



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes Mayor and City Council

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

Monday, February 27, 2012

7:00 PM

City Hall

WELCOME

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

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Director of Environmental/Public Works Stu Moring; Transportation Director Steve Acenbrak; Director of Community Development Alice Wakefield; Fire Chief Ricky Spencer; Director of Recreation and Parks and Cultural Affairs Joe Glover; Police Chief Dwayne Orrick; Community Development Planning and Zoning Director Brad Townsend; Interim Finance Director David Delac; Human Resources Director Dan Roach; Economic Development Manager Bill Keir; Deputy Director of Environmental/Public Works Mark Wolff; Environmental Programs Manager Janet Liberman; Director of Strategic Planning and Budgeting Keith Lee; Budget Coordinator Denise Brown; Community Relations Director Julie Brechbill; Environmental Education Coordinator Vicki Culbreth; Deputy Fire Chief Tony Papoutsis; Deputy Fire Chief Paul Piccirilli; Deputy Fire Chief Ricky Burnette; Transportation Accounting Specialist Karen Bernard; Transportation Administration Assistant Kim Weber; and City Clerk Marlee Press.

Pledge of Allegiance - Anand Srinivasan - Roswell High School

CONSENT AGENDA

1. **Approval of January 30, 2012 Mayor and Council Open Forum Minutes (detailed minutes to replace Open Forum Council Brief adopted on February 13, 2012); Approval of February 13, 2012 Mayor and Council Brief.**
Approved
2. **Approval of a change order to RKG and Associates, Inc. for the Strategic Economic Development Plan (SEDP) in the amount of \$6,000.**
This item was pulled from the Consent Agenda and discussed following Regular Agenda item #7.
3. **Approval of the Agreement between the City of Roswell and Progress Partners North Fulton Atlanta to implement certain recommendations of the Strategic Economic Development Plan and approval of Budget Amendment 7510-02-27-12 in the amount of \$25,000.**
This item was pulled from the Consent Agenda and discussed following Regular Agenda item #7.
4. **Approval for the Mayor and/or City Administrator to sign a contract with C.B. Summer Construction Co., Inc. for completion of the second floor of the Recycling Center in the amount of \$67,228.99.**
This item was pulled from the Consent Agenda and discussed following Regular Agenda item #7.
5. **Approval of a policy for selection of vendors at the Recycling Center.**
Approved
6. **Approval of the First Phase of the Walk of Valor Memorial project on City Hall Grounds.**
This item was pulled from the Consent Agenda and discussed following Regular Agenda item #7.

7. **Approval of Budget Amendment BA5540G1-02-27-12 to reallocate \$242,843 remaining funds in the MARTA Offset "Finish the Connection" project and Sidewalk Assessment Funds to supplement Transportation Sidewalk Projects and approval to sign an Amendment to the ARC-MARTA Offset Intergovernmental Agreement (IGA).**

Approved

Approval of the Consent Agenda

Public Comment:

Lonnie Mimms, 1270 Jones Road, Roswell expressed concerns about Consent Agenda item #6. Approval of the First Phase of the Walk of Valor Memorial project on City Hall Grounds. He said the City had spent a lot of money and effort doing studies including the Groveway district and there is an overall plan to tie the entire North/South run on Atlanta Street together linking Canton Street with Groveway and the square with continuity to create a nice walking district. He talked about this project not being thought through and this would be committing to a project that will essentially turn this into sacred ground where nothing will ever happen from that point forward. He said there were still many things that need discussion including parking at City Hall, walking to Canton Street and other similar things.

Mayor Wood suggested pulling this item from the Consent Agenda for further discussion.

Councilmember Price requested also extracting items #2, #3 and #4 from the Consent Agenda.

Mayor Wood stated, items #2, #3, #4, and #6 would be removed from the Consent Agenda. He said a vote will be taken on remaining items #1, #5 and #7 of the Consent Agenda.

Motion #1: A motion was made by Councilmember Orlans, seconded by Councilmember Diamond, to Approve the Consent Agenda.

Motion #2: A motion was made by Councilmember Orlans, seconded by Councilmember Diamond, to approve #1, #5 and #7 on the Consent Agenda. Items #2, #3, and #4 were requested to be pulled off the Consent Agenda by Councilmember Price. Item #6 was pulled off the Consent Agenda by Mayor Wood at the request of a member of the audience. The motion carried by the following vote:

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. **Presentation of Honorary City of Roswell flags to the family of Former Fire Chief Aubrey Reeves.**

Mayor Wood recognized Debbie Reeves Henson and Chris Reeves, son and daughter of Former Fire Chief Aubrey Reeves. He said everyone is grateful for all his years of service and helping build the best Fire Department.

Debbie Reeves Hensen, said she was very moved by the presentation of these flags honoring her father. She thanked the Fire Department, the City of Roswell, the Mayor and City Council and everyone else involved for organizing such an honorable funeral and said it was the most awesome thing she had ever seen. She said her father wanted his casket to be on the fire truck he bought when he came to Roswell and he had loved that Fire Station #1 was named in his honor. She said she was thankful he was able to see that before his passing. Ms. Hensen said he loved people and always said "you can't have too many friends". She said the Fire Department was a big part of his life and his men were a brotherhood. He loved it for everything it was; proud to be Fire Chief and proud of Chief Spencer and all the others that work with him. She said the fire station being named for her father was his legacy and thanked everyone involved for doing that.

Mayor Wood thanked Ms. Hensen on behalf of her father's service to the City and offered his congratulations to Former Fire Chief Reeves and the Roswell Fire Department.

2. **Recognition of the winners of the 2012 Drippy Dropperson Coloring Book Contest.**

Councilmember Igleheart said they would be recognizing the winners of the 2012 Drippy Dropperson Coloring Book Contest and said a reception had been held earlier in honor of the winners.

Environmental Education Coordinator Vicki Culbreth thanked Charlie Slade from CWS, one of the sponsors and Advanced Disposal who helped fund the coloring books. She said the contest included third, fourth and fifth graders from across the city that had drawn pictures of Drippy Dropperson protecting our water. She said the judges were impressed by all the contestants and from over 130 entries, eleven winners were chosen by the panel of judges that included Kay Love, Kim Weber, Charlie Slade, Stu Moring, Andy Estez and David Smith from Ecological Solutions and herself. The winners were recognized and congratulated as follows:

- Judy Denning – Mrs. Griffin's Fourth Grade, High Meadows School*
- Grant Rosenblum – Ms. Square's Fifth Grade, Mountain Park Elementary*
- Jack Wallace – Mrs. McDaniel's Fifth Grade, Queen of Angels Catholic School*
- Madelyn Bickel – Ms. Brooks' Fifth Grade, Mountain Park Elementary*
- Elena Ianzito – Mrs. Griffin's Fourth Grade, High Meadows School*
- Sophie Ragan – Ms. Vandiver's Fourth Grade, Queen of Angels Catholic School*
- Maggie Guziel – Mrs. Griffin's Fifth Grade, High Meadows School*
- Anna Marie Meer – Mrs. Aragon & Mrs. Wolf's Third Grade, Roswell North Elementary*

- Anne Lescher – Mrs. Nelli's Fourth Grade, Queen of Angels Catholic School
- Grace Traber – Ms. Cruz's Third Grade, Hembree Springs Elementary
- Alex Suljic – Mrs. Brooks' Fifth Grade, Mountain Park Elementary
- Ethan Tong – Mrs. Griffin's Fifth Grade, High Meadows School

3. Recognition of Anand Srinivasan from Roswell High School for qualifying as a finalist in the 2011 Google Science Fair.

Mayor Wood recognized fifteen-year-old Anand Srinivasan as a top 15 Finalist in the 2011 Google Science Fair for Modeling Brain Control of a Robotic Arm.

Anand said his project involved a device used in most hospitals known as an electroencephalograph that reads electrical signals from the brain to detect patterns that correspond with certain motor movements. For detecting patterns in those electrical signals in the brain, the project involved writing a software program that would more accurately decipher the signals which could be implemented into a system by which using thoughts alone, could control a prosthetic arm. He said it was mostly engineering a more efficient, useable and trainable brain computer interface.

Anand talked about his trip to Washington D.C., the White House Science Fair as well as the inside of the White House. He had the opportunity to meet with many intelligent students who had done other science fairs. This was the second science fair hosted by the White House and he and the Grand Prize winner from the Google Science Fair were invited to set up exhibits there. Of the 100 who were invited, only forty were chosen to set up exhibits. He said he was one of the lucky few to meet the President. Anand said throughout the process he felt the President was genuinely interested and liked his project and had taken his work seriously. He described it as an amazing once in a lifetime experience to be able to go to the science fair and present his work to a panel of acclaimed scientists especially those who were experienced in his field knowing they appreciated what he was doing and that his work really mattered.

Mayor Wood thanked Anand for sharing his experiences and said he is a remarkably smart person and with that kind of a great beginning, he will have many once in a lifetime experiences.

Anand introduced his parents and sister. They thanked Mayor Wood for inviting them.

4. Recognition of the Roswell Fire Department for the top award in the Georgia Burn Foundation Fundraiser.

Mayor Wood invited members of the Roswell Fire Department (RFD) to come forward for recognition.

Councilmember Wynn said she had only been liaison to Public Safety for two months but knows this is a great group of firefighters and they work very hard at this fundraiser.

