to reallocate unobligated 2012 HOME Partnership Program (HOME) funds in the amount of \$50,000 to the North Georgia Community Housing Development Corporation.**

*Presented by Michael Fischer, Deputy City Administrator*

*Deputy City Administrator Michael Fischer presented this item stating these were funds that were committed from Mayor and Council a while back possibly to go to the Veranda at Groveway project which was being worked on by the Roswell Housing Authority. That project was still in the design planning phase and not far enough along to be able to use these funds. The City does not want to miss out on the timeframe to obligate and expend these funds so rather than letting them sit in a committed state, staff recommends reallocating these to a project that could be used in the community. The funds are required to go to a community housing development organization and when these funds were available there was one that was certified, North Georgia Community Housing Development Corporation (NGCHDC). He said staff would recommend reallocating those funds to NGCHDC for a project they have identified for rehabilitation of homes in the City of Roswell.*

*Mayor Wood asked who the North Georgia Community Housing Development Corporation was. Mr. Fischer replied it is Habitat for Humanity. Mayor Wood said that is what they are most known as. Mr. Fischer said, "Yes sir, their correct name is Habitat for Humanity." Mayor Wood said he was just trying to get an interpretation*

that it is also known as Habitat for Humanity which is what most people know them as.

Mayor Wood asked for Council comments.

*Council Comment:*

Councilmember Orlans, addressing Mr. Fischer, said the information states the money would be used to acquire or rehabilitate a Habitat for Humanity home. He asked if these are new homes coming into their inventory that they are rehabbing or homes already owned by homeowners that they are going to help rehab. Mr. Fischer stated he asked the same question of Danny Blitch. He said that these funds are to update homes that they currently have or to acquire homes. The 2014 CDBG money that they were looking for was for a new program to update homes that have not yet been updated to code. This would be to acquire or rehabilitate.

Councilmember Orlans asked Mr. Blitch if this could be designated to acquire. Mr. Blitch replied that the HOME funds can only be used for three things that include, to acquire, to rehabilitate and to resale homes as part of CHDO's normal activity. Therefore, what they use the funds for could be limited and it would be something that should be weighed carefully because \$50,000 in this housing market might not allow for Habitat or the CHDO in this instance, to be able to acquire, to be able to rehabilitate, or to move a family in. It would be something they would probably need to go after; perhaps a foreclosed home if any are available that meet the requirements to bring them up to code for \$50,000. There are some other considerations about location and target area and use.

Councilmember Orlans said as he mentioned once before, he was looking at the funds to be used to bring something new into their inventory whether they are getting a home that has to be rehabbed before someone could live in it, or to acquire a new home along with other funds. Mr. Blitch responded that the house that they purchased with the original \$45,000 from the HOME funds was purchased through a program from Bank of American. They acquired that home at a very low price and used the City's funds to update the home to have ADA accessible ramps and lifts so that the person could pull their car into the driveway, get out of the car inside the garage rather, and then be able to navigate inside the home. They have removed walls in the kitchen and in the bathroom to make it more accessible.

Councilmember Orlans asked if these would have to be located in the City of Roswell. Mr. Blitch replied yes.

Councilmember Orlans said that was his only concern or question in the motion of trying to take that approach to it rather than putting the money into rehab of homes that were already owned by people. He thanked Mr. Blitch.

Mr. Blitch said that the rehab of the homes that are already owned by people, not necessarily Habitat for Humanity homeowners, is the 2014 allocation that was approved in the previous agenda item. He said that he understands that is for people who are possibly elderly, possibly on limited income, to update their homes and to make them more weatherproof.

Mayor Wood called for a motion to see if Councilmember Orlans would be comfortable with that because they were debating on what the motion would look like.

Mayor Wood asked for further Council comment.

Councilmember Price stated, "Do we know how many eligible houses there would be

that are already Habitat homes in Roswell? I'm presuming that this is within the City of Roswell. Is that right?" Mr. Blitch replied that is correct. He said they met with Habitat and they mentioned two different projects that they had in mind. One was another Bank of America previously owned property that they were going to get for a very nominal amount. The other was one for which they would use Habitat funds to make the acquisition and then would use the HOME funds to do the rehabilitation and bringing it up to code.

Mayor Wood asked Mr. Blitch if the discussion with them was that they anticipate using this \$50,000 for rehabilitation of newly acquired property. Mr. Blitch replied that is correct.

Mayor Wood asked for further Council questions. There were none. Mayor Wood called for a motion.

Motion: Councilmember Dippolito made a motion for Approval of a Resolution to reallocate unobligated 2012 HOME Partnership Program (HOME) funds in the amount of \$50,000 to the North Georgia Community Housing Development Corporation with the suggestion that they make as a priority, using the funding for the acquisition of new homes or for the rehabilitation of newly purchased homes. Councilmember Orlans seconded.

Public comments were invited. None were made. Mayor Wood asked for further Council comment.

*Further Council Comment:*

Councilmember Price asked, "What are our other options for this money if it didn't go to this project?" Mr. Blitch replied that as he said before, it could only be used for acquisition, rehabilitation, or resale. An example of resale would be down payment assistance. Councilmember Price said, "You mean outside of this entity?" Mr. Blitch explained that outside of this entity there are other CHDO's in the City of Roswell. One that has received CHDO status is HomeStretch. He thought they received their status as of August 26; however, they were not eligible in 2012 when these funds were originally allocated.

Mayor Wood asked if they requested to be considered under this grant. Mr. Blitch replied yes, and that the City staff reached out to them; they have a project in mind that is part of their rental project; they are also interested in the 10% set aside for CHDO operations. Mayor Wood asked if they would be in a position to accept a grant at this time if the Council chose to reallocate it. Mr. Blitch replied yes, they are eligible.

Councilmember Igleheart said, "To clarify that, you had said that you weren't sure if they would be eligible because they have actually become eligible after the period of this specific money. Are you sure now that they are?" Mr. Blitch replied that his recommendation was still the same. He was not 100% sure that they would be eligible. However, they are certified and staff would turn in the paperwork like is always done to the HUD organization, the Georgia Urban County Consortium. They would weigh in and probably submit it to HUD, but that would probably take more than 30 days or longer. He said his fear was that time would run out to obligate the funds by December.

