



# 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 Orleans*  
*Council Member Betty Price*  
*Council Member Becky Wynn*

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Monday, November 26, 2012

7:00 PM

City Hall

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### WELCOME

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

### Pledge of Allegiance - Girl Scout Troop 29335 - Sweet Apple Elementary

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; Environmental/Public Works Director Stu Moring; Environmental/Public Works Deputy Director Mark Wolff; Finance Director Keith Lee; Recreation, Parks, Historic and Cultural Affairs Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Traffic Operations Supervisor Mike Elliott; Signal Systems Manager Derrick Crowder; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Community Relations Manager Julie Brechbill; Community Relations Digital Media Designer Joel Vazquez; Building Operations Technician Timothy Thompson; Deputy City Clerk Betsy Branch.*

### CONSENT AGENDA

- 1. Approval of November 14, 2012 Mayor and Council Brief.**  
*Administration*  
Approved
- 2. Approval for the Mayor and/or City Administrator to sign a contract amendment for Expenditure of Public Accommodations Excise Tax for Economic Development Services.**  
*Administration*  
Approved
- 3. Approval for the Mayor and/or City Administrator to sign a contract for Bond and Disclosure Counsel services to Gray**

**Pannell & Woodward, LLP.**

*Finance*

Approved

- 4. **Approval for the Mayor and/or City Administrator to sign a contract with JCB of Georgia for a current model year Rough Terrain Forklift in the amount of \$56,674.90.**

*Public Works/Environmental*

Approved

- 5. **Approval for the Mayor and/or City Administrator to sign a contract with Utility Service Co., Inc. for maintenance of the Roswell Water Utility Elevated Water Storage Tanks in the amount of \$35,798 per year.**

*Public Works/Environmental*

Approved

- 6. **Approval for the Mayor and/or City Administrator to sign a contract with HD Supply Waterworks for inventory parts for the Roswell Water Utility Distribution system in the amount of \$48,620.85.**

*Public Works/Environmental*

Approved

**Approval of the Consent Agenda**

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

In Favor: 6

## REGULAR AGENDA

### Mayor's Report

1. **Presentation of the Pedestrians Educating Drivers on Safety, Inc. (PEDS) 2012 Golden Shoe Award to the City of Roswell.**

Mayor Wood introduced this item. Transportation Director Steve Acenbrak stated that the most livable communities are also the most walkable. Mr. Acenbrak stated that he and Chris Chovan attended the PEDS awards banquet on behalf of Mayor and Council, to accept the award. He explained that PEDS is a group founded by Sally Fox, a strong advocate for pedestrian issues within the Greater Metro Atlanta area. Ms. Fox could not attend this evening's meeting to present the award to Mayor and Council but sent her regrets. Mr. Acenbrak noted that Ms. Fox is one of the thirty percent of our population that does not drive. Pedestrian issues have become very important to her. The PEDS organization monitors pedestrian activities and actively points out municipalities with non-friendly pedestrian activities and awards municipalities that do participate in pedestrian friendly activities.

Mr. Acenbrak explained that last year, the Centennial High School principal contacted the City for help regarding the difficulty students had crossing the street from the student parking to get to the school. Mr. Acenbrak explained that the City installed the Rapid Rectangular Flashing Beacon, a new technology for the metro Atlanta area. When a pedestrian activates a button, LED lights will flash alerting drivers of pedestrians about to cross the street. Mr. Acenbrak stated Ms. Fox awarded the City of Roswell for making pedestrian accommodations, in the traffic operations category, for this innovative traffic solution to the problem. Mr. Acenbrak noted that other entities in the metro Atlanta area also received awards at the PEDS banquet and that it was an honor for him to accept the award at the banquet on behalf of Mayor and Council. Mayor Wood replied that it is an honor for the City of Roswell to win this award. The Mayor thanked the Transportation department for their creativity in bringing forward this technology at this school location. Mayor Wood stated he noticed that the pedestrian crossing is solar powered.

