



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, January 28, 2013

7:00 PM

City Hall

WELCOME

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

Pledge of Allegiance - Cub Scout Troop 356 and Boy Scout Troop 87, Fellowship Christian School.

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Interim Police Chief Rusty Grant; Police Captain Ed Sweeney; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Human Resources Director Dan Roach; Recreation and Parks Director Joe Glover; Recreation and Parks Assistant Director Morgan Rodgers; Recreation and Parks Supervisor Craig Fuller; Recreation and Parks Superintendent of Athletics Jeff Knighton; Barrington Hall Historic Site Coordinator Robert Winebarger; Bulloch Hall Historic Site Coordinator Pam Billingsley; Smith Plantation Historic Site Coordinator Chuck Douglas; Transportation Director Steve Acenbrak; Community Relations Manager Julie Brechbill; Historic and Cultural Affairs Manager Morgan Timmis; Historic and Cultural Affairs Assistant Brandee Bryant; Transportation Land Development Manager Clyde Stricklin; Administrator of Park Services Jeff Pruitt; Mayor's Office Events Coordinator Jennie Bushey; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; Deputy City Clerk Betsy Branch.

CONSENT AGENDA

1. **Approval of January 14, 2013 Mayor and Council Brief.**
Administration
Approved
2. **Approval of a Resolution for Digital Recordkeeping.**
Administration
Approved

Enactment No: R2013-01-05

4. **Approval for the Mayor and/or City Administrator to sign a contract with Surdex Corporation to provide Aerial Imagery Services in the amount of \$92,854 and approval to amend the Intergovernmental Agreement (IGA) to add the City of Brookhaven.**
Community Development
Approved
5. **Approval of Budget Amendment 50544400-01-28-13 to fund construction of the Valley Ridge waterline replacement in the amount of \$97,500.**
Public Works/Environmental
Approved
6. **Approval for the Mayor and/or City Administrator to sign a contract with Vermeer Southeast for the purchase of a 2013 Yanmar VI0-80 excavator in the amount of \$73,544.**
Public Works/Environmental
Approved

Approval of the Consent Agenda

Council Member Price requested that Consent Agenda item #3 be pulled from the Consent Agenda for discussion. A motion was made by Council Member Dippolito, seconded by Council Member Diamond, to Approve the Consent Agenda, items #1, 2, 4, 5, and 6. The motion carried by the following vote:

In Favor: 6

3. **Approval of an Amendment to the City of Roswell Human Resources Policies and Procedures Manual, Chapter 3, Section 3.7, Anti-Nepotism/Fraternization.**
Administration

***Council Member Price requested that this item be pulled from the Consent Agenda for discussion. This item was pulled from the Consent Agenda for discussion following the Regular Agenda. ***

Human Resources Director Dan Roach presented this item stating this is a request to revise the City of Roswell Human Resources Policies specifically regarding employment of relatives in the City departments. He said this revision gives operational discretion to the City Administrator to allow the employment of relatives within the same division of a department where they believe there will be no operational inefficiency or any type of disruptive effect on the operations of the department.

Council Comment:

Councilmember Price said this was discussed at Committee and she doesn't think there was any major objection to it. She said nepotism has been a concern in many cities, especially small cities but as Roswell has grown it has not been as much of a problem as it was in the past. She expressed concern about a policy that was recommended by the HR Directors that is now being modified. She asked how this compares to other cities and if it deviates from the norm of other types of nepotism policies in general.

Mr. Roach said this does not deviate from the norm. He said he is most accustomed to prohibitions within a department but this goes a little further from when they first revised the policy about a year ago. He said in Committee it was painted too broadly and had excluded employment of relatives even when there is no supervisory relationship within a division of a department. He said the City has departments where division boundaries are so broad that employees could go days, weeks, or months without crossing paths in the workplace; they felt based on experience that it was too broad. This proposed revision goes outside the bounds with what others are doing with respect to nepotism policies.

Councilmember Price asked what could be the smallest division of a department with respect to number of employees.

Mr. Roach stated the small division within a department would probably be in Administration where some divisions have only three or four employees; the City Administrator might find that to be too close for comfort and not grant an exception in those cases, but in a division that small, it would seem unlikely that this might occur.

City Administrator Kay Love said she understands Councilmember Price's concern. Ms. Love explained that the nepotism policy was very lax when she first came to the City of Roswell. She stated that she is probably more stringent and concerned than most people about the problems that can be caused when relatives work not only in the same City but in the same department. She said she had initiated the original changes to the policy. Later, it was discovered that there could be situations where it makes good sense for employees to work in the same division of a larger department where they may never see each other or have any contact, but there certainly would not be any circumstances where there would be a supervisory opportunity. She said this situation may not come up, but it provides her with flexibility to make an exception if it should. She noted that she does not make very many exceptions, if any. She said if Council is not comfortable with this, then it will stay as is and the City will continue to employee people and deliver the same high quality services.

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

In Favor: 6

REGULAR AGENDA

Mayor's Report

1. Reading of a Proclamation for Black History Month.

Mayor Wood read the proclamation stating, that the celebration of Black History Month was begun by Dr. Carter G. Woodson, the son of former slaves. Black History Month has been celebrated nationally in America since 1926. February was

designated Black History Month in recognition of Black achievements that greatly impacted American history. The Historic and Cultural Affairs Division of the City of Roswell Recreation, Parks, Historic and Cultural Affairs Department working with a volunteer Steering Committee will host the "Roswell Roots: Festival of Black History and Culture" for the 12th year. The Groveway Community Group, the Roswell Regional Library, Barrington Hall, Bulloch Hall, Smith Plantation, the Roswell Convention and Visitors Bureau, Ebony Stitchers Quilt Guild, Zion Missionary Baptist Church, Pleasant Hill Missionary Baptist Church and Soweta Street Beat Dance Theatre are also participating. The 2013 Roswell Roots Festival includes six exhibits and 21 events such African dancing, live music, storytelling, lectures, workshops, the Unity concert, the poetry slam, a cornbread cook-off and more. The Roswell Roots Festival celebrates the contributions of Roswell's African American citizens, both past and present.

On behalf of the City of Roswell, Mayor Wood proclaimed February 2013 as Black History Month and called upon all of the citizens to recognize this special celebration of African American heritage and culture through participation in all of the events of the Roswell Roots Festival.

Historic and Cultural Affairs Manager Morgan Timmis said she is excited that they are bringing the Roswell Roots Festival of Black History and Culture for the twelfth year in Roswell and announced during the month of February they will be presenting an abundance of exhibits, entertainment, lectures and concerts to celebrate the nation and Roswell's rich African American history and culture. She said this is the largest festival to date with 22 programs and events and six month long exhibits.

Ms. Timmis introduced the Committee members, Gail Bohannon founder of the event and President of the Groveway Community Group, Lou Conti retired Director of the Roswell Branch Library, Ginny Collier Manager of the Roswell Library children's department, Artra Hollman, Marie Epps, Reverend Dr. Frank Lewis of Zion Missionary Baptist Church, Terry Shields Director of Pleasant Hill Community Center, Dotty Etris Executive Director of the Roswell Convention and Visitors Bureau, Jena Sibille Manager of the Teaching Museum North, and Phillip Carroll founder of Atlanta Jazz Preservation Society. She also introduced City of Roswell staff members, Chuck Douglas, Robert Winebarger, Pam Billingsley and Jess Wells.

Ms. Timmis referred to the program brochure and said the final event, the KUUMBA Storytellers of Georgia will be presented by the Roswell Visitors Center on February 24 and on February 23, The Strange Demise of Jim Crow lecture with Dr. Curtis Graves will be presented at the Roswell Branch Library. She said some of the Committee members and staff will describe highlights of the events starting at the end of the month, working backwards to a surprise ending.

