



City of Roswell

38 Hill Street
Roswell, Georgia 30075

Meeting Minutes - Final Mayor and City Council

Mayor Jere Wood
Council Member Rich Dippolito
Council Member Lori Henry
Council Member Kent Igleheart
Council Member Jerry Orlans
Council Member David Tolleson
Council Member Becky Wynn

Monday, May 18, 2009

7:30 PM

City Hall

WELCOME

Present: 6 - Mayor Jere Wood, Council Member Rich Dippolito, Council Member Lori Henry, Council Member Jerry Orlans, Council Member David Tolleson, and Council Member Becky Wynn

Absent: 1 - Council Member Kent Igleheart

Staff Present: City Administrator Kay Love; City Attorney David Davidson; Environmental/Public Works Director Stuart Moring; Water Operations Manager Mike Leonard; Water Resources Engineer Alice Champagne; Recreation, Parks, Historic and Cultural Affairs Director Joe Glover; Superintendent of Recreation Katie Trolene; Superintendent of Athletics Rusty Pruitt; Historic and Cultural Affairs Manager Morgan Timmis; Recreation and Parks Historic Site Coordinator Chuck Douglas; Special Events Coordinator Bobbie Daniels; Finance Director Julia Luke; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Senior Transportation Engineer Muhammad Rauf; Community Development Director Kathleen Field; Deputy Director of Community Development Clyde Stricklin; Planning and Zoning Director Brad Townsend; Assistant Fire Marshal Chris Cooper; Community Information Coordinator Kimberly Johnson; Building Operations Technician Rick Perrault; and City Clerk Sue Creel

Pledge of Allegiance - Hatcher Hurd

CONSENT AGENDA

1. **Approval of May 4, 2009 Regular Meeting Minutes (detailed minutes to replace Council Brief Minutes approved on May 11, 2009) and approval of May 11, 2009 Council Brief Minutes. Administration**
Approved
2. **Approval for the Mayor and/or City Administrator to sign a**

contract with Cues, Inc. for the purchase of a Stormwater Inspection Camera and Trailer in the amount of \$144,600.
Environmental/Public Works

Approved

3. Approval for the Mayor and/or City Administrator to sign a contract with Dewberry and Davis LLC in the amount of \$90,000 for Phase I - Floodplain Mapping.
Environmental/Public Works

Approved

4. Approval of Budget Amendment 7110CP-05-18-09 to increase the Elkins Road culvert project from \$100,000 to \$200,000 to fund additional repairs. *Environmental/Public Works*

Approved

5. Approval of a change order to Reynolds Inliner, Inc. for the Mimosa Boulevard 42-inch storm corrugated metal pipe (CMP) repair in the amount of \$40,000 and approval of Budget Amendment 4210CP-05-18-09 to create Project 09ENV020, Mimosa Boulevard Storm Pipe and establish a budget of \$40,000. *Environmental/Public Works*

Approved

6. Approval for the Mayor and/or City Administrator to sign a contract with Miracle/Hasley Recreation Design, Inc. for the Hembree Park ADA Accessible Playground in the amount of \$138,000.

Recreation, Parks, Historic and Cultural Affairs

Approved

Approval of the Consent Agenda

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

In Favor: 5

REGULAR AGENDA

Mayor's Report

1. **Reading of a Proclamation for National Public Works Week.**

Mayor Wood read the Proclamation which states that Public Works services are an integral part of citizens' everyday lives and proclaims the week of May 17-23rd, 2009 as "National Public Works Week" in the City of Roswell.

Councilman Tolleson commented that the City had a lot of dedicated professionals, and it was easy to forget them when everything works smoothly, but they sometimes work in brutal conditions. He said the City is fortunate to have these dedicated employees.

Environmental/Public Works Director Stuart Moring thanked the employees of Public Works, Community Development, Transportation, and Building Operations for their work. Mayor Wood recognized all of those employees that were in attendance.

Environmental / Public Works Department - Councilmember David Tolleson

2. **Presentation of the Georgia Association of Water Professionals (GAWP) Gold Award to the City honoring the Cecil Wood Water Treatment Plant.**

Presented by Stuart Moring, Director

Georgia Association of Water Professionals Executive Director Jack Dozier awarded the City of Roswell with the GAWP Gold Award in recognition of the Cecil Wood Water Treatment Plant having met all award requirements as outlined under both the Safe Drinking Water Act and the National Pollutant Discharge Elimination System (NPDES) permit requirements for 2008. He noted that this is the third consecutive year Roswell has received this honor. Water Operations Manager Mike Leonard accepted the award on behalf of the City.