Councilmember Orlans said, "That would be my concern that we don't know and that it comes back, and as often happens if it is not approved during the time period that money was originally set aside, then it wouldn't be eligible at this point." He said he

*had a separate question to clarify Councilmember Dippolito's motion. He asked if Councilmember Dippolito was strongly suggesting or requiring that they actually use it for purchase.*

*Councilmember Dippolito replied, "My concern with requiring is we don't know what they have specifically in mind. So, I was saying to make it that they have it a priority. So, really give them the order of our preference."*

*Councilmember Orlans agreed with Councilmember Dippolito and said, "I was just concerned that if we did require it, we don't know some of the things that Mr. Blitch has brought up." He thanked Councilmember Dippolito.*

*Councilmember Price said, "When someone moved into a Habitat for Humanity house, are they not at that point sort of; aren't they independent at that point or are they still connected to the system that brought them the house?" Mr. Blitch replied, "I would say that they are independent in the sense that they are homeowners in the sense that you are making payments for 30 years. Not independent in the sense that the loan is a zero percent interest loan from Habitat for Humanity."*

*Mayor Wood noted there are strings attached.*

*Mr. Blitch said, "So, if the person defaults for example, there is a mechanism in place where Habitat would return the home to their stock and then they would make it available to someone else on their waiting list who is also income eligible."*

*Councilmember Price said, "I guess my question is trying to sort out the obligation to help to maintain the house once they get it as compared to HomeStretch where nobody owns it and it is turning over all the time and it needs maintenance between tenants." Mr. Blitch said, "They are in fact homeowners and also residents of Roswell once they get their keys and go to closing. They have to put in sweat equity of course, for Habitat for Humanity. They also have to go to eight hours of instruction as a new home buyer. Part of that is to train them to be prepared for maintenance and upkeep and to ask questions about any kind of extended warranties or whatever else that is related to home ownership." Councilmember Price asked, "Do you happen to know the default rate or how many people stay in those homes?" Mr. Blitch replied, "I do not know for Habitat in general. I know that for the neighborhood stabilization program, which was a successful implementation of six homes that we purchased most recently, we have had none that have defaulted." Councilmember Price asked, "Have they had assistance along the way?" Mr. Blitch replied, "Yes, absolutely. They have had assistance in the form of counseling along the way, maybe mentoring as well, as well as group almost like success classes." Councilmember Price asked, "But financial assistance?" Mr. Blitch replied, "No, no financial assistance."*

*Mayor Wood asked for further Council questions.*

*Councilmember Diamond directing her comments to Mr. Blitch said, "I seem to remember when the economic downturn happened that this was a model that Habitat shifted to. I may not have the timeline exactly right. But, especially in cities like Roswell, they were buying rehabs as opposed to new construction, that there were things that came up that they needed to do a little more to help those people stay in their homes in the initial economic times when they bought them. Do you know anything about when that model shifted or what percentage they used toward that? I think that is where the confusion is coming."*

*Mr. Blitch replied, "I don't know. Other than I will say that with the neighborhood*

stabilization program that was a 2009-2010 initiative, which was completed in 2011, and the model was prior to that. You are correct that they would purchase property. Obviously in Roswell to acquire property is expensive. So, they were doing less and less houses here which were the traditional stick build property with sweat equity in that manner. They had moved to this model of acquiring either foreclosed homes or homes that needed a lot of rehabilitation or homes that were on this registry with Bank of America and they were acquiring them for nominal fee. Of course when they are acquired in this way, they sit idle for a long time on the marketplace so there are issues related to vandalism, we have all heard about that on the news and squatters and terrible things that happen inside of those homes, and they were happy to get them off the bad roles and get homeowners in and taking care of them."

Councilmember Diamond said, "In a follow up on the HomeStretch question, the audit seems to be that the end game here is, do you believe that if we were to go with HomeStretch that it would stand up to an audit since they were not eligible at the time they applied? I realize you are not the auditor in this case but I imagine you have done some of those." Mr. Blitch replied, "They have made impressive improvements in the last year. I haven't seen their most recent audit because it is not available. But ours isn't either, so it is not a negative on them. I have seen one that was two years old that did show some concerns. In fact, so many concerns that we were unable to work with them in the past." Councilmember Diamond said, "I feel comfortable that they are probably on the track that they need to be on. But I guess if we were to approve money to go to HomeStretch and it did go through the process and the audit came back and disallowed it, do you anticipate that being an issue, because I've seen that happen."

Mr. Blitch replied, "That would never be an issue for the City of Roswell. Mainly because, we treat this like any other grant program, it is a reimbursement style. It would have to be spent by the non-profit. It would have to be documented and then it would have to have a check cut cleared through the system. We would have to have a copy of the front and back of the check. That would all be put forth as source documentation to our grant accountant in the Finance Department who would approve it and then we would submit it for reimbursement to the GUC, in this case who would then actually pay the reimbursement back to the non-profit." Councilmember Diamond said, "Isn't there generally an audit after a time on these kinds of grants and where they have gone and how the rules were followed and...?" Mr. Blitch replied, "Yes, once the funds have been completely spent and the program year closed. If it goes over multiple program years, we have to wait until the second program year is complete and we request their either 990 or their financial statements, whatever they happen to be. Or in most cases it is in audit. However, some non-profits can't afford a full blown single audit like the City of Roswell."

Councilmember Diamond replied, "No, I'm not talking about the organization's audit. I'm talking about our audit as a grant that goes to them." Mr. Blitch replied, "Well, the audit that goes to them under this would be from the GUC. So, that would be Cobb County that would actually be auditing and monitoring them. We have staff that would go out and do monitoring too, on a monthly or quarterly basis." Councilmember Diamond said, "I think I have confused it more."

Mayor Wood asked, "Is it fair to say that when they receive a grant from Roswell, we make sure they do it right so the audit doesn't create a problem down the road?" Mr. Blitch replied, absolutely. Mayor Wood said, "So we are not concerned about the audit because we do it right the first time." Mr. Blitch replied, "If we were to give them money, we would give them every resource they needed to make sure they could stand on their own and complete the grant application and the grant administration in a timely and ethical fashion."

Mayor Wood asked for further Council questions. There was none. Mayor Wood called for a vote.