Chief Spencer said the RFD had been standing in the streets collecting money since 1992 and in that time, had collected a lot of money for a good cause, the Georgia Firefighter's Burn Foundation. He said the foundation provides fire safety materials, helps educate children on burn prevention, and provides a camp for children with burns. Chief Spencer said during the 2011 Boot Drive, the RFD collected \$68,078 putting them in first place in Georgia and that they had also been in the running in 2003, 2008 and 2010. These firefighters go out and stand in the street to collect

money for such a good cause and they never complain about it. Chief Spencer said the department had also won first place for the most money collected per capita, \$489.75, of which 10% comes back to the City through the Georgia Firefighter's Burn Foundation that enables them to purchase coloring books, fire helmets and educational materials for the children. He said for this year as well as two previous years, the Roswell Fire Department was in first place. He said he appreciated them all and is very proud of this department, not only for collecting money but for saving the lives and property of people who live, work and play in the City.

Mayor Wood thanked Chief Spencer and the entire Roswell Fire Department for all their efforts.

5. Approval of a Board of Zoning Appeals appointment - Steve Handel.

Motion: A motion was made by Councilmember Wynn, seconded by Councilmember Orlans, for Approval to appoint Steve Handel to the Board of Zoning Appeals. The motion carried by the following vote:

In Favor: 6

Community Development - Councilmember Nancy Diamond

**6. Approval of a text amendment to Chapter 10 of the City of Roswell Code of Ordinances to License and Regulate Mobile Food Vendors in the City of Roswell. (Second Reading)
Presented by Bradford D. Townsend, Planning & Zoning Director**

Planning & Zoning Director Bradford D. Townsend said this proposed text amendment to Chapter 10 provides provisions for licensing and regulation of mobile food vendors. The regulations include definitions, license requirements, prohibited conduct and requirements, indemnity and revocation and suspension. He said there was one amendment related to the First Reading allowing mobile food vendors to cater city approved special events with no time limits.

Council Comment:

Councilmember Igleheart referred to Section 10.15.3 (D) and said, "The memo says that we dealt with or the changes were made for emitting sound...and there is no change that I see."

Mr. Townsend said in reference to (D), the language, when stationary, had been added at the end of while traveling on public rights-of-way and that the noise emissions requirements falls under the city noise ordinance. He said "I think the one change that we added was that we wanted it to be included when it was stationary not just going down the road." Councilmember Igleheart said "That was the concern that was expressed is that there will be sound and it's one thing to have sounds but another to have loudspeakers." Councilmember Igleheart asked if the word "sounds" could be struck. City Attorney David Davidson said that can be struck. Councilmember Igleheart said they should make an amendment to strike the word sounds.

Mayor Wood said his interpretation is that this would make ice cream trucks illegal and asked if that was accurate because they have wheels and serve food but he did not think it was the intent to eliminate the institution of ice cream trucks. He asked Councilmember Diamond if that was Council's intention. Councilmember Diamond

replied that was not the intent. She asked for a legal definition of ice cream truck sounds versus screaming and yelling down the road. Mayor Wood said, "I'm sure there is but it's a wheeled vehicle designed and equipped to serve food and I would treat ice cream as food." He said he wasn't sure he could support that.

Councilmember Diamond said she would like a legal definition. Mr. Davidson said he agrees with the Mayor's interpretation, the way it is written, it would apply to an ice cream truck. Councilmember Diamond said, "All sound versus some sound is what we are looking for. There is a big difference between an ice cream truck sound and a boom box." Mayor Wood said this would make ice cream trucks with or without sound illegal. Councilmember Diamond said that was correct but she would like language that would work through that.

Councilmember Price said she had some concerns and would like to recommend changes. She referred to Section 10.15.2 (B) that reads, "the Zoning Director or his designee may develop a form of application" which she said sounds like they don't have to, and asked how someone could file one if there's no application. She recommended changing may to shall because otherwise item (C) of that section wouldn't make sense if it was in their discretion not to develop an application.

Councilmember Price suggested combining Section 10.15.3 items (E) and (N) because it is redundant. She recommended deleting item (G) because she is not sure they ask that of similar entities. She said ice cream trucks had still not been clarified and therefore would recommend deleting item (M) from that section.

Councilmember Price also recommended changing the word shall to may in Section 10.15.3 (P) to read, The mobile food vendor may sell food, frozen products, and non-alcoholic beverage items. Councilmember Wynn asked, "isn't ice cream food?" Councilmember Price said, "I don't know but frozen products might, I don't know." Mayor Wood said item (M) talks about the product being made on the vehicle, ice cream is typically not made on the trucks, and he didn't know if that would specifically address ice cream trucks. Councilmember Price questioned if they were trying to prohibit ice cream trucks. Mayor Wood replied they would if this is passed. Councilmember Price said they wouldn't be if they remove (M) and change (P) to read, food, frozen products, and non-alcoholic beverage items and change shall to may which would mean not every food vendor had to do all of these at once; they could do one or many. Councilmember Price pointed out a typo or missing word in Section 10.15.3 (I) that reads, or similar food service business unless just eating establishment. She said it should be deleted or changed to make sense. She also recommended deleting (J) from Section 10.15.3.

Councilmember Wynn said she interpreted 10.15.3 (M) as not prohibiting ice cream vendors but requiring them to have the same markings as the mobile vendors. She said she thought that was appropriate and (M) should remain but she would have no problem deleting (I).

Mayor Wood said as this ordinance is written, it prohibits a mobile food vendor from serving in the public right-of-way and Mr. Davidson said that is correct. Mayor Wood said for clarification that if an ice cream truck was in a public-right-of-way, it would not be allowed to sell ice cream from the truck. Councilmember Wynn said (M) does not specifically address that but it does address how an ice cream truck should be marked. She said, if they want to allow ice cream trucks to sell in a public right-of-way; it would not be (M) that addresses that, it would be another part of the Ordinance. Mayor Wood agreed. He said, "it goes back to the public right-of-way and definition of a mobile vehicle. He said as drafted right now; he didn't think it was the intent to allow food trucks that were making food in the truck. He didn't think they were trying to look at food vendors who were selling pre-packaged food which would

include ice cream or some concessionary serving pre-packaged sandwiches.” Mayor Wood suggested pushing this to a third reading because of all the changes.

Councilmember Diamond said she had never done a third reading and wanted to refer to legal. Mayor Wood said it was not a third reading; it would be to defer the second reading. Mr. Davidson agreed. Councilmember Diamond said she was comfortable making a motion to defer the second reading but she wanted to make sure everything was captured before doing that.

Motion: Councilmember Diamond moved to Defer Approval of a text amendment to Chapter 10 of the City of Roswell Code of Ordinances to License and Regulate Mobile Food Vendors in the City of Roswell on the Second Reading and be placed on the Community Development and Transportation Committee agenda for 2/29/2012. Councilmember Dippolito seconded.

Further Council Discussion:

Councilmember Dippolito referred to Section 10.15.3 (A) and said he thought the intention is not for someone to stop and park on the public right-of-way on a permanent basis and perhaps there is another way to word it so people can operate on the public right-of-way but either be moving or stopping temporarily. He referred to Section 10.15.3 (D) about sounds and said perhaps that could be dovetailed into the noise ordinance where there would be a reasonable level of sound as long as it is not obnoxious.

Councilmember Price referred to Section 10.15.3 (K) about time limitations and said perhaps they should not define the time as sunset because there may be times when a truck might be legitimately parked for an event after dark. She questioned how sunset was chosen and recommended not using sunset. Councilmember Diamond said she thought this would not apply to special events. Councilmember Price asked if there is an exception somewhere for special events. Councilmember Diamond referred to Section 10.15.3 (K) and said, “Yes, unless such sale is in conjunction with a City approved special event”. Mayor Wood said to look at what the intent is there. Councilmember Price asked if Alive After Five is a City approved special event.

Mayor Wood said, “I would like to take a harder look at this and look at the reason for some of these things because I think safety is important and if there is a safety factor he thinks they need to leave it in. He said they need to look at the reason behind these things and there may be some reasonable hours. He said the streets of Roswell used to roll up at sunset in Roswell but not anymore”. He asked if any of the councilmembers had heard from any of the restaurants about Section 10.15.3 (I) – “200 feet from the main entrance to any eating establishment.

Councilmember Diamond said the Roswell Business Alliance surveyed a number of businesses and may be able to help. Mayor Wood said he would like to hear that response. Councilmember Diamond said Steve Stroud was in the audience and could speak about that.

Steve Stroud said the Roswell Business Alliance sent out a survey two weeks ago to the 496 business members of the Alliance and the 800 plus database from the Convention and Visitors Bureau and they had received 96 responses and that he would forward those to the councilmembers. He said there was not a tremendous response from the restaurants but the across the board response, approximately 80%, was very positive. He said they also surveyed caterers including Talk of the Town and Mr. Archer had provided positive comments. He said one thing to keep in mind moving forward was part of the reasoning behind the mobile food vendors was to push our camera ready program and stance in being prepared to service that

industry as they come to Roswell. He said they will have mobile food services available and that is very important to economic development.

Mayor Wood said he supports this but there could be some unintended consequences and unnecessary regulations for the public safety, health and welfare of the City. He said he wants to minimize the regulations because the whole intent is to allow food trucks to provide additional things and not to eliminate or make illegal things such as ice cream trucks. He said they are trying to liberalize things and was sure Council would look at the health, safety and welfare and try to eliminate regulations wherever possible. Mr. Stroud said, "Absolutely, let's encourage it".

Councilmember Price asked for clarification from Mr. Stroud about a positive response. Mayor Wood said Mr. Stroud will get the survey to Council.

Councilmember Price asked if someone could just summarize if they were in favor of this restriction. Mayor Wood replied he thought 80% were in favor and asked if that was correct. Mr. Stroud replied that was correct. Mayor Wood said 80% were positive which he took as positive in support of food trucks in general. Councilmember Price said "Okay, but they were not specifically saying this 200 feet restriction; we're not talking about that". Mr. Stroud replied they had sent out the complete amendment to the Ordinance along with the survey that everyone was able to read. Councilmember Price said she thought that 200 feet is onerous because it is almost 70 yards and that is a long way to have to be away. She recommended removing (l) from Section 10.15.3.