Historic and Cultural Affairs Assistant Brandee Bryant said the 2nd Annual Cornbread Cook-Off that was such a great success last year will be held on February 23 at 1:00pm at Pleasant Hill Community Center. She said last year's winners were Fickle Pickle's sour cream cornbread and pepper jelly, Table and Main's bacon and chive cornbread with sorghum butter and Joe's Raging Cornbread from Oak Street Café. She said they have a new celebrity judge this year, Chef Sonya Jones of Sweet Auburn Bread Company in Atlanta, who served President Bill Clinton her sweet potato cheesecake and he said it was his favorite. Chef Jones will be available to sign copies of her new cookbook following the contest. She said entries are still being accepted for amateurs to participate in the cook-off and asked that everyone spread the word.

Morgan Timmis said Zion Missionary Baptist Church will be presenting "And Still We

Sing...The African American Spiritual Journey as Nurtured by Song" a musical production on February 22. On February 21, one of the Mayor's favorites, "Slammin' in the Suburbs" will be held at the Roswell Historic Cottage. She gave a special thanks to Lee Walker, a Cultural Arts Board member for helping sponsor the prize money, and the North Fulton Drama Club volunteers who will help manage the concessions. On February 16, the Soldiers to Remember: United States Colored Troops Traveling Museum will be presented at the Roswell Branch Library.

Brandee Bryant said also on February 16; Learn to Make a Quilt Star Pattern Sewing Class workshop for adults will be held in Room 220 at Roswell City Hall, preceded by the Quilt Stories in African American Quilts Lecture, where people can bring their own quilts and learn about them. Also on February 16, the "Fabric Postcards for Youth Class" will be presented where children can make fabric postcards that can actually be stamped and mailed.

Morgan Timmis said in the afternoon of February 15, the Roswell Branch Library will present the "Poetry & Performance Workshop" with Ayodele Heath for anyone who wants to practice for the competition and that evening will be a fantastic night of jazz with Freddy Cole in Concert with his quartet at the Cultural Arts Center in conjunction with the Atlanta Jazz Preservation Society. Freddy Cole is the younger brother of Nat King Cole and longtime resident of Atlanta.

Ms. Timmis said on February 12, there will be an art show with a live performance by Lionel Daniels and a reception celebrating his art exhibit in the Cultural Arts Center Lobby Gallery.

Gail Bohannon announced the Groveway Community Group - Comin' Back Again performance that will be presented at the Roswell Cultural Arts Center on February 10 at 3:00pm featuring Christian Comedian Chinnitta Morris. She said food and juried vendors will be available before the program at 1:30pm.

Smith Plantation Historic Site Coordinator Chuck Douglas said they may have found their niche in genealogy because last year about 90 people attended that event and announced that this year's workshop is Finding the Roots of Your Family Tree at the Roswell Adult Recreation Center on February 9 at 2:00pm presented by Melvin Collier. He said Mr. Collier gained notoriety for appearing on the "Who Do you Think You Are" series on NBC.

Barrington Hall Historic Site Coordinator Robert Winebarger announced that also on February 9, Barrington Hall will sponsor "West African Rhythms and Flavors" starting with Sallie Ann Robinson with cooking demonstrations in the kitchen. He said she is a Gullah cook who grew up on Daufuskie Island, SC and was one of Pat Conroy's students there and she has published two cookbooks that she will be selling and signing. He said on the front lawn that same day, the founders of DrumRise will demonstrate drumming techniques followed by a brief lesson and then everyone is invited to stay afterwards to join in the drum circle.

Bulloch Hall Historic Site Coordinator Pam Billingsley announced that celebrated African American storyteller Josie Bailey of Atlanta will share Br'er Rabbit stories as once told by slaves to the Bulloch Hall children in the mid-1800's. She said the event is free but reservations are required; it will take place at Bulloch Hall on February 9 at 2:00pm.

Smith Plantation Historic Site Coordinator Chuck Douglas announced that they will present the popular tea and hat show at Smith Plantation on February 2 beginning with a wine and cheese reception at noon preceding the Afrocentric Fashion and

Design show at 1:00pm. He said also throughout the month, Smith Plantation will have an exhibit of plantation slave life utilizing much of the Smith family artifacts.

Morgan Timmis announced that the festival's first event is the Unity Concert Featuring Soweta Street Beat Dance Theatre at Pleasant Hill Missionary Baptist Church on Friday, February 1 at 7:00pm. She said it will be the largest concert ever and includes choirs from Pleasant Hill Missionary Baptist Church, Zion Missionary Baptist Church, Unitarian Universalist, Roswell United Methodist Church, Cross of Life Lutheran, and World Harvest Church. She said they will also recognize two individuals as Roswell Hometown Heroes and a reception will follow the event.

Ms. Timmis then announced that members of the Soweta Street Beat Dance Theatre were attending the meeting and invited them to come forward to perform some of their dance and music for Mayor and Council.

Following the performance, Executive Director of Soweta Street Beat Dance Theatre Peter Ngcobo came forward and introduced himself. He said that Soweta Street Beat had performed in the 1996 Olympic Games representing Africa and they are now very excited to be in the beautiful City of Roswell promoting South African culture. He said on February 1, prior to the Unity Concert, they will also be performing at Centennial High School at 9:00am, Roswell High School at 1:45pm and Pleasant Hill Baptist Church at 7:00pm. He thanked Morgan Timmis for her efforts in promoting African culture in Roswell and for inviting Soweta Street Beat to be a part of the festival. He invited everyone to visit the beautiful country of South Africa.

Mayor Wood thanked Mr. Ngcobo and Soweta Street Beat for attending the meeting. He noted that he and the Council members will be out of town on February 1 and are disappointed that they will not be able to attend the performance. He then asked that photos be taken with Mr. Ngcobo, the members of Soweta Street Beat Dance and Mayor and Council.

Mayor Wood asked Morgan Timmis where a calendar of events for the festival could be found. Ms. Timmis replied online at roswellroots.com. Mayor Wood then said this is going to be an exciting month in Roswell and encouraged everyone to attend some of the festival events. He expressed his appreciation to Morgan Timmis and the festival Committee.

2.

Presentation of a flag from the USAF 19th Expeditionary Weather Squadron in recognition of the City of Roswell's participation in the "Goodies for the Troops" collection project.

Councilmember Wynn thanked the Roswell Rotary Club and the citizens and employees of the City of Roswell who had donated the goodies. She said they began with a goal of enough goodies to fill 81 boxes but ended up filling a total of 195 and only stopped then because they ran out of boxes. She said the boxes were intended for the Airmen in her nephew's troop in Afghanistan and even though she had not said that, and that was what was so great, is that the citizens and employees did not know and yet they collected a total of 1,500 pounds of goodies.

Councilmember Wynn said that students from the Cottage School and Roswell North Elementary had also made about 300 cards, letters and drawings that were sent with the goodie packages for the troops. She read a portion of an email message from a staff sergeant at a forward operating base in Afghanistan which said the packages had arrived from the Roswell Rotary and City of Roswell and that he wanted to share a letter that was included in the packages from a student named Hannah. Hannah's

letter read, "Dear Madam, thank you so much for fighting so we can be free. I do not think I could even stand it if we weren't free. Well, I could, but it would be very, very hard to do. It also sounds very hard to do that. I wish you luck. Love, Hannah." Councilmember Wynn expressed her appreciation to everyone that had taken part in the Goodies for the Troops project.

City Administrator Kay Love stated that she had received a package from Lt. Col. Patrick Williams based at Bagram Airfield in Afghanistan that included a letter thanking the City of Roswell for the care packages and also a flag that had been flown over Bagram on September 11, 2012. Ms. Love thanked the Mayor and Council for allowing the City to partner with the Rotary Club of Roswell to collect all the goodies. She said there was a departmental challenge with a lot of friendly competition and if it had not been for the City's employees, they would not have been able to fill those 195 boxes. She recognized the Recreation and Parks Department for collecting the most goodies by weight.

Ms. Love requested that a photograph be taken with the department heads and Mayor and Council with the flag that they would send back to Lt. Col. Williams.