A motion was made by Council Member Dippolito, seconded by Council Member Orlans, that this Resolution to reallocate unobligated 2012 HOME funds to the North Georgia Community Housing Development Corporation be approved. The motion carried by the following vote:

Enactment No: R2013-09-64

**Community Development - Councilmember Nancy Diamond**

26. **RZ-201301214, CV-201301216, CU-201301219, Intersection of Holcomb Bridge Rd. & Scott Rd., L Barry Teague, Land Lot 677, 712.** *(This item was deferred at the August 12, 2013 Mayor and Council meeting)*

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

*\*Please go back to Meeting Details, File #13-0217 for the detailed minutes of this item.*

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this rezoning with concurrent variances and a conditional use at the intersection of Holcomb Bridge Road and Scott Road be approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2013-09-65

27. **Text Amendment TA13-0355, to amend Chapter 12.4.19, Building Materials, of the Zoning Ordinance regarding building materials allowed in the Groveway Community Overlay District.** (First Reading)

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

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this ordinance relates to changing the language from "prohibited" to "inappropriate" materials in the Groveways. It allows for the Community Overlay dealing with the criteria for allowing for what would be originally in the ordinance prohibited material, to be changed to inappropriate material. This is in conjunction with the applicant's request for Lanar dealing with vinyl or vinyl clad windows, specifically. This is language that has been drafted by the City Attorney's office at first reading. It has been reviewed by the Planning Commission.*

*City Attorney David Davidson conducted the reading of AN ORDINANCE TO AMEND CHAPTER 12 OF THE CITY OF ROSWELL ZONING ORDINANCE REGARDING BUILDING MATERIAL ALLOWED AS PART OF NEW DEVELOPMENT stating: NOW, THEREFORE, pursuant to their authority, The Mayor & City Council adopt the following ordinance (please note: strikethrough are deletions, underlines are additions):*

1.

Chapter 12, of the Zoning Ordinances is hereby amended by changing Section 12.4.19, to read as follows:

**12.4.19 Building Materials**

*The following standards shall be utilized for high-quality development and the use of building materials that will be consistent with and add to the character of the area.*

*Brick and concrete siding standards*

*Masonry, concrete, brick or other durable material must be incorporated between wood trim and the ground plane (at least 2 feet above grade). Brick may also be used as a primary façade material.*

*Stucco standards*

*Proper trimming. Stucco and similar troweled finishes (excluding Exterior Insulation and Finish System or "EIFS") must be sheltered from extreme weather and are limited to no more than 50 percent of façades containing a customer or resident entry.*

*Treatment near ground level. Stucco and similar surfaces should not extend below 2 feet above the ground plane. Concrete, masonry, brick or other durable material must be used below this line.*

*Stone and timber standards*

*When used for the primary façade (containing the primary pedestrian entrance), buildings are encouraged to incorporate a combination of textures and/or colors. For example, stone, masonry, brick or timber applied as columns or piers combined with wood trim, concrete siding or stucco may be appropriate.*

*Prohibited Inappropriate materials*

*Inappropriate materials. The following materials are inappropriate for use in Groveway Community Overlay District and shall not be approved, except upon a showing of one or more of the criteria set out in Section 31.4.8 of the Zoning Ordinance. Expense alone, absent one or more of the criteria set out in Section 31.4.8, shall not be sufficient to justify use of an inappropriate material.*

*The following materials are prohibited inappropriate: mirrored glass, chain-link fencing, back-lit vinyl awnings.*

*Vinyl or vinyl clad windows, and windows with removable muntins ("grilles") or muntins sandwiched between the glass, are not considered appropriate or compatible. Wood or Aluminum-Clad Wood Windows are appropriate for new development projects.*

*Metal siding, including vinyl or aluminum, is not considered appropriate or compatible. Fiber cement siding with a wood grain surface is also not appropriate. The use of fiber cement is appropriate for new development projects, however, it should have a smooth surface texture.*

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

*Council questions:*

*Councilmember Igleheart said, "Is there any way to make sure that it is at least a certain level of vinyl or whatever these other are because then you open the door that for not only some things that may be a high standard. There could be some vinyl that could be good, but then you open the door for those that are not. How do we make*



or can we make that happen; keep the bad part inappropriate." Mr. Townsend stated that question should be directed to the City Attorney.

Mayor Wood stated, "Just for background, as I understood, this was driven by the fact that these vinyl clad windows were really the only ones that were feasible. Is that a fair statement?" Mr. Townsend replied, "That was the representation from Lannar, correct." Councilmember Igleheart stated, "Feasible, because they don't want to spend more (remainder inaudible)." Mayor Wood said he understood the justification because the maintenance on vinyl is so much lower than wood which requires periodic painting; they may be wooden core vinyl windows, very high end. The Mayor said he personally has chosen vinyl over wood not because of cost but simply because of the quality and the long term maintenance. He noted that vinyl would be much preferred over aluminum windows.

Councilmember Diamond said, "My impression was that HPC wanted to approve these; they like the look of the ones that were presented but they did not have the option, so this doesn't make it automatic but makes it allowable under certain circumstances, if it meets certain criteria. But absent those, it would still basically be prohibited."

Mayor Wood replied, "So in essence, it is the equivalent of condition." Councilmember Diamond replied yes. Councilmember Igleheart said, "Does that solve the issue of still allows them to do lower quality. I agree that there are some that can be acceptable quality but how do we keep it at that level." Mayor Wood said it is his understanding that it would have to be approved by Council, specially approved, and not allowed as a matter of right; he asked staff to respond.

City Attorney David Davidson explained, "Basically it is still not allowed unless they can show that it meets the criteria. The criteria is what is set forth in 31.4.8." Councilmember Igleheart said, "Which is our standard, how you get a variance, but that still doesn't address the quality and 'Let's get the cheapest vinyl out there.'" Mr. Davidson replied, "But you are going to have to present it, and when you present it if it comes in that it is the cheap vinyl, the HPC is not going to approve some cheap vinyl in the Historic District, typically."

Councilmember Price said, "Again, Section 31.4.8, what is the exception. I guess that would be directed to Legal." City Attorney David Davidson stated he did not understand the question. Councilmember Wynn noted the area Councilmember Price referred to. Mr. Davidson replied, "Right, those are the criteria for a variance." He asked Mr. Townsend if that was what was referenced. Councilmember Price asked that those be listed. Mr. Townsend read the following:

#### *Section 31.4.8 Criteria for Approval of Variances*

*Any applicant requesting consideration of a variance to any provision of the Zoning Ordinance shall provide a written justification that one (1) or more of the following condition(s) exist:*

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.*
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.*
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.*
- (d) The requested variance will be in harmony with the purpose and intent of this*

ordinance and will not be injurious to the neighborhood or to the general welfare.

(e) The special circumstances are not the result of the actions of the applicant.

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.

(g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Councilmember Price stated that it sounded like the only one that applies is (d). Mr. Townsend re-read 31.4.8 (d). Councilmember Price asked if there is any other that would apply. Mr. Townsend replied, "That would not be my determination; that is for the Board of Zoning Appeals to make that determination." Councilmember Price replied, "So using any of those materials, they would have to go to the Board of Zoning Appeals?" Mr. Townsend's response was inaudible. Councilmember Price asked if that is the procedure. City Attorney David Davidson replied, "I think what this is saying is they have to meet those criteria. It won't be going to the Board of Zoning Appeals; in this case, the HPC (Historic Preservation Commission) would be basing it on those criteria. You are not granting them a variance, but you are basing your answer on the variance criteria." Councilmember Price replied, "So previously because it was prohibited, it was just never negotiable, is that basically it?" Mr. Townsend replied, "Not considered, correct."