Councilmember Diamond said she was fine with eliminating (l) because she was concerned with how it was measured and it could be added back later if necessary. Mayor Wood said he didn't believe in laws unless they have a reason and suggested it be eliminated. He said this ordinance is not grandfathered in like land use and if there is a problem in the future, it can be revised or refined over time.

Councilmember Orlans said the 200 feet came from initial discussions that considered businesses with large investments in renovating houses or constructing new buildings in the historic district and this was a way to help not deplete their business. He said a mobile food vendor does not have a permanent investment in the City and 200 feet might not be enough, perhaps it should be more. He said they were trying to give their permanent structures some consideration

Councilmember Diamond asked if a date was needed in the motion. Mayor Wood said he would ask that it come back after the next Committee meeting. Mayor Wood said to put it on the agenda for the Committee meeting. He said they don't have to announce tonight when it is coming back. Councilmember Diamond asked everyone to bring their notes as to what they feel strongly about because this has been in discussion for several months and suddenly there are a lot of questions.

Final Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Dippolito, to **Defer Approval of a text amendment to Chapter 10 of the City of Roswell Code of Ordinances to License and Regulate Mobile Food Vendors in the City of Roswell on the Second Reading and be placed on the Community Development and Transportation Committee agenda for 2/29/2012. Staff will bring the proposed changes discussed to the committee meeting. The responses from the survey sent to the businesses will be distributed to Council. No date was determined for when the Second Reading will come back to Mayor and Council. The motion carried by the following vote:**

In Favor: 6

7. Approval of a Resolution to Adopt Annual License Fee for Mobile Food Vendors.
Presented by Bradford D. Townsend, Planning & Zoning Director

Mayor Wood suggested deferring this item due to the Ordinance for Mobile Food Vendors being deferred.

Motion: A motion was made by Councilmember Wynn, seconded by Councilmember Diamond, that Approval of a Resolution to Adopt Annual License Fee for Mobile Food Vendors be Deferred due to the Ordinance for Mobile Food Vendors being deferred. The Resolution will be brought back to Mayor and Council along with the Ordinance. The motion carried by the following vote:

In Favor: 6

**** The following Items #2, #3, #4, and #6 were pulled from the Consent Agenda for further discussion ****

Mayor Wood asked Councilmember Diamond to address Community Development Items #2 and #3 that were pulled from the Consent Agenda as follows:

2. Approval of a change order to RKG and Associates, Inc. for the Strategic Economic Development Plan (SEDP) in the amount of \$6,000.

Director of Community Development Alice Wakefield said the 2030 Comprehensive Plan Project is completed and \$6,000 is remaining in that contract. This request is to move those funds through a change order to the RKG project for the Strategic Economic Development Plan (SEDP). This funding allows for additional costs for a consultant to have additional meetings with SEDP Committee for more in depth work and follow-up meetings with stakeholders to work with the Roswell Business Alliance (RBA) and the staff as to how the proposed Roswell Development Corporation will look. She said one suggestion made by the consultant at the last meeting was to consider an umbrella group that would combine the RBA and the Downtown Development Association (DDA) to have an overall economic development entity. This would allow the consultant to work with staff to develop and incorporate a strategy to present to Mayor and Council sometime in the future.

Council Discussion:

Councilmember Price said her only concern was with #3 of the Item Summary that states "Develop and incorporate a strategy for the implementation of the Roswell Development Corporation". She said that doesn't exist yet and she didn't think Council had determined that is in order and that is premature until it is discussed. She said she didn't know if the amount of money is correct and if what they are asking them to do is correct but certainly #3 is not something that should be approved de facto.

Mayor Wood suggested revising the language to make it more generic rather than saying the Roswell Development Authority or something specific. He said it could be

the Roswell Business Alliance, the Downtown Development Authority, or some other function but it is really an implementation idea rather than a specific entity. Ms. Wakefield said that is correct. Mayor Wood said Councilmember Price is correct in that they have not made a decision on that specific entity but they will have wasted a lot of money if they don't make the decision to implement this plan. Mayor Wood asked Councilmember Price if that would be more acceptable.

Councilmember Price asked how the wording would be changed. Mayor Wood asked Councilmember Diamond to provide the new language or how the motion would be changed. Councilmember Price said the motion probably did not need to be changed but was only concerned about how it is summarized in the packet. Mayor Wood said he thought the intent is for it not be a specific entity but for an implementation plan. Councilmember Diamond suggested changing item #3 of the Summary to read "Develop and incorporate a strategy for implementation." Mayor Wood asked for further questions or comments. There was none.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Price, for Approval of a change order to RKG and Associates, Inc., which covers additional costs to the Strategic Economic Development Plan (SEDP) scope of work in the amount of \$6,000. The motion carried by the following vote:

In Favor: 6

3.

Approval of the Agreement between the City of Roswell and Progress Partners North Fulton Atlanta to implement certain recommendations of the Strategic Economic Development Plan and approval of Budget Amendment 7510-02-27-12 in the amount of \$25,000.

Mayor Wood asked if this would be a fee paid to Progress Partners to implement this agreement. Councilmember Diamond said that was correct. The agreement will be paid in two equal installments on March 1, 2012 and July 1, 2012. The term of the agreement will be March 1, 2012 through February 28, 2013.

Council Discussion:

Councilmember Price asked if this is in the current year budget or part this year and part next year because July 1 is technically our next budget. Ms. Love replied, "The payment would actually go out the door on July 1 but it would be a payable effective with this contract and would be set up and encumbered so like any other thing, we would recognize that payable." Mayor Wood asked if this comes out of this year's budget or next year's budget. Ms. Love replied it comes out of the FY2012 budget and is obligated, but the check is not dispersed until July 1, 2012. Mayor Wood asked where the money is coming from. Ms. Love replied from the Operating Contingency Account. Mayor Wood asked if there is money in the account to cover this. Ms. Love replied yes, there will be \$162,814 remaining in the Operating Contingency Account should this be approved.

There was no further council discussion.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Wynn, for Approval of the Agreement between the City of Roswell and Progress Partners North Fulton Atlanta to implement certain recommendations of the Strategic Economic Development Plan and approval of Budget Amendment 7510-02-27-12 in the amount of \$25,000. The motion carried by the following vote:

In Favor: 6

Mayor Wood asked Councilmember Igleheart to address Environmental / Public Works Item #4 that was pulled from the Consent Agenda as follows:

4. Approval for the Mayor and/or City Administrator to sign a contract with C.B. Summer Construction Co., Inc. for completion of the second floor of the Recycling Center in the amount of \$67,228.99.

Director of Environmental/Public Works Stu Moring said this is a contract for improvements to the Recycling Center - completion of the second floor area. \$115,000 was budgeted and the lowest responsive, responsible bidder was C.B. Summer Construction Co., Inc. in the amount of \$67,228.99. This project was part of the original plans approximately twelve years ago and was left out of the work at that time because the project costs far exceeded the architect's estimate. Since that time, the Recycling Center has been moved to the Solid Waste Fund for operation and funds are available and were budgeted last year. There are several purposes for these improvements. Mr. Moring showed the office area of the warehouse Crew Leader and lockers for the staff. Because there was only one office space; they take up one and a half bays of the operating floor to provide for them to be there. They would be relocated to the second floor and that would open up some of the cramped space on the operating floor of the center. They have had issues in the past with the safe being broken into and several hundred dollars have been stolen over the past ten years. There is only one office which is for the Supervisor and it cannot be secured because everyone has access. The Finance Department has determined that a safe is needed that money can be put into but cannot be removed. This would alleviate this security problem. This would also provide office space for Environmental Education Coordinator Vicki Culbreth who currently has a cubicle in City Hall but the storage of the educational materials that she provides to students and citizens is stored at the Recycling Center and at Dobbs Drive. Having an office space where there is contiguous storage would make that operation much more efficient.

Council Discussion:

Councilmember Diamond asked Mr. Moring for the square footage. Mr. Moring replied approximately 50'x20' or about 1,000 sf. Councilmember Diamond said she thought the downfall in the original presentation was that this was referred to as the mezzanine. Mr. Moring replied because the floor does not extend the full length of the building and under the fire code, calling it a mezzanine limits the additional fire proofing that needs to be done. He said the architect designated it as a mezzanine and that was also the recommendation of the Fire Marshall but that will be changed from mezzanine to second floor.

Councilmember Price asked if this falls in the category of Capital Improvement. Mr. Moring replied, "Yes, I believe so." Councilmember Price asked, "Do we entertain and provide for that in a different way than just in a regular line item budget that just says buildings?" City Administrator Kay Love asked Councilmember Price if she could be more specific saying she wasn't sure she understood the question about how they provide for it. Councilmember Price said, "I mean, how we discuss it or how it is implemented. Does this go on a list of Capital projects for Council to look at and decide upon, or is it just a line item in the budget which I don't think anybody appreciated what it was." Ms. Love replied Capital is handled differently. When departments submit their budget each February, they have to provide information

about the scope of work for the project and an estimated budget and when Council approves or discusses the Capital projects, those are done separately from the Operation budget and at that time questions are answered should Council want more information about a project and that would be the time to ask for it or if a project has not been submitted by a department and it is one that Council would like to see move forward, then that would be added.

Mayor Wood requested clarification as to whether there is already money in the budget for this project. Ms. Love replied yes. Mayor Wood said this is not approving the budget for the project but approving a contract to spend the money, which has already been approved by Council. Ms. Love replied that was correct. Councilmember Price asked if Council had approved a Capital project. Ms. Love replied, "Yes."

Mayor Wood asked if this specific Capital project was approved in the budget.