3. Approval of a Recreation Commission appointment - Jay Small.

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

In Favor: 6

4. Approval of a Construction Board of Adjustment and Appeals appointment - Mike Martin.

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

In Favor: 6

Recreation and Parks Department - Councilmember Jerry Orlans

5. Approval to Accept a Donation from the Roswell Youth Lacrosse Association in the amount of \$30,000.

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

Councilmember Orlans introduced this item and said they are requesting approval to accept a donation from the Roswell Youth Lacrosse Association in the amount of \$30,000 and noted that this is a second donation from this organization.

Recreation and Parks Director Joe Glover presented this item stating that about two years ago, the City made a deal with the Fulton County Board of Education to redo a field they had at Elkins Pointe to install new sod and a sprinkler system. He said at that time the Lacrosse Association did not have their own field and had been using various other fields. They requested to have lights put on the field and said they would donate \$60,000 for the lighting to complete the project. Mr. Glover said that in December of 2011, the Lacrosse Association made a presentation of \$30,000 to the City and they are now donating the additional \$30,000.

Mr. Glover then asked past President of the Lacrosse Association Tom Pratt, Recreation and Parks Supervisor Craig Fuller, and Recreation and Parks Superintendent of Athletics Jeff Knighton to come forward.

Tom Pratt said this is their second installment of the \$60,000 commitment they made to improve Elkins Pointe field and it is the Association's pleasure to give this \$30,000 to the City of Roswell. He said the Roswell Youth Lacrosse Association is recognized as being one of the premier Lacrosse programs in the southeast but that wouldn't be possible without the great City of Roswell Recreation and Parks program. He said it's important to note that the reason they receive such accolades is because they are a City run program and not a booster club run program, which makes all the difference in the world. He said the \$60,000 funds come from the annual Lacrosse tournament that brings about 121 teams and about 10,000 participants every Mother's Day. He said being on Mother's Day, this is a festival for the kids, everyone has a great time and they have this great time in Roswell. He said it is an incredible program and opportunity for the kids to come to play Lacrosse in Roswell. Mr. Pratt thanked Mayor and Council for all they do for Roswell and for Lacrosse and gave a special thanks to the Recreation and Parks Department.

On behalf of the City of Roswell, Mayor Wood thanked the Roswell Youth Lacrosse Association for their second installment of the \$60,000 contribution for their program that brings the visitors to the City and for the enthusiasm they have for what they do for the youth of Roswell. He asked for applause in appreciation to the Association and all their good work.

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

In Favor: 6

Administration and Finance Department - Councilmember Rich Dippolito

**6. Approval of a Resolution in Support of the Georgia Downtown Renaissance Act (GDRA).
Presented by Kay Love, City Administrator**

City Administrator Kay Love presented this item stating that she believed this piece of legislation was introduced today and since first hearing about it from the Georgia Municipal Association, there have been approximately 60 plus sponsors of the bill. She said it is an effort to redevelop, revitalize, rebirth or renew Georgia downtown areas with statewide tax incentives for investments in new construction or renovation of existing buildings and purchase of owner-occupied housing for both individual and corporate contributions. She said this resolution indicates the City of Roswell's support of the Act and a copy of the Resolution will be sent to the State Capitol.

Mayor Wood said he is in support of this Act and that the Lt. Governor and several local representatives support this; 60 sponsors have already signed onto the bill and they are optimistic about its passage. He said although there is a tax credit involved, the investment it will bring more than offsets the tax credit. He asked Ms. Love if she knew what the district might be.

Ms. Love said she had not seen the details of the legislation but the City has a very large downtown district and they will see what the boundaries are as the bill moves through.

Mayor Wood encouraged everyone to recommend this bill to their legislators.

There was no Council discussion. There were no public comments.

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

In Favor: 6

Enactment No: R2013-01-06

Public Safety - Councilmember Becky Wynn

- 7. Approval of an Amendment to the Intergovernmental Agreement (IGA) for the Development and Implementation of a Unified Radio System between Roswell and the other North Fulton (NF) Cities and Budget Amendment 35032101-01-28-12 for \$842,000; and approval of an agreement with Motorola to begin Phase I which Sandy Springs signed on behalf of all cities in December 2012; and approval to amend the contract with Motorola to include Phase II of the project.**

Presented by Rusty Grant, Interim Police Chief

Interim Police Chief Rusty Grant presented this item stating in December 2012, Council voted on an IGA for the North Fulton radio systems which included the five (5) North Fulton cities including Johns Creek. He said after further consideration, Johns Creek decided not to participate in the project and therefore the item on the agenda today is for the IGA minus Johns Creek. He said the cost of the radio system increased due to the reduction to four cities and the City of Roswell's share is now \$5.12 million and the overall cost of the project is \$16 million.

Mayor Wood asked for the life expectancy of the capital improvements.

Police Captain Ed Sweeney explained the details of the project stating that the life expectancy is a minimum of ten (10) years. He said the current system is approaching twenty (20) years and with normal maintenance it should operate day to day but there are some problems due to the inability to get spare parts, so the system has outlasted its ability to have healing properties.

Mayor Wood asked if it is correct that this is a long term investment and the towers will serve the City twenty years from now. Captain Sweeney replied that is correct.

Council Comment:

Councilmember Dippolito said this is a significant increase from previously with Johns Creek involved and asked if there is any anticipation that they might participate later in the process.

Mayor Wood asked City Administrator Kay Love to address that.

Ms. Love said speculation is that they will need a radio solution at some point, but whether they would come in as a contributor or a subscriber would be up to the other cities who are contributors at this point. Mayor Wood asked if that would have to be a unanimous decision of the current members. Ms. Love replied, yes. Mayor Wood said this Council would have to approve the terms of their participation if they come

in.

Councilmember Dippolito asked if that would be an opportunity to recoup the extra cost. Mayor Wood said he expected that Council would not approve it unless the City did recoup the cost.

Public comment was invited. No comments were made.

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

In Favor: 6

8. Approval of an Amendment to Section 13.1.3, Discharge of Weapons, of the Roswell Code of Ordinances. (First Reading)
Presented by Rusty Grant, Interim Chief of Police

Interim Police Chief Rusty Grant presented this item stating this ordinance makes several changes to the current ordinance dealing with the discharge of weapons. The first change makes the permit renewable annually. The second change recommended at Committee was to clarify some language if someone wants to discharge a firearm at an indoor facility. He said the language was somewhat ambiguous in that it might be interpreted that the person would need a City issued permit to go to an indoor firing range. He said the language in Section 13.1.3 (b) clarifies that the individual does not need a permit to discharge a weapon at an indoor firing range.

Chief Grant also stated that the language in Section 13.1.3 (c) (3) currently requires that a person obtain written permission from a landowner to discharge their weapon on the landowner's property. He said language has been added that requires that person to not only have written permission from the landowner but that it must be dated within one month of the date of the application for the permit and the purpose of that is to protect the property owner. He said if a landowner gave permission to an individual to discharge a weapon on their property and later they change their mind, currently there is no way for the City to reclaim the permit from the individual. He said the new language allows the permit to expire, therefore the person wanting to discharge their weapon must acquire new signed permission from the landowner and the landowner does not have to grant that permission. He said that is the theory behind requiring an annual permit and requiring that the individual obtain new permission for the permit.

Chief Grant said the changes also require a \$25 fee for a first time annual permit and a \$10 renewal fee for the next year; the permit expires one year from the date of issuance.

City Attorney David Davidson conducted the first reading of an Amendment to Section 13.1.3, Discharge of Weapons, of the Roswell Code of Ordinances stating: pursuant to their authority, the Mayor and City Council adopt the following amendment:

1.
Chapter 13, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Roswell, Georgia is hereby amended by deleting Section 13.1.3, Discharge of weapons in its entirety and substituting therefore a new Section 13.1.3, to read as follows:

Section 13.1.3 Discharge of weapons.