Councilmember Igleheart stated, "One other aspects where we're specifically trying to get the vinyl windows, but we are also allowing now by doing this, mirrored glass, chain link fencing, back-lit vinyl awnings. Is that correct?" Mayor Wood asked if staff understood the question. Mr. Davidson replied, "They would be inappropriate, and then somebody could bring in something and they could be allowed. They would not be allowed unless they presented something to HPC showing that they met one of the variance criteria, and it could not just be cost."

Councilmember Diamond asked if they meet the criteria would HPC have to approve them. Mr. Davidson replied, "Those criteria are very subjective. It is very hard to say that the applicant didn't cause it themselves, on something like building material. It is very difficult for any applicant to prove. If HPC turns something down, it would be very easy to defend. One of the criteria is that the applicant did not cause the hardship themselves. It is very easy to show that the applicant is causing the hardship themselves because that is what they are proposing."

Mayor Wood stated, "I think a better way to say this is, you are placing in the hands of the HPC, the discretion to approve an inappropriate material whereas before they did not have the discretion. We can talk about these variance provisions a lot but I don't think that is the best way to understand it. Really what you are saying is, it is in their discretion. If they believe you have got a good cause, they can grant a variance. If they don't, they can deny. It is a discretionary call, not appealable. Is that a fair statement?" Mr. Davidson replied, "It would be appealable to Mayor and Council." Mayor Wood clarified that it is not appealable to a court; the applicant could not go to the Superior Court. The Mayor stated if it came to Council on appeal, the Council decision would not be appealable. Mayor Wood asked if that was a fair statement. Mr. Davidson answered, "They could take you to court on it but it would be highly unlikely." Mayor Wood stated they would not really have any solid grounds. Mr. Davidson agreed.

Councilmember Diamond said, "If I came in with a chain link fence, and HPC said no, it would end there." Mr. Davidson said, "It probably should end there but I don't know that it will. They could appeal to Mayor and Council." Mayor Wood agreed that they could appeal to the Council, and end with Council. Councilmember Diamond said, "We are the final." Mr. Davidson said, "For the City, yes, and then if they didn't like

that, they could take it to Superior Court.” Mayor Wood replied, “They would have no legal foundation.” Councilmember Diamond asked if “opening this door doesn’t leave a legal foundation?” Mr. Davidson said it would not; not for a chain link fence. Mayor Wood said it would require some other basis other than they just did not like your judgment; they would have to show something extraordinary. The Mayor noted that as City Attorney David Davidson has said, you can sue anybody for anything, and you can appeal anything, but that doesn’t mean you have any grounds for it. Mayor Wood clarified that Council is really placing it in the discretion of the City whether they approve these projects; first the HPC; if there is an appeal, and then it would come to Council. Mr. Davidson said that the cost for suing the City would cost more than just doing it the other way.

Mr. Townsend confirmed for Councilmember Price that the area this is applicable in is in the Groveway Community Overlay. Councilmember Price asked, “In the future, is the presumption that it goes away under the UDC?” Mr. Townsend replied, “As drafted, the Groveway Community Overlay does go away.” Councilmember Price asked if this is just an interim request or how is it proposing to translate into the UDC. Mayor Wood replied that the UDC would have design guidelines. We would have to address this as part of the design guidelines on the UDC and the Council could continue this over or totally change it. The Mayor said he anticipates this would be part of the design guidelines discussion not the UDC discussion. Mr. Townsend agreed. Mayor Wood said, “The bottom line is any time you have a hard and fast rule, you are going to bump up against limitations and we are just trying to give discretion to recognize maybe the rule needs a variance, just as in this case. We ended up vinyl was the best product available.” Councilmember Price said, “So was there any other way to carve out what is trying to be achieved rather than lumping all these items into it?” Mr. Townsend replied, “I didn’t carve it out. It was the City Attorney.” Mayor Wood said he was certain the City Attorney could establish parallel variance requirements but this was a quick way to get there. City Attorney David Davidson said, “We could change it to just say that vinyl windows are inappropriate materials, and everything else is still prohibited.” Mayor Wood replied that it may be necessary to grant an exception in the future and it would then be back to Council with the same discussion. Mayor Wood said, “What we are really trying to do is to provide flexibility for products that meet the intent of what the Council wants to do, even though they do not meet the specific materials (remainder of sentence inaudible). Councilmember Price stated, “And I know we had pretty detailed discussion about vinyl clad windows but I don’t recall that we have had any discussion mirrored glass, chain link fence, metal sidings, fiber cement siding, so all those are discussions we haven’t had.” Mayor Wood replied, “If this Council wishes to limit it to vinyl siding as inappropriate materials that can be part of the motion. We can address it if a problem arises in the future.”

Councilmember Wynn directed her question to Mr. Townsend asking if the HPC had reviewed the changes to this ordinance, and if they did review it, what was their opinion. Mr. Townsend replied that the HPC had reviewed the changes in the ordinance, and is supportive.

No further questions.

Motion: Councilmember Diamond moved to approve the first reading of Text Amendment TA13-0355, to amend Chapter 12.4.19, Building Materials, of the Zoning Ordinance regarding building materials allowed in the Groveway Community Overlay District, deleting the materials mirrored glass, and chain link fencing from the list. Mayor Wood asked for a clarification of what remains on the list. Councilmember Diamond stated, “Back-lit vinyl awnings, vinyl or vinyl clad windows, and windows with removable muntins (“grilles”) or muntins sandwiched between the glass, are not

*considered appropriate or compatible. Wood or aluminum-clad windows, metal siding, including vinyl or aluminum, fiber cement siding with a wood grain surface."*

*Mayor Wood called for a second.*

*Council questions:*

*Councilmember Dippolito stated, "By removing the mirrored glass and chain link fencing we are no longer saying those are inappropriate, which I don't think is really your intent." Councilmember Diamond replied, "No, I think we are making those back to prohibited. Thank you for that." Councilmember Dippolito replied, "Mirrored glass and chain link fencing are prohibited; everything else would be considered in appropriate." Councilmember Diamond replied, "Yes."*

*Councilmember Dippolito seconded the motion.*

*Mayor Wood invited public comments. There were none. There was no further discussion by Council. Mayor Wood noted that this is the first reading of this text amendment.*