Recreation and Parks Department - Councilmember Jerry Orlans**3. Presentation of the 5th Annual Roswell Safety Town.*****Presented by Joe Glover, Director***

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover gave a presentation on Safety Town, which is a national program that began in the 1950's. One of the gymnasiums at the Hembree Park Recreational Center is turned into a small town which enables children to receive hands-on lessons about safety. The volunteers were thanked for their work in implementing the program and making it a success for the past five years.

4. Approval of the Smith Plantation Master Plan.***Presented by Joe Glover, Director***

William Shealy, Project Manager and Landscape Architect from the Jaeger Company, presented the revised Smith Plantation Master Plan. He stated the plans are to increase accessibility to the site. A new entranceway in the southeastern corner makes the entrance more direct and allows visitors to walk on the original carriage road into the house. They added additional ADA parking and removed the parking off the rear lawn and restored the area. He recommended a rehabilitation of the woodland area to create a more park like setting with large canopy trees overhead, blooming shrubs and trees. He said as money becomes available, an area to store archival items will be built. The recommended improvements will highlight the resources that exist from the Smith Plantation era, improve access, and ensure programming available for future needs of the site.

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

In Favor: 5

5. Approval for the Mayor and/or City Administrator to sign a contract with Suburban Roofers for roof repair of the Art Center West roof in Leita Thompson Memorial Park in the amount of \$41,300.***Presented by Joe Glover, Director***

Recreation, Parks, Historic and Cultural Affairs Director Joe Glover stated the facility's roof needs immediate repair. Three written quotes were received ranging from \$41,300 to \$47,000. The recommendation is for the bid of \$41,300 submitted by Suburban Roofers.

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

In Favor: 5

Administration and Finance Department - Councilmember Kent Igleheart**6. Approval of the Roswell Sustainability Vision Statement,**

Mission Statement, Strategic Goals, and Logo.***Presented by Kay Love, City Administrator***

City Administrator Kay Love stated the logo is a revision from the Roswell logo with a picture of the earth in place of the "o". Ms. Love read the Roswell Green Ribbon Committee's Vision Statement as follows:

The Vision Statement is to take action to improve sustainability; providing for the present generation while honoring our past and allowing for the needs of the future generations.

The Mission Statement is to increase environmental accountability; to teach the principles of sustainable living; and implement innovative programs that protect the environment, provide economic savings and enhance quality of life.

Strategic Goals are to engage city employees, residents and businesses in sustainable practices now that will ensure the availability of resources and enhance the livability and viability of the City for generations to come.

Ms. Love stated the committee is also participating in the ARC Green Communities Program and is striving for certification. The City has already reached level 1 and should reach Level 2 by the end of December. Ms. Love stated the Roswell Green Ribbon Committee is a group who has been meeting for several months staking out goals and objectives. Internally the City has a Sustainability Task Force made up of city employees and together the two committees came up with priorities and goals.

Ms. Love stated the Green Communities Program is being administered by ARC and a number of communities are involved. There are 60 different guidelines such as innovative measures, government measures, community education measures, energy efficiency, green building, and within that is the idea to adopt policies if they do not already exist and initiate projects that support the imitative of green. She noted the City is currently doing energy audits to better conserve energy.

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

In Favor: 5

7.

Approval of a Resolution Endorsing the U.S. Mayors Climate Protection Agreement.***Presented by Kay Love, City Administrator***

Ms. Love stated nine cities in Georgia have already signed this agreement which is sponsored by the U.S. Conference of Mayors. The main criteria of the agreement are as follows: to strive to meet or exceed the protocol targets in our own communities; to urge state and federal government officials to enact policies and programs to meet or beat the Green House Gas Emission Reduction Target suggested in the code of protocol; and to urge the U.S. Congress to pass the bipartisan Green House Reduction Legislation, which establishes a national emissions trading system. She said that this goes hand-in-hand with sustainability, but on a larger initiative, because it addresses everything from global warming, land use, to recycling. Ms. Love confirmed that the agreement does not bind the City in commitments; it is something to strive for or exceed.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Lori Henry, that this Item be Approved. The motion carried by the

following vote:

In Favor: 5

Enactment No: RES 2009-05-27

8. **Approval of an Amendment to the Purchasing Ordinance for Sustainability Initiatives. (First Reading)**
Presented by Julia Luke, Finance Director

Finance Director Julia Luke asked Council to amend the Purchasing Ordinance, Section 2.7.8 on Promoting Sustainability. It would also affect Section 2.7.2, Definitions, and Section 2.7.4, Powers and Duties of the Purchasing Manager. The amendment is designed to provide compliance with ARC Green Communities Program guidelines #9, #46, and #49.