(a) *It shall be unlawful to discharge any firearm, air gun, BB gun, bow, or crossbow projecting lead or any missile, except as authorized herein or as authorized by annual permit, secured from the City Administrator or his designee. The City Administrator or his/her designee shall issue annual permits for the discharge of firearms, air guns, BB guns, bows or crossbows as to ensure the safety of the public. This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor any citizen from discharging a weapon when lawfully defending person or property.*

(b) *The discharge of a firearm conducted wholly within an approved and permitted indoor firing range shall be authorized. It is not necessary for an individual to obtain a permit to discharge a firearm within an approved and permitted indoor firing range.*

(c) *In order to obtain an annual permit to discharge an air gun, BB gun, bow or crossbow within the City of Roswell, such activity shall meet at a minimum the following criteria:*

1) A sufficient backstop must be provided to prohibit the projectile from leaving the property. A projectile entering a neighboring property as a result of the discharge is prima facie evidence of a violation of this Section.

2) The target or any piece of the target is prohibited from unreasonably leaving the property as a result of the discharge.

3) The discharge of the weapon must be on the applicant's own land or the applicant must have express written permission of the property's owner to discharge such a weapon on the property of another. The written permission must be dated within one month of the applicant's submission for the permit.

4) If discharging a weapon within 150 feet from a property line, any such discharge shall be toward the interior of the parcel upon which the discharge is occurring.

5) All applicants must have taken and passed a State approved safety course, or obtained certification in the safe discharge of weapons, or show specific proof of training in the safe discharge of weapons.

6) No permit shall be obtained by a person under the age of 18, provided however, that this provision shall not prohibit a person under the age of 18 from the discharge of a permitted weapon if accompanied by and under the direct supervision of a permitted adult.

7) Upon request by an officer or other authorized official, a current permit shall be available and be presented. Failure to timely provide such permit shall be a violation of this Section.

8) The discharge of a weapon must be on properties specified in such permit.

9) The City Administrator shall be authorized to obtain any other information deemed appropriate in the issuance of a permit.

(d) *Permits are renewable annually from the date of issue. A fee of \$25 will be charged to the applicant for the initial permit. A renewal fee of \$10 will be charged to the applicant for each year after the initial issuance provided the renewal complies with all provisions of this Ordinance.*

(e) *Any person discharging a firearm, air gun, BB gun, bow or crossbow within the City of Roswell in violation of this ordinance or any person discharging a firearm, air gun, BB gun, bow or crossbow without a current permit or in violation of the permit criteria shall be punished as set forth in Section 1.1.3 of this Code, shall have an issued permit automatically revoked and shall not be eligible for a permit to discharge a weapon within the City of Roswell for a period of five (5) years.*

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

Council Comment:

Councilmember Wynn clarified that this ordinance was passed in 2005; the only thing that is changing is the language about discharging at an indoor range and adding the

permit that was already in the ordinance as an annual permit to help protect not only the person who is discharging the weapons but also the property owner who gave the permission for them to discharge the weapons. She asked City Administrator Kay Love if it is correct that the reason for charging the \$25 fee is because almost every other permit issued in the City has a fee that helps with administrative cost of research and anything that needs to be done for that permit, and the \$10 renewal fee is less because the research has already been done. Ms. Love replied that is correct.

Councilmember Wynn said she had received some emails about this; she clarified that this has nothing to do with how everything is working. She asked if it is correct that this just adds protection for the person discharging the weapon and for the property owner giving permission and to help recoup some of the City's cost for issuing the permits. Chief Grant replied that is correct.

Councilmember Orlans said they normally handle fees separately as a resolution rather than putting it in the ordinance; he asked if that is being considered for this particular ordinance.

City Administrator Kay Love said it is included in this ordinance, but can be pulled out and adopted by resolution.

Councilmember Price said she recalled this came up some years ago, perhaps in 2005 in response to crossbows and deer, etc. She said she knows it is already in the ordinance, but they might want to revisit it because it does say firearm and her concern is that there would be an annual permit to discharge a firearm in the City. She said annually might be too much and noted that someone can get a driver's license for ten years. She noted that there are number of other things that don't require annual registrations. She said they have talked about whether people would get a reminder or if they might easily get in violation because a year passes quickly. She asked someone to clarify what background checks will be done.

Mayor Wood asked for clarification if the annual permit is for firearms or for discharging bows.

Chief Grant replied it is for discharging weapons but the only instances where a person can discharge a firearm within the City of Roswell is at an indoor firing range; a police officer in the course of their duties; or a private citizen defending their person or property.

Mayor Wood said he presumed those instances do not require a permit. Chief Grant replied that was correct. Mayor Wood said then this is not addressing an annual permit to discharge a firearm under those circumstances. Chief Grant replied that is correct. Mayor Wood said it really addresses annual permits to discharge something other than firearms. Chief Grant replied that is correct. Mayor Wood said that is just a clarification and that is the way he understood it.

Councilmember Price said that is not in there.

Councilmember Wynn said she disagrees with Chief Grant, which she doesn't often do, and stated that this does not allow any discharge of weapons except for those cases that the Chief has stated without a permit.

Mayor Wood said to clarify for the public, he would like to discuss the different kinds of weapons. The Mayor said that as he understands it, a firearm can only be discharged under the exceptions Chief Grant mentioned. Chief Grant replied that is correct. Mayor Wood said discharge of a firearm is not regulated by permit in

Roswell because someone does not have to have a permit to discharge a firearm to protect their home, a police officer does not have to have a permit to discharge a weapon, and someone does not have to have a permit to discharge a firearm in a licensed firing range like Sharp Shooters. Chief Grant replied that is correct. Mayor Wood said as far as firearms are concerned, the permitting is not applicable. Chief Grant replied that is correct.

Mayor Wood asked if that clarifies things. An inaudible comment was made from the audience. Mayor Wood said he doesn't believe there is a provision for target practice in Roswell with a firearm. Chief Grant replied, "Unless they are in an indoor firing range." Councilmember Wynn said, "Exactly." Mayor Wood said and that is a license and does not require a permit either; it requires a license for the location and said the point he is trying to make is that this permitting process is not applicable to firearms. He asked City Attorney David Davidson if that is a fair statement.

Mr. Davidson replied it makes it unlawful to discharge a firearm except for those instances. Mayor Wood said correct but the point is that permitting is not really applicable to firearms. Mr. Davidson said that is correct. Mayor Wood said the permitting is really applicable to other weapons which include pellet guns and bows and arrows.

Chief Grant said the ordinance reads, "air gun, BB gun, bow or crossbow." An unidentified speaker said, "And, firearms." Chief Grant said what they are actually permitting are those weapons. Mayor Wood said he didn't want to try to get into the interpretation but the practical application is that there is no permitting applicable to firearms. Chief Grant replied that is correct. Mayor Wood apologized if he had confused some people but he had tried to state it as clearly as he could.

Councilmember Price said she would like to clarify if a person with a legal concealed carry exercised their right to use it in a proper fashion in defending not necessarily themselves but possibly someone else, would come in jeopardy of suffering the penalty itemized in (e).

Mayor Wood said that is correct and asked if that satisfactorily answered her question. Chief Grant said that just by carrying a firearm, they would not be in violation of this ordinance.

Councilmember Price said if they discharged it in not defending themselves or their own property but perhaps in defense of someone else... (the remainder of Councilmember Price's comment was inaudible.)

Mayor Wood asked Mr. Davidson to address the question because he is in a better position to answer a legal question than Chief Grant.

Mr. Davidson replied as long as it was justified under other laws, not the City laws, they would be fine. Chief Grant said there are laws that allow a person to do that and if they were within those laws, they would be okay and the City's ordinance would not supersede that.

Councilmember Price said she would like to address the issue of the fee, the length of time, and consideration of a longer interval between renewals.

Mayor Wood said Councilmember Price could make that in the form of a motion.

Councilmember Price asked if this is not the first reading.

Mayor Wood said it is the first reading and she could move to amend it at this time or at the second reading.

Councilmember Price said she had received a number of emails today and that may need to be incorporated before the second reading.

Chief Grant said the idea behind twelve months is that it protects the property owner and if the length is extended, then it is opening up the property owner to someone... (the remainder of Chief Grant's comment was inaudible.)