*Vote: Councilmember Orlans, Councilmember Wynn, Councilmember Dippolito, and Councilmember Diamond voted in favor. Councilmember Igleheart was opposed. Mayor Wood asked for those abstentions. Councilmember Price responded, "Is the current wording, like the paragraph on metal siding, vinyl, aluminum, we already had that as not inappropriate?" Comments made in response were not audible. Councilmember Price responded, "It is not changing though. The wording says: metal siding including vinyl or aluminum, is not considered appropriate or compatible. That is already in there right?" Mr. Townsend replied, "That was prohibited." Mayor Wood replied, "Now, it would be inappropriate. Under this motion, the vinyl and metal would be inappropriate. What would remain prohibited is mirrored glass, and chain link fence; those would be prohibited, there would not be any discretion on those. The rest of those formally prohibited materials would now be inappropriate which would leave it in the discretion of the Design Review Board of whether to approve or not." Councilmember Price said, "Wait a minute, but look at it. It is in black letters, it is not a strikeout or an addition. Is that the way it currently reads?" Mr. Townsend replied, "Yes." Mayor Wood replied not to look at it the way it currently reads, but rather look at as proposed. The Mayor said, "As I understand it, if this motion passes, we would have chain link and mirrored glass would remain a prohibited material. We can argue how it is written, but how it is written is irrelevant because this motion is going to make it clear what it will be going forward." Councilmember Price replied, "I am just clarifying that metal siding, vinyl, and aluminum has always been considered inappropriate." Mayor Wood said, "It was prohibited." Councilmember Price said, "So, all three of those paragraphs were prohibited." Mayor Wood asked staff if that was a yes. Response was inaudible.*

*Councilmember Diamond stated, "I think the confusion is says under 'Prohibited.' It says they are not appropriate." Councilmember Price agreed. Councilmember Diamond replied, "Which is different from the 'Inappropriate' that we are putting on the other things, so I think we need to clean that up for second reading." Councilmember Price said, "Yes, it is not like a comma. It is a period, and it is like these are new sentences." Councilmember Diamond replied, "Right, but I think where it says it is not appropriate, it is to explain that it is prohibited, rather than under this new category." Mayor Wood said he was certain that staff could clean it up since it was too late in the evening for Council to start "drafting on the fly." Mr. Townsend stated the second reading is scheduled for next September 30, and hopefully the attorney's office would clean it up. Mayor Wood asked if it would come to Committee in between now and the next reading. Mr. Townsend stated it would not. He*

*confirmed there would be a Committee meeting before the second reading. Mayor Wood directed staff to bring this text amendment to the Wednesday, September 25, Community Development Committee for discussion of the language for the second reading.*

*Mayor Wood asked Councilmember Price if she had any more questions. Councilmember Price replied she had wanted to clarify those three paragraphs. Mayor Wood stated she made a good point that staff would address. There was no further Council discussion. Mayor Wood called for the final vote on the first reading.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Amendment to Chapter 12.4.19 of the Building Ordinance be approved on First Reading with changes and be placed on the Community Development and Transportation Committee agenda for 9/25/2013 for further discussion. The motion carried by the following vote:**

**In Favor: 4**

**Opposed: 2**

Enactment No: ORD 2013-09-10

**28.**

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

*Presented by Alice Wakefield, Director of Community Development*

*Councilmember Diamond introduced this item. Director of Community Development Alice Wakefield stated Mr. Jeff Lovell is appealing to Mayor and Council to allow an additional driveway at 1220 Oakhaven Drive in the Brookfield West Subdivision. The Standard Construction Specifications states that if there is less than 200 feet of frontage, only one driveway is allowed. Ms. Wakefield clarified that Mr. Lovell is seeking permission to allow a second driveway. The Roswell Department of Transportation has reviewed this request and has no objections to the second driveway. Roswell City Code requires that if someone disagrees with the Standard Construction Specifications, it must be appealed to Mayor and Council. Ms. Wakefield noted that Mr. Lovell was present at this meeting.*

*Mayor Wood called for Council questions. None were made. Mayor Wood asked Mr. Lovell to come forward.*

*Mr. Lovell, 1220 Oakhaven Drive, stated he has a very narrow egress and ingress system. It is approximately 57 feet to the top where there is limited parking. Referring to a photograph displayed on the overhead projector, he noted that there is no area to turn around to then permit pulling out forward of this drive onto to Oakhaven Drive. Mr. Lovell displayed a plan for the driveway. Mayor Wood asked if Mr. Lovell needed this so that it would not be necessary to back out onto the street. Mr. Lovell stated that is correct, and noted that a Roswell Transportation staff recommended approval to prevent the dangerous situation of backing out onto the street.*

*Mayor Wood asked Transportation staff if they recommended allowing two entries. Mayor Wood indicated the response was affirmative.*

*Council questions:*

Councilmember Price said she was curious why Mr. Lovell would not just put a turnaround in, or did he just want a circular drive. Mr. Lovell replied he did not really have area for a turnaround, except for in the middle of the yard. Councilmember Price replied, "So that is going to require a curb cut?" Mr. Lovell replied yes. Councilmember Price asked who would be paying for the curb cut. Mr. Lovell replied he would pay for this curb cut.

Mayor Wood called for further questions or discussion. None were heard.

**A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this appeal to allow a second driveway curb cut be approved. The motion carried by the following vote:**

**In Favor: 6**

### **Recreation and Parks Department - Councilmember Jerry Orlans**

#### **29. Approval of an amendment to the City of Roswell Code of Ordinances, Chapter 14, Sections 14.4.1 through 14.4.5. (Second Reading)**

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

*Councilmember Orlans introduced this item and noted this would be the second reading of the ordinance creating a new Roswell Arts Commission. Several members of the Arts Commission that had been in the audience were no longer in attendance at this meeting. Councilmember Orlans stated those members were in support of the first reading wording of the ordinance.*

*Motion: Councilmember Orlans moved for Approval of an amendment to the City of Roswell Code of Ordinances, Chapter 14, Sections 14.4.1 through 14.4.5. (Second Reading).*

*City Attorney David Davidson conducted the reading of an ORDINANCE TO AMEND CHAPTER 14, PARKS, RECREATION & CULTURAL AFFAIRS, ARTICLE 14.4, CULTURAL ARTS BOARD, OF THE CODE OF ORDINANCES OF THE CITY OF ROSWELL stating: NOW, THEREFORE, the Mayor and Council of the City of Roswell, pursuant to their authority, do hereby adopt the following amendment:*

*1.*

*Chapter 14, Parks, Recreation & Cultural Affairs, of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by deleting Article 14.4, Cultural Arts Board in its entirety and substituting therefor a new Article 14.4, to read as follows:*

*Article 14.4 Roswell Arts Commission*

*Section 14.4.1 Establishment of the Roswell Arts Commission*

*The Mayor and Council hereby create and establish a Roswell Arts Commission. The Commission shall consist of seven (7) members serving staggered terms. Four-year terms shall be staggered with initial appointments as follows: two (2) members for a term of four (4) years; two (2) members for a term of three (3) years; two(2) members for a term of two (2) years; and one (1) member for a one year term. Members of the Commission shall be appointed by the Mayor with the advice and*

consent of the City Council. Vacancies shall be filled for the remainder of the term in the same manner that original appointments are made.