City Attorney David Davidson read the ordinance to amend Chapter 2, Administration, Article 2.7, Purchasing, of the Code of Ordinances of the City of Roswell. The ordinance amends Article 2.7, Purchasing, by adding to Section 2.7.2 Definitions, a new definition to read as follows: Sustainability means reducing the amount of resources used as well as reducing the amount of waste and emissions produced in order to limit the environmental impact or ecological footprint. The City will improve sustainability efforts through an environmentally preferred purchasing program that provides for the present generation and needs of the organization while honoring our past and allowing for the needs of future generations.

The ordinance also amends Article 2.7, Purchasing, by deleting subsection (a) from Section 2.7.4, Powers and Duties of the Purchasing Manager, and substituting a new subsection (a) to read as follows: (a) Procure or oversee the procurement of all goods and services needed by the city with full consideration of sustainable and environmentally preferred products and advertise for bids for such goods and services as required by section 2.7.12. Consistent with this ordinance and subject to the approval of the city administrator and city finance director, the purchasing manager may adopt operating procedures related to the purchase of goods and services for the city and may publish a handbook or manual containing those procedures.

The ordinance further amends Article 2.7, Purchasing, by adding a new Section 2.7.8, Promoting Sustainability to read as follows: The City of Roswell (City) is a significant consumer of goods and services. The City desires to encourage the procurement of sustainable and environmentally preferred products and services. The City of Roswell Mayor and Council have resolved that the City will take an active role to promote the analysis of life cycle costs for products and services to encourage protection of the environment by showing preference for the procurement of sustainable products and services for the use in City operations. (a) In general, environmentally preferable products and services are those that would reduce negative effects on human health and environment when compared with the competing products and services. More specifically, this comparison would include consideration of all phases of the product's life cycle, including raw materials acquisition, production, manufacturing, packaging, distribution, operation, maintenance and disposal, including potential for reuse or ability to be recycled. (b) In practice, the objective is to purchase products that have been environmentally certified or eco labeled because they have reduced environmental impact due to the way they are made, used, transported, stored, packaged and disposed. It means looking for products that do not harm human health, are less polluting and that minimize waste, maximize use of bio-based or recycled materials, conserve energy and water, and reduce the consumption of and disposal of hazardous materials. (c)

Therefore, the City of Roswell will implement an environmentally preferable purchasing program that accounts for life cycle costs and gives preference to products that are recycled, recyclable and otherwise more environmentally friendly than traditional products; purchase Energy Star rated equipment and appliances when possible to do so and, purchase recycled copy, computer, and fax paper with at least 30% recycled content whenever the use of the paper makes it possible to do so.

Mr. Davidson summarized the amended ordinance as adding a definition of Sustainability; changed the powers and duties of the purchasing manager to allow the purchasing manager to purchase sustainable products; and added article 2.7.8 to promote actual sustainability in all city purchasing. He confirmed the purpose was to encourage the purchasing of sustainable products that are competitive in price.

A motion was made by Council Member Becky Wynn, seconded by Council Member David Tolleson, that the first reading of this Item be Approved. The motion carried by the following vote:

In Favor: 5

City Attorney's Report

9. Consideration of Mayor's Veto.

City Attorney David Davidson stated on May 11, 2009 Council approved rezoning RZ08-17 and concurrent variances with conditions by a 5 to 1 vote. The meeting immediately following was held on Thursday, May 14th. The Mayor at that meeting under the authority of Charter Section 3.160 vetoed that approval. By Charter Section 3.160 (3), that action is automatically on the agenda for Council's reconsideration and the action of Council shall not become effective unless they override the veto and readopt the previous motion by a two-thirds vote of the members of Council within 60 days of the veto.

Mayor Wood stated there is a request by the original zoning applicant for deferral.

Wendy Butler, a representative of Coro Realty, 9875 Medlock Bridge Parkway, Johns Creek, stated this project had its first community meeting in January and Coro Realty was now here because the item had been vetoed. She said that Coro has and is committed to working with the community. Coro feels they have been responsive to issues and has heard issues for the first time today. Coro would like the opportunity to work with the residents of Brookfield and clearly identify the issues and respond to them. On behalf of Coro Realty, she requested a deferral.

Mayor Wood asked if the Brookfield neighborhood had a position on the request for deferral.