Ms. Love replied, "Yes sir. Now with that being said, during the budget that is why these things come back to you more than one time. When a department requests something for a project, they may not know the specific scope of work; the bid specifications, or RFP specifications have not all been worked out; so were you told the specific where an office would be located or specific square footage, I don't recall that those details were given out. If that is something that we need to start doing, we can certainly do that but basically, it is a scope of work to finish that second floor with needed office and storage space. Many times in funds such as the Enterprise Fund, we don't have the level of discussion about Capital projects that we do related to General Fund projects because of competing interests between departments. This being an Enterprise Fund, it is specific to the types of expenditures that we are allowed to use this money for."

Councilmember Price said "Under financial impact, we have the amount being requested is \$67,000 out of the \$115,000 that was previously budgeted; but there is other financial impact in that we will have about another 1,400 sf of living space that I understand that part of this project is that they will put in an HVAC system so we will have ongoing needs to provide the energy to cool and heat that area and also it is going to provide three offices and my understanding is that this may give some people duplicate offices that is just redundant to me and wasteful."

Mayor Wood said we should address that specific question and asked if the people who would be occupying these offices would have an office in some other place. Mr. Moring replied no and if he created that impression he is sorry. Mayor Wood asked if the cubicle that is currently being used by Vicki Culbreth would be used for some other purpose. Mr. Moring replied yes and the office furniture that is currently on the floor would be moved upstairs. Mayor Wood asked if the floor and space downstairs will have an additional bay for more functional space for processing recyclable materials. Mr. Moring replied that was correct.

Councilmember Price said she and Mr. Moring had a discussion earlier in the day at which time he wasn't sure who was moving upstairs but it sounded as though Janet Liberman would possibly be moving into one of the upstairs offices and she has an office in City Hall. She said that was what the crew had told her was the plan for that space. Mr. Moring clarified that he said several years ago when changes were being done in City Hall and there was question about space needs and at that time they relocated some water division staff to Dobbs Drive and they were not sure what the extent of those changes might be and there was some discussion at that time about Janet Liberman moving to the Recycling Center. Mr. Moring said that is not his recommendation and would oppose that and said there is no plan or expectation to

do that and added it is an option were the need to arise.

Councilmember Price asked what is the utilization of the classroom on the lower level. Mr. Moring said the classroom is for students such as boy scout and girl scout groups to receive training about recycling activities and although it is designated a classroom, it is actually a multi-purpose room where they also do activities using recyclable materials and fabricate art and crafts, things of that nature. He said the space is cramped and an additional workroom on the second floor could relieve some of that.

Motion: A motion was made by Councilmember Igleheart, seconded by Councilmember Diamond, for Approval for the Mayor and/or City Administrator to sign a contract with C.B. Summer Construction Co., Inc. to complete offices, storage closets and a small conference area of the second floor of the Recycling Center in the amount of \$67,228.99. Councilmembers Diamond, Dippolito, Igleheart, Orlans and Wynn voted in favor. Councilmember Price opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

Mayor Wood asked Councilmember Orlans to address Recreation and Parks Item #6 that was pulled from the Consent Agenda as follows:

6. Approval of the First Phase of the Walk of Valor Memorial project on City Hall Grounds.

Mayor Wood asked for a clearer explanation of the first phase of the project that Council is being asked to approve.

Director of Recreation and Parks and Cultural Affairs Joe Glover said the first phase of the project includes three (3) portals located at the sidewalk entrance on Hill Street, at the corner of Hill Street and Hwy 9 and one at Hwy 9 directly across from part of Roswell Park. He said the first phase also includes eight (8) monuments to be placed on City Hall grounds at a site to be determined. Mayor Wood asked if the site or design has been determined. Mr. Glover replied it had not. Mayor Wood clarified that this first phase would include eight monuments without approving site or design. Mr. Glover said that would be coming back but approval of the first phase would allow the Roswell Rotary Club to begin their fundraising efforts knowing they have the three portals and the eight monuments. He said it is his understanding they would construct the three portals now and the monuments might be in another year or so. Mr. Glover said there are also lighting issues involved and the preliminary plans would provide for lighting for pedestrians along the pathways from the Hill Street side parking lot to Canton Street. Mayor Wood said he would prefer separating the lighting from the portals, although they are in conjunction, they are not dependent on each other. Mr. Glover said the lighting is a City plan and the portals are a Rotary Club plan. Mayor Wood asked Council if those two items could be separated because the lighting is to encourage pedestrians to move from one location to another in the evening for parking and although in conjunction with the other; they are separate issues.

Mayor Wood asked if there is a specific budget and plan for the lighting. Mr. Glover replied that currently there is \$30,000 in this year's budget and the estimated cost is a little over \$27,000. Mayor Wood asked Mr. Glover to describe the nature of the lighting and where it will be located and asked if a diagram was available. Mr. Glover

replied he did not have one with him but described that the lighting begins from the Hill Street parking lot coming across in front of the war memorial and continuing across to the sidewalk directly across from the flag court at the heart of Roswell Park. City Administrator Kay Love asked Mr. Glover if two of the lights would be replacing the two that are close to the City Hall entrances in the back. Mr. Glover said that was correct and they are redoing some of the lights and redistributing and putting in LED low wattage lights for cost savings. Mayor Wood asked if it would be approximately \$30,000 to light the pathway. Mr. Glover replied that was correct.

Council Comment for Staff:

Councilmember Dippolito asked Mr. Glover if the existing lights that are ground mounted for lighting the building would be raised. Mr. Glover replied the two lights on the side will be mounted on 10-foot poles and pedestrians would be walking under them and the lights will still illuminate the dome and the building but would not be blinding to pedestrians when walking out the side doors. Councilmember Dippolito said that would be good and asked if the pedestrian lighting would be the same style lighting as on Canton Street. Mr. Glover replied it will be similar to what is on the grounds now but will have a more appropriate design that will make them all the same and said he was not sure what type light that will be. Councilmember Dippolito asked if it will be like an 8 foot or 10 foot tall street pedestrian pole. Mr. Glover replied yes and the mounting height will be about 15 feet. Councilmember Dippolito asked if it would be like low landscape lighting. Mr. Glover replied it would not. Councilmember Dippolito thanked Mr. Glover.

Mayor Wood asked Rotary Club President Dave McCleary to come forward for his presentation. He said the efforts and plans of the Rotary Club are appreciated and thanked him and his associates for attending the meeting.

Dave McCleary said they are requesting approval of the three (3) portals and the eight (8) monuments with the proposed location of them yet to be determined depending on the master plan. He said they had been working with City Council for a while on that plan and said the Rotary is very flexible on that. He said that the area where they have proposed building the monuments is already holy ground because the Faces of War Memorial is there for which the Vietnam War veterans spent many years raising money to erect. He said this is a great project for the Rotary Club to partner with the City of Roswell. Mayor Wood asked if the intention is to raise money now for these portals. Mr. McCleary replied that is correct and will be all private funds raised through the Rotary Club. Mayor Wood asked if there were final plans for the individual monuments. Mr. McCleary replied there are no final plans and that is up for discussion. Mayor Wood asked if there is a final location for the individual monuments. Mr. McCleary replied they do not because they are waiting for the master plan from the City, therefore initially they would like approval to put in the portals and monuments at locations to be determined.

Mayor Wood said he was comfortable approving the three portals but had reservations about approving the eight monuments for which there are no specific plans for their design or location. He said it could be misleading if people think they are already approved, designs are being floated, and he would not want a contributor to be misled by the City. He said he was not comfortable raising money for monuments without knowing the design, location and costs but was in support of the portals.

Council Comment for Roswell Rotary Club:

Councilmember Dippolito asked Mr. McCleary for his vision for the brass plaques on the inside. Mr. McCleary said the names of the memorial sponsors and the people who helped raise the funds as well as the name of the City and things of that nature.

Councilmember Dippolito asked if the actual information about the various memorials would be on the memorials themselves and not on the plaques. Mr. McCleary said that was correct.

Mayor Wood asked for further questions. There was none.

First Motion: Councilmember Orlans moved for Approval of the First Phase of the Walk of Valor Memorial project on City Hall Grounds, to include up to three (3) portals and up to eight (8) monuments and a lighting plan from the City. Mayor Wood asked Councilmember Orlans to break that into a motion for the lighting plan separately from the portals and the monuments because they may have differences of opinion on those two items. Councilmember Orlans restated the motion for Approval of the First Phase of the Walk of Valor Memorial project on City Hall Grounds, to include up to three (3) portals and up to eight (8) monuments.

Mayor Wood said he would like to handle the lighting portion first because that would be easier with a shorter discussion. Councilmember Orlans said he has a motion on the floor and asked if there is a second to the motion. Mayor Wood said "that is to not include the lights in that motion". Councilmember Orlans said that was correct. Mayor Wood said "this is a motion for the portals and the monuments." He said we have a motion on the floor and said we have a second. (Inaudible as to which councilmember seconded the motion)

Mayor Wood said he was more than comfortable supporting the three portals but not comfortable in supporting a motion that is to support monuments that have yet to be located and designed.

Councilmember Igleheart said "But isn't what we are approving that there will be monuments, not what the monuments will be... but you need to have that approval in order to raise money to do them. As long as we make it clear and everybody understands we are not saying this is anything that has been designed; things have been floated but that is not what we are approving. We are approving that there will be monuments."

Mayor Wood said until he sees the final design of the monument he might not vote in favor of them because he might think they were ugly or offensive. He said he was sure the Rotary would not do that but he personally is not comfortable supporting eight monuments without more information. He said in concept he supports what has been discussed but what he understood from Mr. McCleary is that they would raise money now for the three portals and next year they will be raising money for the monuments perhaps.