*The Commission shall elect by majority vote a chairperson from among its members. The chairperson shall serve for one (1) year or until a successor is elected. Only actions of the Commission which are taken from a majority vote of those members present shall have any effect to recommend or promote any purpose herein contemplated. Four (4) members or more of the Commission shall constitute a quorum.*

*Section 14.4.2 Qualifications for Service.*

*Each member shall be and remain at all times, during his or her incumbency, a resident of the City. No person shall be eligible for appointment, and no person shall be permitted to serve, on the Roswell Arts Commission that serves as a staff member of or on the board of any group or organization which performs or presents at the Roswell Cultural Arts Center. If any member ceases to meet these requirements, the member's office shall be deemed vacant and the member's term ended.*

*Section 14.4.3 Duties and Responsibilities.*

*(a) The Roswell Arts Commission shall have the responsibility, and it shall be the Commission's principal purpose and duty to be the primary advocate for the arts; to study and make recommendations to the Mayor and Council concerning creating a strong thriving culturally rich arts community and creative economy through collaborative relationships, financial support, services for, and promoting development of arts organizations, artists, cultural activity, and cultural tourism in the City.*

*(b) The Roswell Arts Commission will advise the Mayor and Council on matters pertaining to the arts, culture, and cultural tourism.*

*(c) The Roswell Arts Commission shall also have the responsibility and it shall further be the Commission's discretionary duty to:*

*(1) Monitor, evaluate and assist in efforts to implement the community cultural plan by presenting, advising or recommending matters related to the plan. Examples of matters relating to the plan include, but are not limited to, recommendations on visual and performing arts facilities development, funding for cultural events, activities and programs, and planning for cultural initiatives.*

*(2) Assist the City in obtaining state, federal and local and private funding for arts and cultural initiatives.*

*(3) Provide cooperation and assistance to the Mayor and City Council, Planning Commission, Design Review Board, Historic Preservation Commission, and Recreation Commission with any review or evaluation which may assist in preserving or promoting the arts and culture in the City;*

*(4) Review and recommend to City Council the resident status for resident companies at the Cultural Arts Center; review and recommend rules and regulations governing the use of the Cultural Arts Center subject to the approval of City Council, advise staff of the Cultural Arts Center and other cultural facilities of the City as designated by the City Council, in the scheduling of events, approval of lease agreements for the use of the Cultural Arts Center and other cultural facilities of the City as designated by the City Council; Evaluate and provide strategic oversight for cultural programs and initiatives except those developed under the auspices of the Recreation Commission, the Convention and Visitors Bureau or some other city department with authority to so act.*

*Section 14.4.4 Absences.*

*The minimum attendance requirement for a Board member shall be two-thirds (2/3) of*

*the regularly scheduled meetings. Failure to adhere to minimum attendance requirements during any twelve-month period shall cause such member's position to be declared vacant.*

*Section 14.4.5 Assignment of Liaison.*

*The City Council member assigned as liaison to the Administration Department shall serve as an ex officio nonvoting member of the Roswell Arts Commission. The City Administrator shall appoint a staff member to serve as staff support to the Roswell Arts Commission.*

*Mr. Davidson noted that if approved, this would be the second reading of the ordinance.*

*Mayor Wood called for a second to the motion.*

*Councilmember Igleheart seconded the motion. Public comments invited. No comments were made.*

*Further discussion by Council:*

*Councilmember Price asked, "Is there a fiscal note attached to that i.e., if these are evening meetings and we have now assigned a staff to that. Is that overtime, etc.?" Mayor Wood stated, "Morgan, do we anticipate any new costs as a consequence of this? Is the same practice, is the same staff appearance, before and after?" Historic and Cultural Affairs Manager Morgan Timmis, seated in the audience, replied yes. Mayor Wood asked Councilmember Price if that answered her question. Councilmember Price replied, "I just was asking it because of the red lettering. I thought that was new, it is not new?" Mayor Wood asked Councilmember Price what she thought was new. Councilmember Orlans stated, "Morgan's role right now, the changes just makes it more flexible." Councilmember Price asked if this is the first reading. Councilmember Orlans stated it is the second reading. Councilmember Orlans stated, "To answer your question, there is no financial impact from the change." Councilmember Price stated, "If there is no financial impact, I am satisfied."*

*Mayor Wood invited public comments. No public were made. No further Council discussion.*

**A motion was made by Council Member Orlans, seconded by Council Member Igleheart, that this Amendment to Chapter 14 of the Roswell Code of Ordinances be approved on Second Reading. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD2013-09-09

**30.**

**Approval of a Resolution to appoint Roswell Arts Commission members.**

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

*Councilmember Orlans introduced this item. He noted that the list provided to Council this evening is for the following appointments:*

Lee J. Howard	1-year term
Kim Hutchens	2-year term
Lee Walker	2-year term
Deborah Enea	3-year term
Rochelle Mucha (Chair)	3-year term



Larry Weisman 4-year term

Sandra "Sam" Moffitt 4-year term

Mayor Wood clarified that these are consistent with the current terms. This is the re-appointment to their current term on the old board to the new board. Mayor Wood noted that he did not know why two different boards are necessary but he was certain Legal has good justification.