Mayor Wood asked Chief Grant if this was driven by an example or is it a hypothetical protection. He asked if either a user or property owner had reported a problem of being affected by this or who felt their rights were violated.

Chief Grant said they were not aware of any, but they have issued 175 permits since the ordinance was passed and they do not know how many are still active. He said they don't know how many of those since 2005 are still utilizing their permits; some of them may have used the permit once and have since discontinued. He said they also don't know for at least half of the permits, if they have permission to discharge their weapons on someone else's property.

Mayor Wood asked if this was prompted by a problem with a property owner or a specific incidence where there was a problem. The Mayor said that as he understood the answer, it was not prompted by a specific incident, but there is a concern that 175 permits have been issued since 2005 and the City does not know if that authority has continued for these seven years; there is a concern because the City does not have the resources to follow up and ask people if they wish to continue it or if they even still own the property. Chief Grant replied that is correct. Mayor Wood thanked Chief Grant.

Councilmember Diamond asked a question in reference to 13.1.3 (c) (3) that reads, "The written permission must be dated within one month of the applicant's submission for the permit." She asked how does it work if someone has a permit and is only using their own property and later on decides to use someone else's property.

Chief Grant replied that at the time someone applies for a permit, it gives them the right to discharge the weapon on their own property; if they wish to discharge the weapon on someone else's property, they must provide written permission from the landowner to the Police Department and that property would be listed on their permit. He said he is not aware of anyone coming back to amend their license to add additional properties. However, the City does allow that.

Councilmember Diamond asked if that could be put in the wording. Chief Grant agreed.

Mayor Wood opened the meeting for public comments.

Public Comment:

John Monroe, 9640 Coleman Road, said he had emailed each of the councilmembers this afternoon with comments on the proposed ordinance, which he wanted to emphasize. He said, first, there are several aspects of the proposed ordinance that would be tantamount to regulation of hunting within the City, which is strictly prohibited by state law. Secondly, there is no explicit discussion as to what happens with the existing 175 permits. He said the implication from what Chief Grant had just said is they are being legislatively abolished or set to expire when in fact they were issued without expiration. He said that would constitute deprivation of due process and violation of both State and United States Constitutions. He said that the City

narrowly avoided litigation the last time around by amending the proposed ordinance to what the current ordinance is to make it relatively benign. He said if this ordinance is passed in the current form it will almost certainly result in litigation against the City.

Mayor Wood said he sees justification for getting permission to discharge a bow on someone's property. He said he has property that is not posted but he would like to know if someone is hunting on his property and that they have his permission. He asked Mr. Monroe how he believes they should insure that people are not bow hunting on other people's property without permission.

Mr. Monroe said there are existing state laws that regulate hunting on other people's property without their permission and there are existing state laws regulating criminal trespass and therefore there are existing state laws that will address that situation without the City also passing ordinances that it doesn't have the power to do.

Mayor Wood noted that his property is not posted; he grew up hating posted signs and has a philosophical objection to them. He asked if someone wants to bow hunt on his property, and it is not posted, under state law would they require his permission.

Mr. Monroe confessed he is not well versed in state hunting regulations but said there might be other people commenting at this meeting who are. He said his understanding is that it is illegal under state law to hunt on someone else's property without permission.

Mayor Wood thanked Mr. Monroe for his answer.

Bob Coombs, 78 Thompson Place, said he could clarify a couple of things about hunting on private property. He said the state requires someone to have the property owner's written permission on their person while they are hunting if the property is posted with a no trespassing or no hunting sign. He said if it is not posted, then a person would still need the landowner's permission to hunt. Mr. Coombs said since the City passed this ordinance, he has seen a dramatic increase in the white tail deer population and nothing is being done to control it in Roswell. He said section (d) of the original ordinance says if you don't have your permit or if the target leaves the property you are in danger of having your permit revoked and shall not be eligible for a permit to discharge your bow and arrow for five years and a \$2,000 fine could be attached to that. He named Sandy Springs, Dunwoody, Johns Creek, Milton, Alpharetta, Norcross, Cobb County, Marietta and Kennesaw, and said there is no place in the state that un-incentivizes harvesting a doe like the City of Roswell and therefore, hunters are not going to shoot a doe here when they can go to Sandy Springs where they don't have to pay the fine or take the risk. He said a big buck is a different story for hunters who would take the risk of that animal leaving the property. He said in the seven years since this ordinance was passed, he has gone from seeing an occasional deer to seeing huge quantities, because no one is going to shoot a doe in the City of Roswell. He said the hunters are doing the City a favor and the ordinance says they will be penalized and that is not right and it is not in line with what the state is trying to do. He said in 2002, the state increased the amount of deer they could take from 8 to 12 and they want them to shoot 10 doe and 2 bucks per season to try to get the population under control and they recently had meetings about trying to increase the number they could shoot to be unlimited all season for doe. He said he was at that meeting and out of the group of 1,000 people, only two had shot 10 doe that season. He said it is hard to do because it cost \$35 for an arrow that is typically lost and \$80 to process a deer. He said he would not waste that much money and risk a \$2000 fine and losing his permit for five years to do the City of Roswell a favor when he can go to Sandy Springs where he has 30 different

properties where he can hunt. Mr. Coombs added that he is not opposed to what the City proposes about the firearm ordinance and thinks that is sound, but said the City of Roswell should not be in the hunting business and they need to get in line with the neighboring cities and let the state handle this. He also said it will be a bookkeeping nightmare keeping up with the permits and added that he has dealt with individuals at the City on many different permits and they have never gotten it figured out. He said they don't know the laws and they tell people that it's okay to hunt with their child and they are giving out a lot of misinformation. He said if anything, the City needs to incentivize because the deer population has grown so much over the last seven years that deer-vehicle collisions have increased. He said he has requested police reports to find out how many recorded collisions there have been, but when they need to euthanize a deer, there is quite a bit of paperwork for a police officer to complete when they discharge their weapon, so it is easier to call a tow-truck operator who can come and shoot the deer. He said he had euthanized 70 deer this year.

Mayor Wood asked in what jurisdiction. Mr. Coombs replied in Roswell.

Mr. Coombs said that deer attack deer, they get hit by cars, they hurt people and they do a lot of property damage. He said he would like to see a full time North Fulton County DNR and suggested donating some money to the state for our own DNR officer because they are very short handed. He said the City should get out this business and instead encourage people to hunt deer to help with the over population. He said he represents the deer and is looking out for them as a whole and he loves the whitetail deer as a species, but this ordinance does nothing but hurt the deer. He said Mike Barr, a DNR law enforcement officer, had told him in a conversation that they don't need to worry about the deer because in 7-10 years there won't be any because disease is wiping out the deer population. He said the City needs to get on the bandwagon to help the deer population. They need to encourage hunters to hunt them, reward them not penalize them, because the hunters are doing the City a favor and they should be treated that way.

Councilmember Price said that Mr. Coombs mentioned a \$2,000 fine and asked if that is at the discretion of the judge or is the penalty specified. Mr. Coombs replied that the City's municipal code section 13.1.3 sets that. City Attorney David Davidson said it is at the discretion of the judge and the penalty is up to \$2,000.

Mr. Coombs said if he was accused of this, he would bring an attorney and that would cost money as well, and that is not rewarding the hunter. He said if this were about poaching they would be prosecuted and that is handled by the state, it is not the City's business.

Councilmember Wynn said what she heard from Mr. Coombs is that this is about hunting. She said this amendment is about a discharge of weapons permit and has nothing to do with hunting, it does not say individuals cannot hunt deer. She said Mr. Coombs had also talked about the City doing something about poachers and the City does not do that and he is correct that it is handled by the DNR. Councilmember Wynn asked Mr. Davidson for clarification about hunting.

Mr. Davidson said that was very specific in the original drafting of the ordinance. He said he and Councilmember Wynn met with the State Attorney General's office and went through this line by line and Mr. Davidson confirmed that the City is not regulating hunting; they are regulating the discharge of the weapon.