Michael Gould, 600 Westhollow Court, Roswell, and Clay Thomas, 620 Westhollow Court, Roswell, 30075, stated that Brookfield is willing to work in good faith and continue conversations they have had but noted that it takes a lot of time and effort to get everyone to City Hall to express their opinion. Brookfield asked if Coro could make a commitment stating they really want Brookfield's support and if there is still opposition after 60 days that Coro will either withdraw or allow the zoning to go back to E-2. Mayor Wood thought Coro could make a commitment to work with Brookfield in good faith, but to ask Coro to withdraw their petition would be waiving legal rights.

Mayor Wood said there would be an opportunity to be heard at the deferral but if anyone could not make it back in 60 days, they were welcome to be heard now. The

Mayor said the main question is Brookfield's position on the deferral; Council will make a motion to defer or not.

Councilman Dippolito asked City Attorney Mr. Davidson if the action is deferrable up to 60 days if it was required to come to council at every council meeting. Mr. Davidson replied that the Charter states that anytime a quorum of Council is present, that it is required to be on the agenda. Council can continue to defer it up to 60 days from the time of the Mayors' veto.

Mayor Wood suggested that if Council defers this item to defer it to a certain date so the interested residents could be heard.

A break was called at 8:20 p.m. in order for the parties to discuss concerns; the meeting resumed at 8:50 p.m.

Mr. Gould asked Council to consider the deferral for 60 days and Brookfield will move forward with Coro Realty. They said Coro's willingness to include Brookfield in the process is appreciated, and they looked forward to sharing all concerns with them to try to come to a conclusion.

Ms. Butler stated that Coro Realty will make a commitment to contact Brookfield immediately to set up a meeting time to hear their concerns.

Mr. Dippolito commented that it is unfortunate they were at this point but believed there were multiple reasons for it with the primary one being miscommunication among the parties. Mr. Dippolito recommended implementing a zoning alert system in which the City contacts homeowner associations to inform neighborhoods of upcoming zoning changes. He said he would work with staff to come up with a process to have affirmative conversations with surrounding neighborhoods so this does not happen again.

Public Comment:

Robert Crabb, 805 Oakhaven Drive, Roswell, stated he is the president of the homeowners association for Brookfield Country Club. He thought there had been a lack of communication or a miscommunication, and there was a need for open discussions with the developer.

Michael Gould stated he appreciates the opportunity the Mayor's veto has provided. He thanked the Mayor and Councilman Igleheart for their support for Brookfield's position. He said tonight's deferral would be a positive step for everyone. Mr. Gould stated he was representing Brookfield Country Club and the homeowners association. After the Planning Commission unanimously denied Coro's application and after the City planning staff recommended denial of the revised plans, he did not think the development "had a prayer last week." With the amount of letters over the past week and the amount of people in attendance, he hoped it showed Brookfield's concern over this issue. He stated that the Brookfield Homeowners Association resolves to be more proactive in this process and looks forward to working with Coro over the next 60 days. Brookfield appreciates the Council's concern to engage into a dialog and personally thanked Councilman Dippolito for meeting with Brookfield before this meeting to hear first hand all of their concerns.

Nydia Pinzon, 1240 Oakhaven Drive, Roswell, announced there is a petition and invited everyone to sign.

Steve Walker, 1055 Hardscrabble Road, stated he is concerned because everybody talks about homeowners associations and neighborhoods, but he is a single-family

dwelling not in a subdivision, that sits on Hardscrabble. He stated it is hard to get out of his driveway now and could not imagine how hard it would be with another main road coming towards him. Mr. Walker said he would like to be part of any negotiations or talks. Mr. Gould gave Mr. Walker an open invitation to all meetings.

Greg Norris, 2120 Whittingham Court, Roswell, stated he is the secretary of Whittingham Park Homeowners Association. He noted that Mr. Gould had been generous to include them in the communications. He noted that Brookfield is not the only subdivision impacted by this development, as Whittingham Park is immediately behind the Super Target "sandwiched" in between the Super Target and Brookfield and this development would be immediately across from the entrance to their subdivision. Mr. Norris stated he is in agreement with the deferral.

There was no further public comment.

A motion was made by Council Member Rich Dippolito, seconded by Council Member Becky Wynn, that this Item be Deferred and placed on the Mayor and City Council Special Called agenda for 6/29/2009. The motion carried by the following vote:

In Favor: 5

Adjournment

After no further business, the Regular Meeting adjourned at 9:10 p.m. for a Work Session on "Discussion of South Atlanta Street Corridor Concept Plan."