**A motion was made by Council Member Orlans, seconded by Council Member Wynn, that this Resolution establishing the Roswell Cultural Arts Commission and appointing its members be approved. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: R2013-09-66

**31.**

**Approval for the Mayor and/or City Administrator to sign contracts for the FY 2014 Cultural Services (CFCS) Program Allocations.**

*Joe Glover, Director of Recreation, Parks, Historic & Cultural Affairs Department*

*Councilmember Orlans introduced this item. He noted the following contract amounts were approved by the Cultural Arts Board:*

Atlanta Wind Symphony	\$4,500	
Friends of Roswell Library		\$2,000
Georgia Ensemble Theater	\$5,000	
Michael O'Neal Singers	\$4,000	
Riverside Chambers Players		\$3,000
Teaching Museum North	\$3,500	
Roswell Historical Society	\$1,000	
Roswell Fine Arts Alliance		\$3,000

*Total:* \$26,000

**A motion was made by Council Member Orlans, seconded by Council Member Dippolito, that the eight (8) contracts for the Cultural Services program be approved. The motion carried by the following vote:**

**In Favor: 6**

*Council discussion:*

*Councilmember Price stated she wished to revisit the item Council passed regarding the Roswell Arts Commission because she wanted a clarification. Councilmember Price said, "I know that the final wording that we decided on at the first reading was slightly different. I am not sure I appreciated this before from an earlier proposed wording. One of the proposed wordings said the Administration Department Head shall appoint a staff member to serve as staff support. And in the final reading, it says the City Administrator. I am just wondering is there an appreciable difference between the Administrative Department Head and the City Administrator."*

*Councilmember Orlans replied, "That was included in the first reading. That came out of Committee meeting when there was some discussion about it being the Division Head over Administration, which is the Assistant City Administrator versus*

the Division Head over Parks and Rec, involving two departments. So, the wording in the agreement was changed to make it the City Administrator for the flexibility, and not deal with two different departments."

Councilmember Price replied, "So that means it could be somebody from either department?" Councilmember Orlans replied, "Correct. It could be, I guess, basically anyone." Mayor Wood replied, "The key is, now the appointment is made by the City Administrator not by a subordinate." Councilmember Orlans replied, "Not by the Assistant City Administrator or Parks." Mayor Wood said, "Or Joe Glover." Councilmember Orlans agreed.

Mayor Wood asked if there were any other questions. He noted that it does not require any further discussion because that motion has passed.

### **Transportation Department - Councilmember Betty Price**

**32. Approval for the Mayor and/or City Administrator to sign a construction contract with Summit Construction & Development, LLC for the Holcomb Bridge Road Multi-Use Trail in the amount of \$681,557.40.**

*Presented by Steve Acenbrak, Director of Transportation*

Councilmember Price introduced this item. Director of Transportation Steve Acenbrak stated it was a great honor to inform Mayor and Council that this is the first Roswell DOT bond project for construction. It is the Holcomb Bridge Multi-Use Trail. An invitation was issued to bid on the project; 11 bids were received. Mr. Acenbrak, referring to a graphic, explained that this project goes along Holcomb Bridge Road from the Steeple Chase entrance on the western side, over to Nesbit Ferry Road, which is South Holcomb Bridge Way, on the eastern side. It is 7,000 linear feet which is 1.3 miles, a five inch thick concrete pad along the south side. He indicated the cross section which will be the trail that will along the road. It will be 8 to 10 feet wide. It also includes 160 linear feet of sidewalk into the Holcomb Bridge Middle School. The school currently does not have any sidewalk. Mr. Acenbrak stated Transportation is prepared to construct this as soon as Council approves that this contract go forward.

*Council questions:*

Councilmember Price asked, "Are we sharing that cost within the school property with the Fulton County Board of Education?" Mr. Acenbrak replied that was part of the negotiation for the easements and the right-of-way that was needed from them. He explained that the City will pay for this but that was part of the City's negotiated agreement, and Fulton County Board of Education donated the rest of the right-of-way.

Councilmember Price said it is more than a mile. Mr. Acenbrak clarified that it is actually 1.32 miles.

Councilmember Wynn asked about the timeline. Mr. Acenbrak replied that if Council approves the contract tonight, the contracts would immediately begin to circulate. He stated it takes sixty days to work through all of the contracting but this fall, ground will be broken and building will begin. Councilmember Wynn noted that she had a conversation with the Holcomb Bridge Middle School principal; she is really happy about getting a sidewalk down to her school. Councilmember Wynn stated, "I think that was a good tradeoff, so thanks for working that out."

A motion was made by Council Member Price, seconded by Council Member Igleheart, that the contract with Summit Construction & Development, LLC be approved. The motion carried by the following vote:

In Favor: 6

**33. Approval to adopt the update to the Transportation Master Plan.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Price introduced this item. Director of Transportation Steve Acenbrak introduced the City's Transportation Planning Manager Chris Chovan and noted that he has done a great job with this.*

*Mr. Chovan stated this item was before Council tonight for the approval of the update to the City's Transportation Master Plan. He noted that this item had been discussed at Work Session on August 26, 2013. During that work session, four key areas were focused on. There was an explanation of the update to the City's functional class system throughout the City. It looked at all roads at a collector level and above. Also incorporated was a new connectivity program, which does not commit Council to looking at specific connections, but it puts it out there so when there are re-development and development opportunities, it gives the developer and the City the opportunity to look at where new connections can be made. Mr. Chovan said, "I've also asked to take a look at an administrative procedure that we can take action on the Master Plan without coming to you every single time on a very limited amount of issues, such as when we update census data, for example, or when we find typographical errors. Basically, so that when I need to do administrative clean-ups, that I have the capability of going into the plan and making those revisions. I would then report that to you at a later committee meeting through the information table." He said a series of administrative changes were made, as always done; they update the census data, refresh the pictures.*

*Mr. Chovan noted that at the August 26, 2013 Work Session, Council asked staff to take a look at a variety of different things; those were released to Council via electronic memo on September 11, 2013. He explained the electronic memo specifically addressed cleaning up some of the language. When it comes to the specific administrative procedures, language was added that speaks very specifically that they would not be addressing CIP (Capital Improvement Project) projects without coming back to Mayor and Council first; these would all be considered long range projects. Mr. Chovan noted that any time they are speaking about refining project costs, they would come back to Mayor and Council via either committee or work session. Mr. Chovan noted that a clarification was necessary between the Transportation Master Plan and the upcoming UDC (Unified Development Code); additional language was added to "beef" that section up in order to show the connection of when the UDC is being implemented and seeing the Transportation Master Plan connection.*

*Mr. Chovan asked for questions from Council.*

*Council questions:*

*Councilmember Price asked if citizens would be able to find the Transportation Master Plan online. Mr. Chovan replied that as soon as Council takes action this evening, he would work to break down the document into segments, which can be uploaded off the City's website easily and then tomorrow, placed on the City website.*

*Councilmember Igleheart referring to the connectivity program, said he agreed with it*

*in general but had a couple of questions. He said, "I guess my concern, is that we are putting very specific locations, which I understand we are not committing to, but that they are in there, and at some point somehow these things always become a plan, and I am concerned that there are a number of places that we don't know that people want it. We know that people don't want it in places. I don't want us to be in the position of saying that we are approving this. How do we do that to where like you are saying, it is a theory out there, it doesn't mean we are going to. While we are all interested in the program, but I am concerned about putting in those specifics."*