Mr. Coombs said he understands that but the part of the ordinance that says if the arrow, the target, or a piece of the target leaves the property unreasonably or

reasonably then they could be guilty and that is the problem because it makes people not want to hunt. He reiterated that he represents the deer and they need to harvest them to get the population under control.

Councilmember Wynn clarified that the ordinance is not saying they cannot do that.

Mr. Coombs said he understands that but that part of the ordinance de-incentivizes the hunter's willingness... (the remainder of Mr. Coombs comment was inaudible).

Mayor Wood interjected that Mr. Coombs had made his point and Councilmember Wynn had made her point and asked the next public speaker to come forward.

Kevin Anglin, 345 Hembree Road, Roswell said he was born and raised in Georgia. He said his father owns a lot of land here that he purchased 50 years ago and added that he has been bow hunting in Roswell since 1999. He said the only places that he has to discharge his bow and arrow or crossbow is in Roswell. He said he tries to do everything legally but the laws change every year and they are hard to keep up with. He expressed his concern about the money. He said he has a 13-year old son who went through a hunter education safety program at 8-years old. He said he went to the City of Roswell Police station to get his 13-1-3 cards and was told he would need a hunter education card, a driver's license and written permission from the landowner. He also asked about issuing cards to his son and they said his son's card would be issued under him. He said a lot of people are going through hard economic times right now. He said he looks at hunting as putting food on the table and the winter months in his line of business is not good. He said to pay a \$25 fee for a permit and then a \$10 renewal fee every year is not fair and asked if he would also have to pay those fees for his son. He said there has been discussion about background checks and said he has never been background checked on any of his 13-1-3 cards. He said he is not only a whitetail bow hunter but also a coyote hunter and there is a big coyote problem in Roswell. He said whitetail season lasts from September to January 31 in Fulton County but that he hunts year round with a crossbow for coyotes. He said a 68-year old neighbor had trouble walking outside with her poodle three years ago when two coyotes attacked the poodle, took it into the woods and killed it in front of her. He said she now has another small dog but is so scared that she will not walk on her own property anymore. He also said that his mother had lived with him at 345 Hembree Road and when she was 76 years old and out in the back yard walking her dog, they were chased inside by a buck in rut. He said he is in the woods year round and people in neighborhoods like Litchfield and Brookfield West offer to pay him to come in and get rid of coyotes. He said they all called the Roswell Police in these situations and were told there is nothing they can do about it that they should call a trapper and the trappers charge too much money for some people to afford. He said that many of the missing cats and dogs are not missing but were killed by coyotes for food. He said this area is over populated with them and they are a nuisance. He said there was an incident at Leita Thompson Park where a woman was jogging with her dog and two coyotes attacked the dog. He said he and his Dad own a lot of land and are already paying a lot of money in taxes to the City of Roswell and it is unfair for them to have to pay a \$25 permit fee and a \$10 renewal fee every year. He asked again if the fees apply to his 13-year old son who is not currently employed.

Mayor Wood asked City Attorney David Davidson if a minor hunting with their parent or guardian would need a separate permit. Mr. Davidson replied no, they can't get a permit. They are under the adult's permit. Mayor Wood noted that Mr. Anglin's son would not need a permit.

Mr. Anglin thanked Council for their time.

John Bridges, 1370 Riverside Road, said he is a property owner and came to support Bob Coombs in his efforts to continue shooting the deer and bow hunting, it is great that he is shooting deer. He said he pleads with him to shoot more doe because there are so many. He said the female has one when she is young and two when she is older and three the next year and then they begin having babies. He has seen as many as 25 deer running through the woods, this year has been particularly bad with car accidents. He said he received a courtesy call from the Roswell Police Department early one Sunday morning to say they were dispatching someone to put down the deer in the front yard. He said the deer go through his yard to cross the street to the river and there were four car/deer accidents on that road just this past year and he has never seen that before. He said he likes the ordinance the way it is, but said it would be helpful if they could tweak it a bit to give the hunters the opportunity to shoot more deer.

David Smith, 105 Oak Knoll Way, said he is a hunter but isn't here to speak on behalf of hunters, but would like to speak on behalf of the kids in Roswell. He said the ordinance in particular is making it much more difficult and harmful to introduce the children of Roswell to the outside world. He said he has a 7-year old son who he wants to take out on his one-acre lot to shoot a BB gun at a can to teach him skills and to get him away from the screen where the average child spends 7.5 hours a day. He said however, not only does he need a permit from the City but is also going to have to pay a fee and then pay to renew it every year. He said he can buy a \$17 BB gun but can't take it in the yard and use it without spending what could be hundreds of dollars in permits and renewal fees just to get his child outside. He said he was thinking about the photo op they had at the beginning of the night with the cub scouts that work hard to spend their time outside and they are learning great skills, but not one of them can go out in the backyard to learn how to shoot a BB gun with their father.

Mayor Wood clarified that Mr. Smith could legally shoot a BB gun. Mr. Smith responded that a father has to pay a permit to the City for \$25 and then a renewal fee every year to do that. He said the point is if a BB flies over a fence or a misguided accident, there is a possible fine of up to \$2,000 that a father would also have to pay. He said the hunting argument aside; he is looking out for the kids in the City.

Kendall Golightly, 8380 High Tarn, Sandy Springs, said he is an avid outdoorsman and that he grew up in the Marietta-Roswell area. He said they were not fortunate then to have whitetail deer, coyotes and a lot of other wildlife like there is now, but now it has become a problem. He said when it comes to allowing hunting and introducing children into the outdoors, the City of Sandy Springs has open arms. He wishes that when Roswell continues discussion about this ordinance, they will keep in mind that the hunters are doing a service to the City. He said in order to reduce the herd, they will either have to bring in sharpshooters or rely on the town's citizens. He said his daughter who will be five in May, is already shooting a crossbow in Sandy Springs and will be hunting with him next year in Sandy Springs. He said the state should be handling this, not the City. He said if the City of Roswell feels it necessary to charge a fee for these permits, he would like at least 50% of the fees go back into wildlife management. He said when he buys a hunting permit from the state, a hunting license, or a federal duck stamp, those fees goes back to wildlife. He said it is unfair for the City of Roswell to take all this money; this ordinance is already "taking away from state law."

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

Mayor Wood clarified that this is the first reading; the second reading will be on

February 11.

Council Comment:

Councilmember Price asked for clarification of the actual effort required on the part of staff to process an application.

Mayor Wood asked Chief Grant to address the question.

Chief Grant said they don't actually do a background check like a criminal history check. He said the laws relating to weapons are actually firearms, and the City doesn't regulate the firearms by the permit so there is no reason for them to do a background check. He said the fee covers the staff time to process the application and go over it with the applicant to make sure that everything is adequately prepared. He said there is no background check done on the application. The applicant must provide identification which typically is a driver's license.

Councilmember Price asked if the City requires proof that they have had training. Chief Grant said in addition to requiring personal identification, they must also provide some type of certification of safety training for the weapon.

Mayor Wood said then they would need some certificate of training for the weapon in which they are being permitted for. Chief Grant said that is correct. Mayor Wood said then a driver's license and written permission from the property owner. Chief Grant said if they are not discharging the weapon on their own property then they will need written permission from the landowner.

Mayor Wood asked how someone would provide proof of ownership if they are going to discharge on their own property. Chief Grant said they would not have to do that. Mayor Wood said then they would just say they own it, show identification, and proof of training. Chief Grant replied yes, they would say they are going to hunt on their own property, and that address or location will be included on the permit.

Councilmember Price asked if this has to be sent out somewhere or is it all internal. Chief Grant replied that it is all internal. Councilmember Price said then the cost of doing that is for staff time and copying for evidence and creating a file. Chief Grant stated that was correct, and the actual time is the same whether it is the first permit or the renewal; it was just agreed that the cost for the second permit would be less, but the actual time is the same.