Councilmember Dippolito said for clarification that if they approve eight monuments now but not the design or location, they would still have to come back for approval and if they dislike the way they look or the location then there is an opportunity to turn them down at that point. Just because they approve eight monuments, they still have to come back for design and location approval. He asked City Attorney David Davidson if that is correct.

Councilmember Diamond said if they approve portals that say Historic American Walk of Valor but not assure there is going to be something to walk through then it will be difficult to raise funds without assurance the monuments will be there. She said, "It doesn't make sense to me to say Walk of Valor and then say we'll think about whether there is something to walk through later". Mayor Wood said there is sacred ground with a monument there now which is the main attraction.

Public Comment:

Lonnie Mimms, 1270 Jones Road, Roswell described this as creating another cemetery in the middle of an area they are trying to revitalize and energize and didn't think this has had enough of a forum. He said there is a monument there now that tells you now that everything can't be touched. If they take the remainder of the land which is still quite a bit and the implication of anything being passed tonight is that there will be portals and monuments somewhere that makes it a done deal. The public would be expecting it to be built. They have a chance to make something more relevant and useable by the public than to create more monuments. He said he didn't understand the relevance or connection that Roswell has to whichever wars are picked to go on these monuments. He asked if they were trying to create a museum or what is the real purpose. He said he understands that Roswell has the largest Memorial Day presentation but that is only one weekend per year and what is the general public going to do the other 51 weekends. He suggested creating a small amphitheater with bowl shape between City Hall and Smith Plantation or a number of other things that could be done.

Janet Russell, 260 Willow Springs Drive, Roswell said she was the only female who served on the Committee to build the Faces of War Memorial and said she was in Vietnam for two years. She said she was neither for nor against it, but questioned who would make the decisions about the statues and wars that would be honored and why this was even being done. She said she would echo everything that Mr. Mimms had just stated. She said she brings people to see the Faces of War Memorial and tells others about it and it is on her Facebook page. She said she has witnessed busloads of veterans coming for reunions there to honor their fallen comrades. She said the Historic American Walk of Valor sounds like it should be in Washington, DC. She questioned why the City would wish to honor any more wars unless there is also an intention to have a walk of peacemakers. There should be much more open discussion before voting on anything.

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

Further Council Comment:

Councilmember Diamond stated, "We have talked about this in several iterations and I'm not sure if anyone has seen the latest version of it and certainly this isn't where it is necessarily finalized by any means; we have gone through that. I think the way it takes in an area that you really can't do a whole lot else with because of the memorial that is already in place and leaves also an amphitheater area and less of a passive park feel to it is what drew me into this. What it does is, creates more activity in that part and more ability to do things. There are some real opportunities to make this something that would be not just walk-through on the way to the parking lot but maybe an actual tourist attraction or economic driver that would give you something besides just walking through the park. We are trying to encourage people to come through here to go to parking as well. I totally understand where you are coming from, but I do think that will be part of the discussion, is how that comes out and how we look at it. But, if you look at that strip, there is not a whole lot of space there and you are not talking about taking the whole park. On one of the original drawings, they were spread all over the park and I do have issues with that. I think as we go through it, we will see more refine that would make people more comfortable with it."

Councilmember Price said, "I know you want to talk about the lighting separately, but that \$30,000 that we are throwing about, actually I asked to be put in the budget for this improvement project. The plan at that time was to add a labyrinth over at the side and that was the reason that I asked for that money to be approved, so I didn't really appreciate that the \$30,000 was going to go to something else. I think that the

point of that really was that there is a lot of room out there, a lot of land out there and a lot of things that can be placed out there in addition to just the Walk of Valor and the original depiction of where the monuments would go was really kind of taking up too much space. The more current plan shows it much more contained in the area of the current memorial which I think is appropriate. I would like to make sure that we do look at this whole piece of property which is huge and make sure there is a balance of different activities and interests that would be presented there. There is a lot of area that could be for picnics and we have cleared some of it and there is a lot of improvement over what it has been but we do have to tread lightly and make sure that we don't get to the point where we have put too much in that isn't really embraced by a large number of people."

Councilmember Dippolito referred to a plan drawn by Keith Long which takes into account some of the ideas that Mr. Mimms had talked about with creating some open space and creating an active area but it also provides for a secluded area for the Walk of Valor itself. He said he had worked with the Rotary Club and with Mr. Long and the Council and some other people to try to come up with a plan on at least a preliminary basis to have something that does work and ultimately the goal is to use the City grounds in a way that works for multiple purposes and for multiple groups of people. He said he believed the Walk of Valor can co-exist with some of the other things that have been talked about and solemn areas can be created that are respectful but that are also open and very public areas. He said the World War II Memorial in Washington, DC is very open and yet still creates an atmosphere that is appropriate for that. He said there is still a lot of work to be done and in Committee they discussed taking this to a Work Session and he believed that still needs to be done and get more public input and more ideas about how to use the grounds. He said this piece of property is critical and is a barrier now between Canton Street and the Groveway area. He said just having the woods here, which is very nice and put there as a nice park space is not conducive to the economic development or redevelopment of the central business district. He said we should find a way to get all of these things to work together. He said he has supported the Walk of Valor since its beginning but they should be careful in effectively planning this property, which will have implications on what happens to the surrounding property for generations.

Mayor Wood commented that he was in support of everything said by Councilmember Dippolito and that was why he supports the portals because it is the Faces of War Memorial Park, which is what it says on the front. Mayor Wood added, "I think we have a definite plan for it and we know where they are going in but I don't know which wars we are going to celebrate or where they are going to be. There are too many details that I do not know for me to support a draft proposal that has no specifics. The portals have specifics; I can support that. I can see a need to begin fundraising on that. But, I can't support a plan which I have not seen."

Councilmember Dippolito asked if the Historic Preservation Commission (HPC) would need to review this since it is a structure in a historic area. Mayor Wood replied technically, they are not required to submit anything to the HPC but as a practice, they do because it is believed that those laws which are imposed on others should be imposed on them also; therefore, it would need to be reviewed by the HPC. Councilmember Dippolito asked if this is approved here would it still go HPC.

Mayor Wood said there is a motion and a second and called for a vote and confirmed the motion with Councilmember Orlans. He restated the motion – "The motion is to approve this design for three (3) portals and the locations are from this parking lot, from the triangle, and from the corner of Hill Street and Hwy. 9. It would approve those three portals and would approve eight (8) monuments with design and location

to be determined.” Councilmember Orlans said that was the correct motion.

Councilmember Dippolito proposed an amendment to have this brought before the HPC. He said he thought the portals look great but he was uncomfortable not getting their feedback since they are the city’s design group. Mayor Wood asked if he was requesting a Deferral until after HPC review. Councilmember Dippolito said he was not requesting a Deferral but would like to have them review and comment on the design and get their approval. Mayor Wood suggested that Councilmember Dippolito either make it contingent upon their approval or Defer for their approval because it needs to be one or the other. Councilmember Dippolito asked if they usually have things approved not contingent on but subject to the final approval. Mayor Wood said then they could approve it subject to HPC approval and if they do not approve, it would have to come back to Council. Mayor Wood said this is a matter of linguistics but gets them to the same place. Councilmember Dippolito said he did not want to hold this up but would like the HPC to review it and make comments.

Mayor Wood asked Councilmember Dippolito for clarification of his amendment for this to be subject to approval or just get comments from the HPC. Councilmember Dippolito was fine with making it subject to their review. Mayor Wood said he wanted clarification for the record and asked Councilmember Dippolito what was his intent after HPC approval; if his recommendation is for it to come back to Council for final approval. Councilmember Dippolito said in a normal circumstance if the HPC does not approve it, this would be like anything else that is parallel between Council and DRB and would be appealed back to Council if HPC did not approve to reverse that and asked City Attorney David Davidson if that was true. Mr. Davidson replied that was true and said Council is the ultimate decision maker and if they wish HPC to just comment, they could defer until they comment or approve it and let them comment after approval and then it would not come back to Council. Councilmember Dippolito said because we have everyone else go to the HPC, it is appropriate for something the city is approving to go to the HPC and said he fully expects them to approve it because it is a great design. Councilmember Dippolito clarified his amendment saying this would be subject to approval by the HPC.

First Motion to Amend: Councilmember Dippolito made a motion to amend the original motion for the portals to be subject to approval by the HPC. Councilmember Igleheart seconded. There was no further discussion. Councilmembers Dippolito and Igleheart voted in favor. Councilmembers Diamond, Orlans, Price and Wynn opposed. The first motion to amend failed 2:4.

Mayor Wood said they are back to the main motion, which is to approve three (3) portals and eight (8) monuments with location and design to be approved later.

Councilmember Price said she would like to offer an amendment such that HPC reviews and reports to Council. Mayor Wood said that was the same as the previous vote. Councilmember Price said that was subject to their approval not just subject to their input. Mayor Wood said if she would like to support that motion that is different but that is the same as Councilmember Dippolito’s motion because he said subject to and would assume that means they were reporting back and that would not be changing anything. He asked for clarification if she was saying it will go to the HPC and is subject to their approval. Councilmember Price replied no. Mayor Wood said it does not come back to Council just based upon a report. Councilmember Price said, “If there is some way we can have them put their eyes on it and get back to us.” Mayor Wood replied that was Councilmember Dippolito’s motion. Councilmember Price replied, “No, it wasn’t, was it?” Mayor Wood replied, yes. Councilmember Price said, “He doesn’t think so, does he?” Mayor Wood said, “If it was subject to

their approval and if they didn't approve it, in essence it would have to come back to us. You could make another motion not subject to their approval." Councilmember Price said she would just like other eyes to look at it. Mayor Wood asked if she would like to move for deferral. Councilmember Price said, "Not really." Mayor Wood said then her motion is to have someone else look at it. Councilmember Price said she would like HPC to look at it and give them some suggestions. Mayor Wood asked what would happen after the suggestions were made. Councilmember Price said, "It comes back to us." Mayor Wood said, "That would be a motion to defer until you hear from the HPC. That is the equivalent of what you are doing; because it is not final approval; you are approving subject to report and a further discussion by Council." Councilmember Price said she would make that motion.