*Mr. Chovan replied, "Two points, and Steve or Clyde, I'll also ask if I need some clarification. We put some language in the document itself in the land use and the development section of the document that simply eludes to the fact that the City has a connectivity program. We also built an appendix into the document that has the map that shows these connections. It is meant for when a development or red-development comes before us, as a staff, that we are looking at those opportunities. It then takes it to the next level. Is it feasible to build. Some of these connections may be very difficult to build. We haven't gone out and done the engineering. You know early we were talking about slopes and trails, and trees and that sort of thing. We are not at that level. It is a high level planning tool for us to look at making those connections. There are not specific projects identified. There are specific connections that are identified but we did not go into the Master Plan Project list and say 'This project from X to Y; this project Z to A.' We kept it very high level."*

*Transportation Director Steve Acenbrak stated "Basically what Clyde did was look at a parcel map. If a parcel has a road stub and it is connected to another parcel, he just kind of did a broad feasibility, that says it looks like kind of a natural connection. If there is a creek there, or there is a fifty-foot drop, we did not really do that kind of analysis."*

*Mayor Wood asked if there is language in the plan that says this is a concept, it is not binding; something of that effect that says these are simply concepts to look into but the Council has not mandated this. Mr. Chovan agreed. Mayor Wood asked if he could read that language to Council. He said, "I would have to pull out the actual document to read the language but we wrote it intentionally where it is not spelled out that this required, that it is something that needs to be looked at as development and re-development takes place. I can get you that information afterward, but I do not have the document with me."*

*Councilmember Igleheart said, "I guess my concern, I agree with the general, all that again. But, we have had several projects in the last year or two where nobody wanted that connection; 'so why are we even talking about this – well, because Transportation told us we had to have it.' I don't want that to be what it ends up being."*

*Mayor Wood stated, "Kent, I think the best way to address it is in the language of the plan itself, to qualify that."*

*Land Development Manager Clyde Stricklin, stated "At the workshop, you asked the question where in the UDC are these connections made. That is where they are made because more than just looking at the plat maps and some of those areas, we have studied some of the connections, looked at the topography, and made sure that they are not through somebody's backyard or where they are through somebody's back yard, that it is a long back yard and is a minor location impact. We tried to minimize the impact on houses. Yes, it some places you have to go through there to get there because there is no other way to go. The whole point of the program is to*

*connect two places.”*

*Mayor Wood clarified that Councilmember Igleheart's point is just to make certain there is language in the plan that says these are not mandatory connections; these are simply to begin the conversation, something to look at. The Mayor said the Council is saying that Transportation is not in the position to say these are required; you are simply in the position to raise this just as was done tonight, raising the question.*

*Mr. Stricklin replied, “The Transportation Plan says it just that way. The purpose of the Connectivity Program is to identify two developers that have something we want to look at. What it tries to do is say those ones you don't have to look at but we would like you to look at these ones, and gives you a map to look at. It answers the question about where we would like for them to look. It doesn't require them to do it, it says look at these at part of your design. In the UDC, the other part of the connection is, when do you look at it. You have to look at it during development. We want you to look at it during development. In order to get them to look at it, they have to look at it. The policy says in the UDC, the Transportation Master Plan connectivity must first be consulted when designing new development and must be complied with, as determined by the Transportation Director. You have that opportunity to look at that and if it is a requirement then it comes to you as part of the development review to put in or not put it in. It is our recommendation to put it in and your ultimate decision to take it out or not put it in.”*

*Councilmember Igleheart said, “You just making my case of what I was concerned about.” Mr. Stricklin replied, “You are not wrong about the previous ones we had to bring to you, because we had no choice but to bring those to you and make suggestions on those ones because the opportunity was before us. And, yes, you are going to get those kinds of opportunities, but in the past we were having to force the developer to look at something he did not want to look at. Now, he has to look at that and come back to you and say we see you have a connection here, we think this would make a better connection. He will engineer a better connection because he is doing it during the process as opposed to us trying to make him do it later on.”*

*Mayor Wood said, “Let's say we had a steep slope, he could come to us and say the connection is not feasible for this reason. Using tonight as an example, if we had shown a connection here, rather than me asking the question for the first time, they would have said, we looked at it, we looked at the trees, we don't believe it is feasible for these reasons, and they would have been prepared with that answer versus me raising the question for the first time, and they are trying to answer it on the fly.”*

*Mr. Stricklin stated, “We have connection through that area but it is just not in that one particular development that we are looking at as far as connectivity trail. We have talked to Walton Communities about the possibility of a trail through their neighborhood, through an open space area, not in that particular development. So, in that case, we did not make a recommendation and did not have the discussion. Tonight is a perfect example of yes, we can do it, sometimes you don't. We have told them where to look. We are not asking to look in other areas. You can still ask in a certain development if you want to do it. It gives you the flexibility to require it if it is appropriate, and an engineered solution as part of the development. We can't pre-guess where all those other ones are going to be or whether it is feasible because we don't know what the projects are going to be.”*

*Mayor Wood asked Councilmember Igleheart if that answered his question. Councilmember Igleheart stated it answers the question but he did not know that it resolved his concern.*

*Mayor Wood said, "You don't have the document here tonight, let's look at the qualifying language and focus on the qualifying language. Everybody understands the principles but I think Kent's concern is with the qualifying language. Let's wait until we have the qualifying language in front of us and discuss the language. The concepts we've got. Qualifying language is where the details are. I would suggest a deferral." Councilmember Igleheart replied, "If you want to pull that one piece out and approve the rest, that would be fine."*

**A motion was made by Council Member Price, seconded by Council Member Igleheart, that the Transportation Master Plan be deferred and be placed on the Mayor and City Council agenda for 10/14/2013. The motion carried by the following vote:**

**In Favor: 6**

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

**34.**

#### **Recommendation for closure to discuss litigation.**

*Mayor Wood stated that the item on the City Attorney's report would not require closure.*

*The Mayor explained that City Attorney David Davidson wanted to provide Council an update on LOST, which is not a sensitive issue, therefore Mayor and Council did not go into closure to discuss the matter. Mr. Davidson stated, "The certificate has been filed with the Revenue Commissioner. The City of Atlanta has filed for an injunction but the judge has yet to rule on it. Right now we have a filed certificate." Mayor Wood noted that if Council had any specific questions Mr. Davidson would be able to answer those.*

**Adjournment - After no further business, the Mayor and Council meeting of Monday, September 23, 2013 adjourned at 10:33 p.m.**