Councilmember Price asked if the certification of the safety course expires or does it have to be produced again. Chief Grant said he is not an expert but he believes it is a one-time education.

Councilmember Wynn clarified that this is not about hunting; it is regarding a discharge of weapons permit. She referring to the speaker who hunts coyotes, said she was glad he is doing that because coyotes are in her subdivision as well. She said he could get permission from any subdivision and that would go on the original permit and would not cost additional money. She said this is not regulating hunting because the City cannot do that, it is done by the state. She said the City is protecting the person that is discharging the weapon and the property owner to make sure that they are in agreement and that their property can have a discharge of weapons. She said as far as the unreasonable leaving of a target, she knows that when a deer is hit with a bow, not like a rifle, they run. She does not consider that to be an unreasonable leaving of property of target; it is just nature and is what happens. Councilmember Wynn said she has discussed this with Chief Grant. She said the amendment is meant to clarify some parts of the ordinance. In reference to

the fees, Councilmember Wynn said she was just trying to help with the administrative costs, but that is not a deal breaker for her; they could look at that for second reading. She said she hoped that everyone understands that this is not the City regulating hunting because that is the DNR. This is to make sure that people who are discharging weapons on someone else's property have permission from the property owner.

Councilmember Igleheart referred to the additional language under 13.1.3 (3): "the written permission must be dated within one month of the applicant's submission for the permit." He said that seems like too much. He said if something came up in the eighth month and they had a new property they wanted to go to, then they would miss that until the next year. He said that doesn't make sense and that it should just be within that twelve months. Chief Grant explained that the thought behind giving one month is if the person had gotten permission from a landowner to discharge a weapon, then they wouldn't have to come to the Police Department that day to get the permit, it would give them a month from the date they got the permission. He said if they find other property where they want to discharge their weapons after they were permitted, they would be allowed to come back to the Police Department, provide written permission from the landowner, and that would be added to their permit at no additional cost. Councilmember Igleheart said that is not what the language says and not how he interprets it; if that language is cleaned up to say what Chief Grant had just stated then that would be fine. Chief Grant said that thought was for during the application of the initial permit or the renewal of the annual permit. Councilmember Wynn said that language could be cleaned up.

Councilmember Igleheart referring to the fees in Section 13.1.3 (d), said that he is generally okay with "annual," but the City is onerous to some extent but shouldn't be any more than is needed. He stated he does not want the parents with the BB guns to have to pay \$25 every year. He noted that he was fine with the permit but would prefer there not be a fee.

Councilmember Orlans said that before the next reading he would like Chief Grant to provide information regarding what the surrounding cities do related to this, how they handle it.

Mayor Wood stated that he never believed the City should regulate BB guns; there is no need. He said he has been shot with a BB gun and has shot people with a BB gun; that is not appropriate conduct with a BB gun but regulation isn't going to stop that; regulating BB guns is not where the City needs to go, however, pellet guns can be more powerful. The Mayor said it is appropriate to require a permit to hunt on someone's property but it doesn't need to be renewed every year. The Mayor said he can see a reason not to do it in perpetuity but he would prefer a longer term than one year, perhaps five years would be more reasonable; that would solve the problem of having to take time to get permission and going down and submitting all of this every year. He encouraged Council to look at the BB gun restrictions and at extending the term. He said he agrees with Councilmember Wynn that if someone shoots a deer and the deer leaves the property, which they are inclined to do, there should not be a penalty. Mayor Wood said the way the ordinance is written, there are no real standards for what is unreasonable; the language needs to be clarified so that if someone takes a clean shot and the deer runs off the property, the law is clear enough that they don't face being prosecuted for it.

Councilmember Diamond asked if they could have the property owner that is giving permission to provide an expiration date and let them decide how long that will be. Chief Grant said they could do that. Mayor Wood replied that if there is no expiration date then there would need to be a time period, whether it is five or ten years.

Mayor Wood said the effective date of this should be looked at because some of these property owners would be difficult to reach. He said staff should make sure there is a reasonable period of time to get these re-upped so that the permits are not all immediately terminated. The Mayor stated there is more work to be done on this and encouraged Council to continue to look at it. He noted that the bow hunting and BB gun communities should address their Councilmembers on this.

Councilmember Orlans asked if they had clarified what happens to the existing permits; would those be grandfathered in. Councilmember Wynn replied that it is on the list of things that they are going to look at. City Attorney David Davidson said currently it is not addressed, but they will look into it for the next reading.

Councilmember Orlans asked if there is anything in this that says someone who currently has a permit needs to come and get a new one. Councilmember Wynn replied no.

Mayor Wood said given the number of questions and comments raised about this, there is a lot of work to be done. More comment and input is needed before bringing this back to Council. He said it would be great if that could be done at Committee. He asked if this will come to a work session before coming back to Council. He asked Kay Love when it could come to Committee. Ms. Love replied Tuesday, February 12, at 5:00pm in Room 220 of City Hall. Mayor Wood requested that this be placed on that agenda.

Councilmember Price said she is failing at this point to see why this is needed at all because it sounds like there is a consensus that the fee is unreasonable; it is onerous to have to come back to get a permit on a rather frequent basis. The issue of the written permission of the property the person might be using has already been addressed. They have been told there have not been any problems related to the current ordinance. She said it costs the City every time an ordinance is changed to file it, and for whatever it takes to keep it up to date online. She asked if it is worth to continue working with this unless they address the issues which are the over population of the deer. She said unless they do that she doesn't see any point with moving forward with this at all.

Mayor Wood said there are a number of different opinions. There was an inaudible comment from the floor. Mayor Wood responded that there would be no further comments from the floor. He clarified that the public will have another opportunity for comment at the work session; they could also contact the Councilmembers directly.

Mayor Wood asked Councilmember Wynn if she was ready to make a motion.

Motion: Councilmember Wynn moved that the staff and the City Attorney should consider the following conditions:

1. Changing the wording "The written permission must be dated within one month of the applicant's submission for the permit."
2. Changing the wording of "The target or any piece of the target is prohibited from unreasonably leaving the property as a result of the discharge."
3. The omission of BB guns.
4. When this shall take effect.
5. Pulling the fees out and make those a resolution and not a part of the revised amendment.

Councilmember Wynn said this item will come to Committee on February 12, 2013 before coming back to Council, in lieu of the Second Reading occurring on February 11, 2013.

Mayor Wood said as he understands it, the motion is for further study but not a motion to pass the first reading. Councilmember Wynn stated that she was making a motion to pass the first reading so this can go to second reading with the stipulation that it goes through Committee on February 12, 2013 before coming back to Council. Mayor Wood noted that there was a motion to pass the first reading with a request for further study. Mayor Wood thanked Councilmember Wynn for clarifying her motion.

Motion: Councilmember Wynn made a motion for Approval of an Amendment to Section 13.1.3, Discharge of Weapons, of the Roswell Code of Ordinances on First Reading with the stipulation that this goes to Committee on February 12 for further study of the conditions as stated, before coming back to Council for Second Reading. Councilmember Diamond seconded.

Councilmember Igleheart suggested that it not be made a part of the motion for this to come back on February 12. He said if it works that would be great, but if it is in the motion he would have to vote against it.

Councilmember Wynn asked Councilmember Igleheart to clarify his comment.

Councilmember Igleheart replied that the water tank item, an item which is going to be an issue and take a lot of time, is on the February 12, 2013 Committee agenda. He said they will be setting themselves up for a bad situation if they also add this item which is going to take a lot of time and discussion. He reiterated that if the date is set in the motion he will have to vote against it.

Councilmember Wynn asked if Mayor and Council would like to add this to the Transportation and Community Development Committee instead of waiting another six weeks for it to return.

Mayor Wood said his suggestion is to study this first because there are a lot of issues and not pass the first reading until they get closer to something they have consensus on; however, there is a motion and a second to pass it with conditions.

Motion to Defer: Councilmember Orlans said he agreed with Councilmember Igleheart. Councilmember Orlans amended the motion to defer the topic for further study to go to a Committee meeting on a certain date and when it is available after all the different points have been investigated it will come back to Council. Mayor Wood clarified that is motion to defer and not an amendment. Councilmember Igleheart seconded the motion to defer.