Second Motion to Amend (as stated by Mayor Wood): Councilmember Price made a motion for approval subject to a review and report from the HPC and then be returned to Council for a final vote. Councilmember Igleheart seconded.

Councilmember Wynn asked for the date of the next scheduled HPC meeting. Mr. Davidson replied March 14, 2012. Councilmember Wynn asked if they have the authority to defer. Mr. Davidson said they always do. Councilmember Wynn asked if this can be handled the same as the DRB that it would go to them for their recommendations before coming back to Council. Mayor Wood replied, "yes, you can". Councilmember Wynn said she thought she was hearing a deferral because they can approve it but it will come back to them again and the Rotary Club would be waiting to find out if the HPC is going to approve this. Councilmember Wynn asked if Council could approve it tonight, look at the recommendations from the HPC and revise it later. Mr. Davidson said he did not have a response to that. Councilmember Wynn said the HPC will meet again on March 14, 2012 and asked if they can defer multiple times. Mr. Davidson replied they could.

Mayor Wood rephrased Councilmember Price's amendment saying the motion would be to approve and then be sent to the HPC for their comments and either accept or reject or make suggested changes and then return to have Council either accept or reject their recommendations and then for Council to make the final vote.

Mayor Wood replied if they are okay with it but that would not be subject to their review, but the simplest way would be to say, they approve it conditioned upon their approval. But, that was not accepted earlier.

Councilmember Igleheart said for clarification that the first motion to amend was that they give it to the HPC for approval and this second motion to amend is that Council will be given input for consideration and can either accept or reject. Mayor Wood said, "That is the motion from Councilmember Price that I think you seconded". Councilmember Igleheart said that was correct and added, "I do think this is a large deal and a big thing that is going to impact the City and our grounds and all the things that are there and I thought we had put it out pretty well; it has been discussed for months on end. But apparently it may not have been as well. I think this gives us two steps and kind of a compromise. We tell everybody we are approving this and it is going forward one way or another and the final design may have a tweak or two. I think we get the best of all worlds that the fundraising can move forward right now and we are making sure everybody is good with it, and within a month or a month and a half at the most, we approve it and keep going. I will second that and support that."

Mayor Wood restated Councilmember Price's motion to amend saying, "The motion is to approve. That approval is to go to the HPC for recommendations. Once those recommendations are made it will come back to this Council for a final vote." He added, "Whether they do or not the way it is written right now".

Councilmember Igleheart asked, "Why would they not make a recommendation? I don't see them deferring this for a long time. What if we just say they get one shot and it is March 14. I don't see the problem."

Mayor Wood said it could be brought back to Council at any time to be voted on regardless of the HPC's comments. He asked if everyone understood the motion before asking questions about it.

Councilmember Dippolito asked, "With the current motion, if it goes to HPC and they are fine with it, is it done or does it still need to come back?" Mayor Wood replied, "No, it still needs to come back the way it is written. The motion right now is, it would have to come back for a vote. It would be a different motion to say it is subject to their approval."

Councilmember Diamond said, "If they start fundraising, they are not going to be building it in a month. We are going to be getting input on the monuments and the placement and that can be on the portals as well. We can certainly ask for the HPC to weigh in without delaying this vote. That can just be a procedural thing we do; send it over and say we would like your thoughts on it. I don't see that we need to defer this based on their whatever. They will be one more entity we hear from as we will be asking for a lot of input."

Councilmember Orlans said, "I want to just go with the approval of the way it is set up tonight with the addendum that it be reviewed with the HPC for their input and suggestions." Mayor Wood said, "We have a motion and we are going to vote on that motion. If that motion doesn't pass, we can go with your recommendation. Because that is really a change in that motion. It is not amending that." Councilmember Orlans said, "Well, as has been discussed, it is just trying to move the vote along to get it approved and started. I'm sure the Rotary is more than open to get suggestions from the HPC so, it isn't like it is adversarial. I'm sure they will be happy to work with them."

Councilmember Igleheart asked, "Doesn't this do that? We are approving the portals and the only thing that is left up to discussion is the actual design of them, specifically; and I think everybody generally is okay. But we are approving that we are going to do these and the only question is, what will it look like. Is it any different from this? It may be exactly this. So, why are we holding it up by saying that we are going to let them give input and then we will decide whether we think that make sense or not. We are moving forward under what I have seconded to move forward with."

Councilmember Price asked, "Did you think that I was amending by substitution or was this an amendment and then we go back to the main motion?" Mayor Wood said, "We will amend it and then go back to the main motion. This is an amendment to the main motion." Councilmember Price said, "If I withdrew my amendment and restated an amendment by substitution, what he just said..." Mayor Wood said, "If you withdraw your amendment, under my practice that amendment would be gone and don't have an amendment anymore." Councilmember Price said, "All I'm trying to do is put it all into one. If we amend it by substitution then get rid of Councilmember Orlans' motion. My amendment is a substitution amendment." Mayor Wood asked, "Can you talk Councilmember Orlans into that?" Councilmember Price replied, "Yes, he's happy."

Councilmember Orlans said he didn't remember what he said but basically, it was approval of the first phase of the project including up to three (3) portals and eight (8)

monuments with submission to the HPC for their suggestions and review and to work with Rotary.” Councilmember Price seconded.

Mayor Wood said the motion is to approve up to three (3) portals and up to eight (8) monuments to be submitted to the HPC for their suggestions on the specific design. He said they are not approving the specific design of the portals or the monuments only that there will be three portals and number of monuments to be determined up to eight and the design is not approved.

Councilmember Price said, “Really what we are doing is approving the use of City land to place up to three (3) portals on it in such locations as will be determined.”

Mayor Wood said the general locations are determined; the exact locations are not determined.

Councilmember Price said, “I believe the motion was up to three (3) portals.” Mayor Wood said, “No. It is three (3) portals and up to eight (8) monuments. Councilmember Price said, “It’s up to three (3) portals as well.”

Motion on First Phase (First Motion): Councilmember Orlans moved for Approval of the First Phase of the Walk of Valor Memorial project on City Hall Grounds, which is up to three (3) portals and up to eight (8) monuments with submission to the Historic Preservation Commission for their suggestions and working with the Roswell Rotary Club. Mayor and Council to approve the design at a later time. Councilmember Wynn seconded. The motion passed unanimously.

Mayor Wood thanked everyone for their patience and said we will eventually get there with a wonderful design that will make the entire City happy and will allow for multiple events and multiple projects.

*****Mayor Wood called for the next item on the agenda.*****

*****Councilmember Orlans said we have not completed the lighting portion of the item.*****

Mayor Wood asked if this approval is for \$30,000 for lighting the path. Councilmember Orlans said it is up to \$30,000 but the budget says \$27,000.

Councilmember Orlans moved for approval of the lighting plan. Councilmember Wynn seconded.

Council Comment:

Councilmember Price said, “Again, I am going to state that the money was put in there at my request to incorporate a labyrinth into the design and I don’t see that in this discussion so I will just be sitting on my hands.”

There was no further Council discussion.

Motion on Lighting Plan (Second Motion): Councilmember Orlans moved for approval of the lighting plan. Councilmember Wynn seconded. Councilmembers Diamond, Dippolito, Igleheart, Orlans and Wynn voted in favor. Councilmember Price opposed. The motion passed 5:1.

*****There were no further Consent Agenda items for discussion. The Regular Agenda items continued.*****

Transportation Department - Councilmember Betty Price

**8. Approval of an Ordinance to amend the Code of Ordinances of the City of Roswell Section 22.3.5 to Authorize the Director of Transportation, with the concurrence of the Chief of Police, to erect regulatory traffic devices. (Second Reading)
*Presented by Steve Acenbrak, Director of Transportation***

Director of Transportation Steve Acenbrak, stated this is an item to help relieve the administrative burden on Elected Officials regarding the use of all regulatory signs, except for signs related to parking, which has been delegated to the Chief of Police. This will allow for the Chief of Police and the Director of Transportation to study the situation and determine if it is in the best interest of the public to make some clarification. They would erect the sign and with concurrence of the Chief of Police that the sign is still enforceable, and they would be able to do that themselves. In Council's packets are some of the signs they now have which give notice to vehicle operators of traffic laws and regulations. He commented that he and the Chief of Police are very aware of the City's aversion to signs, therefore this will not be abused. Their intent is to clarify points of conflict and they don't anticipate exercising this often but if this is delegated to the Transportation and Police departments, they can begin to put these signs out as the situation warrants.

City Attorney David Davidson conducted the first reading of an ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ROSWELL SECTION 22.3.5 TO AUTHORIZE THE DIRECTOR OF TRANSPORTATION, WITH THE CONCURRENCE OF THE CHIEF OF POLICE, TO ERECT REGULATORY TRAFFICE DEVICES, stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

Section 22.3.5 of the Code of Ordinances of the City of Roswell, Georgia, which currently reads "reserved," is hereby amended by deleting said Section in its entirety and replacing it with a new Section 22.3.5 to read as follows:

Section 22.3.5 Authority of Director of Transportation and Chief of Police to Erect Traffic Regulatory Devices

The Director of Transportation, with the written concurrence of the Chief of Police, may approve the erection of regulatory traffic control devices, as defined by the Manual of Uniform Traffic Control Devices (MUTCD), whenever and wherever traffic conditions or safety warrant such devices on city-owned streets. The Transportation Department will study, keep records, install, and maintain all such devices.

Council Comment:

Councilmember Price said she had a couple of things that might be considered between now and the second reading. She said this is a new section in the code and follows the original part of the section. She said on the page that shows all of the

signs are called Regulatory Signs but in the ordinance twice in the first paragraph it is referred to as devices. She asked if there is a significance difference between devices and signs. Mr. Acenbrak replied, "no, we are talking about signage". Councilmember Price requested that device be changed to signs in three places in the ordinance. She said the ordinance also talks about erecting and maintaining, etc. and asked about removable at such time they are no longer needed because she wouldn't want signs to be put up in perpetuity. Mr. Acenbrak replied that would be fine. Councilmember Price requested adding the word remove to the second paragraph to read, "install, remove, and maintain all such signs".

Councilmember Price said she was concerned about some of the signage. Mr. Acenbrak said this is a representative sample of signs. Councilmember Wynn said she was concerned about signs such as a One Way sign or any sign for which someone could receive a citation. She said she was assuming that only Mayor and Council can approve a one way street and suggested they meet with the legal department to determine which signs they can do and before the second reading to provide a revised page of the regulatory signs that are being looked at by the Transportation and Police Departments that would be under their discretion. Mr. Acenbrak said he completely agrees and said something like a one way sign, they would not change a road into a one way; this would be if there is already a one way sign and for some reason it might need an additional sign.

Councilmember Wynn said then they should look how the ordinance is written to say something about existing replacing existing signs but she is concerned about this list. She said she thoroughly agrees, but they should take a lot of things off the list because they shouldn't be voting on for instance, a No Trucks sign. She asked what could they legally do, and said she would like to take away some of the responsibilities that Mayor and Council have and give it to Transportation and Police because they know about the signage but she also wants to make sure what they are doing is legal. She said if any citations could be issued, is that part of the concern. Mr. Acenbrak replied yes and that is part of the issue here, is that all of these are enforceable by the Police Department and subject to the court system and they respect that. He said her point about the No Trucks sign, every year they do truck routes and the Mayor and Council approve those truck routes. He said it isn't as if they would redesignate the route, this would be for a supplementary situation where there the backbone is already in place and they are just supplementing or clarifying a situation; they are not making any new policy; simply supplementing those things that Council has already approved. Councilmember Wynn said that was not how she was reading the ordinance. She said the staff should get a clarification before the second reading.

Mayor Wood asked to have City Attorney David Davidson add some language to the effect that these signs would have to be consistent with policy set by Council and the staff would not be able to for example change a two way street to a one way street or designate which streets would be truck routes; that these are to implement policies set by Council. Mr. Acenbrak said this would clarify policies that have already been in place. Mayor Wood asked Mr. Davidson to clarify that for Councilmember Wynn to make it clear that we are not granting authority to change policy only to implement policy as set in place by Council. Councilmember Wynn said that is exactly why she would like that.

Councilmember Dippolito asked Mr. Acenbrak if they were currently permitted to install any of these signs or do each of these signs require approval of Mayor and Council. Mr. Acenbrak replied that technically they do require Council approval. Councilmember Dippolito asked if the signs that go up with some of the city road projects are approved on the plans. Mr. Acenbrak replied, "there is a signage and

marketing section of the plan, so when we review those...we don't review all those sorts of details with you, but you give us the authority through the approval of the funding which builds the project in the first place. We use our professional designers and engineering judgment in a way to sign it in a way that carries out your desires." Councilmember Dippolito said then the signs are for situations where they don't have an ongoing project. Mr. Acenbrak replied, "Exactly, that issue came up. It was Azalea at the rowing club for the No Turn On Red sign and it is not part of a project and it is was clarifying that offset intersection situation. Because our code requires Council to approve each regulatory sign, that is why we brought it to you, but I believe that the Chief and I could have made that decision independently." Councilmember Dippolito said he agrees and he liked what Mr. Acenbrak said about limiting the number of signs and said he would like them to look as well at signs that could be removed and not create safety issues. Mr. Acenbrak replied that he understood.

Motion: A motion was made by Councilmember Price, seconded by Councilmember Wynn, for Approval of an Ordinance to amend the Code of Ordinances of the City of Roswell Section 22.3.5 to Authorize the Director of Transportation, with the concurrence of the Chief of Police, to erect regulatory traffic devices on First Reading with the recommended changes from Council and be placed on the Mayor and City Council Agenda for 3/12/2012. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

9. **Approval of an Amendment to Chapter 22, Traffic and Motor Vehicles of the City of Roswell Code of Ordinances to Allow the Operation of Pedicabs within the City Limits of Roswell. (Second Reading)**

City Attorney David Davidson conducted the first reading of an ORDINANCE TO AMEND THE CITY OF ROSWELL CODE OF ORDINANCES TO ALLOW THE OPERATION OF PEDICABS WITHIN THE CITY LIMITS OF ROSWELL, stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

1.

The City of Roswell Code of Ordinances is hereby amended by adding the following article to Chapter 22, Traffic and Motor Vehicles:

Article 22.8 Pedicabs

Section 22.8.1 Definitions. For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Authorized route – the city streets upon which a pedicab is allowed to operate, as established by resolution of Mayor and Council and maintained by the director of Community Development or his or her designee.

City – the City of Roswell, Georgia.

Driver – any person who drives or operates a pedicab on city streets for a pedicab company.

Driver's license – that license issued by the State of Georgia pursuant to O.C.G.A. § 40-5-20 permitting an individual to operate a motor vehicle in the State of Georgia.

Operator – the holder of a permit to operate a pedicab business pursuant to this article, whether a person, partnership, corporation or other legal entity.

Pedicab – any non-motorized or motor-assisted vehicle with 3 or more wheels operated by one person for transporting passengers in seats or on a platform made a part of the vehicle.

Section 22.8.2 Pedicabs restricted to authorized route. Pedicabs may only be operated or driven along a route, or in an area, authorized by Mayor and Council by resolution. A map of such authorized route or area shall be maintained by the Director of Community Development or his or her designee and shall be made available to all applicants for a pedicab operator's permit. Mayor and Council may change the authorized route by resolution at any time.

Section 22.8.3 Pedicab permit required annually. No person, partnership, corporation or other legal entity shall engage in the business of operating a pedicab within the city without first obtaining an annual pedicab operator's permit. The fee for such permit shall be established by Mayor and Council by resolution. A pedicab permit may be issued to an operator that does not maintain a fixed place of business within the city. Pedicab permits shall be issued by the Director of Community Development or by his or her designee.

Section 22.8.4 Requirements To Obtain Pedicab Operator's Permit. In order to receive a pedicab operator's permit, an applicant must:

- (1) Be at least 18 years of age;*
- (2) Be a citizen of the United States or an alien admitted for permanent residence or a person who has otherwise been granted employment by the United States Immigration and Naturalization Service;*
- (3) Provide proof of insurance as required by this article;*
- (4) Provide the name of a person associated with the applicant's business to receive correspondence or complaints regarding the pedicab operation, and a permanent address and phone number for the pedicab business; and*
- (5) Pay the fee required for a pedicab operator's permit.*

Section 22.8.5 Required Insurance. No pedicab operator shall operate or authorize any other person to operate a pedicab in the city unless it is covered by a liability insurance policy issued by an insurance company authorized to do business in Georgia, which provides the following minimum coverage:

- \$25,000.00 - for injury to or death of one (1) person in one (1) accident;*
- \$50,000.00 - for injury to or death of two (2) or more persons in any one (1) accident; and*
- \$25,000.00 - for injury to or destruction of property of others in any one (1) accident.*

Each pedicab operated within the city shall be required to carry and maintain in effect this minimum insurance coverage. Proof of such insurance coverage, including the name of the issuing company, the amounts of coverage provided, and the policy number shall be provided to the city before a permit shall issue. Such insurance shall provide specific coverage for the pedicab used in the business of transporting passengers. Failure to maintain such coverage shall constitute cause for revocation of a city permit.

Section 22.8.6 Requirements for pedicab. Each pedicab must:

- (1) be no more than 120 inches in length or 55 inches in width;*
- (2) be equipped with reflectors and electrically powered lights, including turn signals;*
- (3) use electrically powered lights when operating during the hours of darkness and when raining;*
- (4) have lights and reflectors mounted so that they are visible from a distance of 500 feet in any direction;*
- (5) have the name of the pedicab operator displayed on each side of the pedicab;*
- (6) be equipped with a brake that will enable the driver to make the braked wheels skid on dry, level pavement; and*
- (7) be maintained in a safe mechanical condition and a clean and sanitary condition.*

Section 22.8.7 Prohibitions. A pedicab operator or driver may not operate or drive a pedicab:

- (1) on any street with a posted speed limit of 35 miles per hour or greater, except for the purpose of crossing that street;*
- (2) for the purpose of advertising, as with a "billboard bike," or with advertising for any person or entity who is not the pedicab operator;*
- (3) to obstruct the flow of pedestrian traffic by remaining stopped on a sidewalk, except for the time necessary to pick up or drop off passengers;*
- (4) without having rates displayed in clear view of all passengers, nor may a driver collect fares, make change, or allow passengers to board or exit the pedicab while it is in motion;*
- (5) carry more passengers than the rated seating capacity of the pedicab. For the purpose of this subsection, a child under age five shall not count as a passenger; or*
- (6) solely for transportation of cargo.*

Section 22.8.8 Requirements for pedicab driver. Each driver of a pedicab operated within the city must be at least 16 years of age and possess a valid driver's license issued by the State of Georgia.

Section 22.8.9 Pedicabs must obey rules of road for bicycles. Pedicabs shall be subject to traffic laws governing bicycles as provided by O.C.G.A. § 40-6-291. Violations of traffic laws shall be punishable as allowed by state law or city ordinance.