Councilmember Wynn said she does not like open ended dates and asked that it come back in either 30 or 60 days. She asked if Councilmember Orlans could change the motion to give a certain number of days.

Councilmember Orlans explained that there are a lot of issues to consider in more detail, including the required timing of the readings, and the issue that Councilmember Igleheart brought up with placing this on the next Committee meeting. Councilmember Orlans said think a date is not necessary in the motion; there is no rush, it has been existence for seven or eight years. Councilmember Orlans clarified that his motion is to defer it for further study. He noted that he is certain Councilmember Wynn would not let it linger for the next seven months. Councilmember Wynn thanked Councilmember Orlans.

Mayor Wood said then that is a motion and a second.

Councilmember Dippolito requested a meeting date in fairness to the people at this

meeting who are tracking this issue.

Mayor Wood requested a motion to defer to a certain date or to a certain Committee meeting.

Clarification of Motion to Defer: Councilmember Orlans restated the motion to say this will go to a Committee meeting no later than March.

Mayor Wood asked City Administrator Kay Love what date this item would come back if it is deferred to the March Committee meeting. Ms. Love replied it will be March 12.

Mayor Wood said he is interpreting this as a motion to defer to the March Committee meeting for further discussion based upon the direction given by Councilmember Wynn and the questions raised by Council.

Councilmember Price asked if there are any hunting seasons that could be effected by this or any urgency with respect to hunting. Councilmember Wynn stated that it stays the same. Councilmember Orlans stated the current ordinance is still there. Councilmember Wynn said it doesn't change; they can still hunt under the old ordinance. Mayor Wood said they could still make an application under the current permit that will remain in effect; they could come forward and ask for a new permit under the current ordinance. Councilmember Price said she is talking about incentivizing shooting certain populations; she asked if there is a hunting season for coyotes. An unidentified speaker in the audience said there is no season, it is year round.

Mayor Wood said as he understands, there is a motion to defer this to the next Committee meeting in March and a second. The Mayor asked for further discussion. There was no further Council discussion.

A motion was made by Council Member Orlans, seconded by Council Member Igleheart and Council Member Wynn, that this Item be Deferred for further staff research and placed on the Public Safety and Public Works Committee agenda for 3/12/2013. The motion carried by the following vote:

In Favor: 6

9. Approval for the Mayor and/or City Administrator to sign a contract for the purchase of a dual purpose Canine Unit with Vigilant Canine Services International in an amount not to exceed \$11,200.

Presented by Rusty Grant, Interim Chief of Police

Interim Police Chief Rusty Grant presented this item stating that in October Council approved for the Police Department to purchase a Canine Unit in the amount of \$18,000. He said that was placed out to bid; there were five bids. He said they selected Vigilant Canine Services International in the amount of \$11,200; in addition to the price, what made them so significant is that they are the only company that offered an exceptional physical guarantee and workability guarantee on the canine which means if there is some type of defect with the dog, they will replace the dog within five years.

There was no Council discussion. Public comment was invited. No comments were made.

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

In Favor: 6

Environmental / Public Works Department - Councilmember Kent Igleheart

10. Approval to name the City groundwater well filtration plant "Leonard Groundwater Filtration Plant" in honor of Water Operations Manager, Michael Leonard.

Presented by Stuart Moring, Director of Public Works/Environmental

Councilmember Igleheart introduced this item. Councilmember Igleheart noted that Mr. Leonard was not present. Environmental/Public Works Director Stu Moring presented this item. Mr. Moring said he would first like to remind everyone that tomorrow at the Recycling Center at 11:30am there would be a brief ceremony where they will raise the flag that was flown over the U.S. Capitol, thanks to Congressman Tom Price. He said they will then recycle the flag, which they feel is appropriate; it is especially fitting that Congressman Price and Councilmember Price are also Adopt-a-Road Volunteers who actively participate in the City's recycling program.

Mr. Moring returned to discussion of the item and said that on February 12, they will be dedicating the City ground water filtration plant. He said Alice Wakefield, Director of Community Development, recommended and he concurred, that the plant be named in honor of the City's Water Operations Manager, Michael Leonard. Mr. Leonard single handedly arranged for the City to be involved in the groundwater business. Mr. Moring pointed out that Mr. Leonard is extremely well known around the state, and the country, for his work in the water industry. He said staff recommends naming this facility in Michael Leonard's honor.

Council Comment:

Councilmember Orlans suggested changing this to include the full name to say the "Michael Leonard Groundwater Filtration Plant."

Mr. Moring agreed and said that is an excellent point and he is totally open to changing that designation.

Councilmember Price agreed and asked if it will be his full name or a nick name.

Mr. Moring said he would suggest asking Michael stating that he is universally known as "Mike."

A motion was made by Council Member Igleheart, seconded by Council Member Orlans, for Approval to name the City groundwater well filtration plant in honor of Water Operations Manager, Michael Leonard and that the form of the name should be that of Michael Leonard's choosing. The motion carried by the following vote:

In Favor: 6

11. Approval for the Mayor and/or City Administrator to sign a contract amendment with Advanced Disposal Recycling Services Atlanta, LLC/Community Waste Services, LLC

(ADRSA/CWS) to exercise renewal options for Yard Waste Collection and Recycling and Hembree Solid Waste Transfer Station Services contracts.

Presented by Stuart Moring, Director of Public Works/Environmental

Environmental/Public Works Director Stu Moring presented this item stating that the City currently has two contracts with CWS for collecting yard waste and recycling and also to operate the Hembree Road Transfer Station. He said this agreement extends the contract for yard waste and recycling for one additional year beyond the current term to September 1, 2014, and will extend the contract for the solid waste transfer station to expire on December 1, 2017. In consideration for this, CWS agreed to several terms, and most importantly, adding two Bulky Trash Amnesty days that have become very popular among our citizens, enabling them to clean out basements, garages and so forth at no cost. This event typically costs the City \$5,000-\$10,000 and is not an insignificant concession. CWS will also perform necessary maintenance and repairs to the Transfer Station. Mr. Moring, on behalf of his department, said they appreciate the outstanding and amenable service provided to the City by Charlie Slade and his sister Vicky Seacock from CWS. He said this is a wonderful contract; he would recommend this even if they were not doing the additional services. Mr. Moring recognized Charlie Slade who was present at the meeting.

Council Comment:

Councilmember Igleheart stated that if there is ever an example of a firm that deserves long standing approval, this would be it. He thanked them for all they have done and said he hoped that Charlie Slade could continue to be the assistant.

There was no further Council discussion. Public comments were invited. No public comments were made.

The City currently contracts with ADRSA/CWS to collect yard waste, recycling, and operate the Hembree Road Transfer Station. The relationship has been one of responsiveness, trust, and excellent customer service.

The current City contract for Yard Waste Collection and Recycling Services with ADRSA/CWS expires September 1, 2013. The contract is currently in the first of two (2) one-year renewal options. The proposed agreement would exercise the second one-year option at the existing prices, terms and conditions. This would extend the expiration date of this contract to September 1, 2014.

The current City contract for Hembree Solid Waste Transfer Station Services expires December 1, 2014 and includes five (5) one-year renewal options. The proposed agreement would exercise the first three (3) one-year options all at the existing prices, terms, and conditions. This would extend the expiration date of this contract to December 1, 2017. The proposed contract term extensions are contingent on the following conditions: 1) ADRSA/CWS will conduct, at no charge to the City, an additional two "Bulky Trash Amnesty" events for a total of annually; 2) Perform any necessary maintenance and repair to the Hembree Solid Waste Transfer Station; and 3) Continue to make available the current contract administrators for the City's contracts. A motion was made by Council Member Igleheart, seconded by Council Member Wynn, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

City Attorney's Report

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

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

In Favor: 6

Adjournment - With no further business the Mayor and Council meeting adjourned at 8:57 p.m.