First Motion: Councilmember Diamond made a motion for Approval of an Amendment to Chapter 22, Traffic and Motor Vehicles of the City of Roswell Code of Ordinances to Allow the Operation of Pedicabs within the City Limits of Roswell on Second Reading. Councilmember Dippolito seconded. Mayor Wood asked for public comment. There was none. Mayor Wood asked for discussion by council. There was none. The motion passed unanimously.

Councilmember Price said they didn't have discussion. Mayor Wood said, "Too late; it's late in the night but you can make your comments after the vote; the vote has been taken. You raised your hand, that was too late." Councilmember Price said, "Mr. Mayor, this vote was taken under protest." Mayor Wood said, "We will hear from you, would you like to comment." Councilmember Price said, "I would". Councilmember Price said she would like to add a few things that might clean this up a little. Mayor Wood said they would hear from her and see if there is an amendment to make those changes."

Councilmember Price said, "In looking under articles in our ordinances, in order to

kind of make it congruent with those, is a pedicab always a vehicle for hire, first of all, because if it is, we might want to put that 'vehicle for hire: pedicabs' so it would be consistent with the one before it which is 'vehicles for hire: taxicabs', or are pedicabs not always vehicles for hire. City Attorney David Davidson replied, "they don't have to be for hire". Mayor Wood said he didn't think we would regulate them if they weren't for hire. Councilmember Price said her next question is, "Did we not put vehicle for hire there because we want to include things like rickshaws or bicycles built for five?" Mayor Wood said he thinks pedicab implies it is a cab, a vehicle for hire. Councilmember Price said, "Vehicle for hire, so can we add vehicle for hire?" Mayor Wood asked if we could clarify that to make a pedicab as a vehicle for hire because that is a reasonable comment. Councilmember Price said another question is, "A pedicab does have to have three wheels? You can't have a pedicab that is two; in other words, a person can't just haul it like a rickshaw?" Mr. Davidson said it has three wheels. Councilmember Price said "It is defined as three wheels, okay." Mayor Wood said it was his understanding that a pedicab is three wheels. Councilmember Price said, "On the next page, we've got distinctions between operators and drivers. Is that a distinction we need to make?" Mayor Wood replied, "no, they are the same, one in the same". Councilmember Price said, "No, they are not. They are very different in the way it is written." Mayor Wood said the operator and the driver are the same; not one steering and one pedaling; they need to be the same. Councilmember Price asked why 21 years of age was chosen and asked if 18 year olds are allowed to enter into contracts. Mayor Wood replied he did not know and that was a good point. Councilmember Price requested changing that to 18 years of age. Mayor Wood said that could be an amendment. Councilmember Price referred to Section 22.8.6 (4) and said the distance of 500 feet seems excessive. Mayor Wood said you can see a candle at 500 feet and said he didn't think that was a problem. Councilmember Price said that was more than a football field and you can't see a candle at more than a football field. Councilmember Price suggested changing the distance from 500 feet to 300 feet. Councilmember Price said 45 days is too long for the appeals and suggested changing that to 30 days. Mayor Wood asked Councilmember Price to list the amendments and said this motion is to amend Councilmember Price's motion with changes.

Councilmember Price said: One would be in the name in, Article 22.8 Vehicles for Hire; pedicabs are to be consistent with the one regarding taxicabs.

Mayor Wood asked if this is to make sure that pedicabs are vehicles for hire and are one in the same. Councilmember Price said that was correct.

Councilmember Price said the next amendment is in Section 22.8.3. The last sentence states the permits are issued by the Director of Community Development; whereas in the mobile food vendor, we had it coming from Brad Townsend. Mayor Wood asked Mr. Townsend if he had a preference as to who issues these permits. Mr. Townsend replied, "Director of Community Development". Councilmember Price said, "I'm just trying to make them consistent with the other thing we just passed, because we cut and paste a lot. And, do we have our own sort of form that we like to try to follow? The other thing is...the operator's permit, we aren't looking for a chauffeur's license or anything like that, are we?"

Mr. Davidson replied that is regulated by the State.

Councilmember Price said her amendment would be to change Article 22.8, Vehicle for hire (title); 22.8.4 to be changed to 18 years of age; 22.8.6 (4) to be 300 feet; 22.8.10 to be changed to thirty (30) days".

Vote on First Amendment Item: Mayor Wood said he would take a vote on each of

those separately. He asked for a vote on the Amendment to reduce the operator's age from 21 years to 18 years. The motion passed unanimously.

Vote on Second Amendment Item: to Section 22.8.6 (4) to change visible distance of lights from 500 feet to 300 feet. Motion failed 2:4.

Vote on Third Amendment Item: to change the appeal in Section 22.8.10 from forty five (45) days to thirty (30) days. Councilmember Dippolito asked for staff's opinion as to being able to accomplish that in thirty (30) days. Mr. Davidson replied the reason they put forty five (45) days was to make sure they had the extra leeway and said it is consistent with most of the appeals. Mayor Wood asked if Councilmember Price wants to change this to thirty (30) days. Councilmember Price said, "technically though, you've already got the fifteen (15) days because the fifteen (15) day clock is already ticking; so it looks like we are adding forty five (45) days on top of that. That makes it sixty (60) days. Mayor Wood asked if that is the way it works. Mr. Davidson replied, "No, the revocation doesn't become effective any sooner than fifteen (15) days after they receive the notice and then he has the right to file an appeal and it will be heard by Mayor and Council within forty five (45) days. So, the fifteen (15) and forty five (45) days are separate. Mayor Wood said then it is forty five (45) on top of the fifteen (15) days, which is the maximum number. Motion failed to pass.

Mayor Wood said the only Amendment to pass was to Section 22.8.4 (1) to change the age from 21 years to 18 years.

Councilmember Price said, "and the title, vehicle for hire". Mayor Wood asked what the title is now. Councilmember Price replied, "Vehicle for hire". Mayor Wood asked how she wants to change the title. Councilmember Price replied, "Vehicle for hire: Pedicabs, instead of just Pedicabs by itself; it makes it consistent with our Ordinances that describe taxis." Mr. Davidson said that is just a title and it doesn't mean anything. Mayor Wood said that was an editor's thing rather than the Ordinance itself and that can be changed.

Mayor Wood said the Amendment is to pass the Pedicab Ordinance with one change from age 21 to age 18.

Motion: A motion was made by Councilmember Diamond, seconded by Councilmember Dippolito, for Approval of an Amendment to Chapter 22, Traffic and Motor Vehicles of the City of Roswell Code of Ordinances to Allow the Operation of Pedicabs within the City Limits of Roswell on Second Reading with one approved change requested by Councilmember Price to change Section 22.8.4 (1) from 21 years of age to 18 years of age. The motion carried by the following vote:

In Favor: 6

10.

Approval of a Resolution to Adopt Map of Allowable Pedicab Routes and Annual License Fee for Pedicab Operators.

City Attorney David Davidson said per the Ordinance that was just approved, the map is included with the Resolution and the annual license fee would be \$150.00 which is the same fee as a business license fee in the City of Roswell that covers the administrative costs.

Motion: Councilmember Orlans made a motion for Approval of a Resolution to Adopt Map of Allowable Pedicab Routes and Annual License Fee for Pedicab Operators. Councilmember Igleheart seconded.

Council Comment:

Councilmember Price said she thinks \$150.00 is too much. She said that could be a summer college job and that could be a lot of money. She said she would like it lowered to \$50 or \$100. Mayor Wood asked if Councilmember Price would like to make an amendment.

First Amendment to Motion: Councilmember Price made a motion to amend the motion to approve the license fee but reduced to \$50.00. Motion failed to pass for lack of a second.

Second Amendment to Motion: Councilmember Price made a motion to amend the motion to approve the license fee but reduced to \$100.00. Motion failed to pass for lack of a second.

Further Council Comment:

Councilmember Dippolito said there had been discussion on the importance of allowing people who are using the pedicabs to go beyond the actual boundaries if they are going to a neighborhood adjoining Canton Street. He referred to map of the Pedicab Allowable Area and asked if there was any latitude if people needed to go beyond the mapped area. He asked if this is just a general operating area or would pedicabs be ticketed operating outside the area.

Mr. Davidson responded, "Basically, it is going to be complaint drive so if they are just taking somebody there, they are not going to get in trouble. I doubt the police would be sitting there waiting for them at the neighborhood when they took them home off Canton Street."

Councilmember Dippolito said, "So it is complaint driven. If someone goes outside the boundary by 50 feet..."

Mr. Davidson said, "If they are sitting along Holcomb Bridge somewhere and the police see them, then yes, but if it is 50 feet outside, I don't think anybody is going to notice."

Councilmember Dippolito said, "But there are adjoining neighborhoods to Canton Street and it might be nice for somebody to just take one of these homes. I would hate for somebody to get a ticket because they went a little bit outside the boundary. Okay, we'll let it go."

There was no further Council discussion.

Motion: A motion was made by Councilmember Orlans, seconded by Councilmember Igleheart, for Approval of a Resolution to Adopt Map of Allowable Pedicab Routes and Annual License Fee for Pedicab Operators. Councilmembers Diamond, Dippolito, Igleheart, Orlans, and Wynn voted in favor. Councilmember Price opposed. The motion carried by the following vote:

In Favor: 5

Opposed: 1

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

Motion: A motion was made by Councilmember Wynn, seconded by Councilmember Diamond, that recommendation for approval for closure to discuss personnel and acquisition of real estate. The motion carried by the following vote:

In Favor: 6

Adjournment

After no further business the Mayor and Council meeting adjourned at 9:20 p.m. Mayor and Council reconvened for a Work Session for a discussion of the Water Plant Expansion and discussion of the FY 13 Budget.