Mayor Wood asked Mr. Acenbrak to provide an overview of what other pedestrian projects are being worked on this year in the City. Mr. Acenbrak stated there are many sidewalk projects. The City's primary focus for sidewalks is on schools and parks to allow students to safely walk and ride their bikes to the schools and parks. Mr. Acenbrak noted that exciting projects are happening in all parts of the town. He noted that everyone has probably noticed the roundabout and the splitter island in the center which allows pedestrians to walk half way across before crossing the second half. The City has also installed pedestrian refuge islands in mid-town for crossing the highway. Mr. Acenbrak stated there are also pedestrian friendly aspects in the City's highway areas, for instance at Holcomb Bridge Road and SR 400. He noted that he would be discussing later an agenda item which would include traffic signals that will allow pedestrians to move safely across that intersection. Mr. Acenbrak stated the City has a policy which requires that Transportation projects moving forward always include consideration of pedestrian movement.

Mayor Wood thanked everyone for passing the bond November 6, 2012, with sixty-five percent of the vote; this bond includes pedestrian improvements. Mr. Acenbrak stated there is six million dollars earmarked for the intersection of Holcomb Bridge Road and GA 400. There are also two other largely pedestrian projects: the Eaves Road complete streets projects which includes bike lanes, sidewalks, and multi-use trails along the entire Eaves Road corridor; and a multi-use trail which will be on Holcomb Bridge Road for the residents that lives in Horseshoe Bend at Steeple Chase to be able to walk to the Holcomb Bridge Middle School and eventually down to Nesbit Ferry Road.

Mayor Wood stated there is millions of dollars approved by the citizens of Roswell for pedestrian improvements. Hopefully, Sally Fox would consider those in the future and award the City more awards for which the citizens of Roswell have earned. Mayor Wood expressed his appreciation for the outstanding efforts of the Transportation department staff.

Mr. Acenbrak clarified that Signal Systems Manager Derrick Crowder is the Roswell Transportation staff member responsible for initiating the use of the solar powered Rapid Rectangular Flashing Beacon at the Centennial High School location. Mayor Wood expressed his appreciation to Mr. Crowder.

### Community Development - Councilmember Nancy Diamond

2.

#### **RZ12-07, Text Amendment to the Section of the Roswell Zoning Ordinance regarding the Adaptive Reuse Administrative Approval of the Parkway Village Overlay District. (First Reading)**

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

*Councilmember Diamond introduced this item. Planning and Zoning Director Brad Townsend stated this is proposed text amendment to the Parkway Village Overlay District. He noted that approximately a month and a half ago, Mayor and Council heard an application for a small tract status where a salon wanted to enclose their carport. At that time, Council directed staff to initiate a text amendment which would allow this item to go forward as an adaptive re-use. Mr. Townsend stated staff drafted preliminary language for the first reading of this proposed text amendment. This language would allow for the applicant to enclose the area of the carport and allow it to be approved administratively by staff. Mr. Townsend confirmed that on November 20, 2012, this proposed text amendment had been reviewed by the Planning Commission and recommended for approval on first reading. Mr. Townsend stated staff recommended approval of the first reading of the proposed text amendment.*

*City Attorney David Davidson conducted the reading of AN ORDINANCE TO AMEND SECTION 12.2.12 OF THE CITY OF ROSWELL ZONING ORDINANCE REGARDING THE ADAPTIVE REUSE ADMINISTRATIVE APPROVAL SECTION OF THE PARKWAY VILLAGE OVERLAY DISTRICT OF THE CITY OF ROSWELL ZONING ORDINANCE stating: pursuant to their authority, the Mayor & City Council adopt the following ordinance:*

*1.*

*The City of Roswell is hereby amending Article 12 of the City of Roswell Zoning Ordinance, Chapter 12.2.12 Adaptive Reuse Administrative Approvals, by amending*

the following Section:

*Section 12.2.12 - Adaptive Reuse Administrative Approval*

*An adaptive reuse of existing structures may be administratively approved by the zoning director, provided no changes are allowed to occur to the front exterior building elevation which does not increase the volume of the existing structure, the structure is not expanded to the rear beyond an additional fifty (50) percent of floor area, all vehicle parking is confined to the rear yard and one (1) side yard, the project is developed in accord with the streetscape requirements (berms shall be given reasonable consideration but shall not be required), with a rear buffer of no less than forty (40) feet. Adaptive reuse administrative approval shall not be permitted for service stations, retail establishments, restaurants, grills, and similar eating and/or drinking establishments, including drive-ins, and nursery schools, kindergartens, and day care centers.*

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

*Motion: Councilmember Diamond moved for approval of RZ12-07, Text Amendment to the Section of the Roswell Zoning Ordinance regarding the Adaptive Reuse Administrative Approval of the Parkway Village Overlay District. (First Reading) Councilmember Dippolito seconded. Public comments were invited. No public comments were made.*

*Council comment:*

*Councilmember Price asked for clarification of the second paragraph regarding items that are not permitted for administrative approval; she asked if those items could be approved with Council approval. Mr. Townsend replied that is correct. No further Council discussion.*

**A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Item be Approved on First Reading and placed on the Mayor and City Council agenda for 12/10/2012. The motion carried by the following vote:**

**In Favor: 6**

Enactment No: ORD 2012-12-18

**Environmental / Public Works Department - Councilmember Kent Igleheart**

- 3. Approval for the Mayor and/or City Administrator to sign a contract with Consolidated Disposal Systems, Inc. for a 2013 Commercial Front Loader Garbage Truck in the amount of \$215,730.**

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

*Councilmember Igleheart introduced this item. Director of Public Works/Environmental Stu Moring stated this item is for Council approval to sign a contract with Consolidated Disposal Systems, Inc., for a 2013 Commercial Front Loader Garbage Truck in the amount of \$215,730. Mr. Moring said Consolidated Disposal Systems was the lowest responsive, responsible bidder meeting all required specifications. Funds are available in the Solid Waste Fund and budgeted for this item. Staff recommends approval.*

**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

- 4. **Approval for the Mayor and/or City Administrator to sign a contract with Municipal Equipment Sales, Inc. for a 2013 Residential Rear Loader Garbage Truck in the amount of \$141,033.**

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

*Director of Public Works/Environmental Stu Moring stated this item is for Council approval to sign a contract with Municipal Equipment Sales for the purchase of a 2013 Residential Rear Loader Garbage Truck in the amount of \$141,033. He stated staff's plan was to also to bid for this, however, in conferring with the vendors, the vendors stated staff should prepare for twelve percent price increase. Mr. Moring stated that because the City last purchased a residential truck in December 2011, there was an opportunity with a twelve month window, to purchase a brand new truck at last year's price. He said the City's Fleet staff and the Purchasing staff determined that it was in the City's best interest to do so. Bid tabulation information was included in the Council packets. Municipal Equipment Sales was the lowest responsive, responsible bidder. Funds are available in the Solid Waste Fund. Staff recommends approval.*

*Motion: Councilmember Igleheart moved for Approval for the Mayor and/or City Administrator to sign a contract with Municipal Equipment Sales, Inc. for a 2013 Residential Rear Loader Garbage Truck in the amount of \$141,033. Councilmember Orleans seconded. Public comments were invited. No public comments were made.*

*Council comment:*

*Councilmember Price asked if this truck would add to the City's fleet or would there be retirement of any trucks. Mr. Moring replied that in each case, there would be retirement of another truck. It will replace one that is either sold on "Gov Deals" or otherwise transferred. He noted there is consideration of donating a garbage truck to New York. No further Council discussion.*

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

In Favor: 6

**Transportation Department - Councilmember Betty Price**

- 5. **Approval of a Resolution to sign a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the SR 140/HBR at SR 400 Northbound Ramp Intersection and approval of Budget Amendment BA22142200-11-26-12 in the amount of \$1,125,000 to establish the grant budget.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Price introduced this item. Transportation Director Steve Acenbrak*

stated this project at GA 400 and Holcomb Bridge Road is located where the northbound off ramp meets the eastbound traffic. One of the most important safety issues is regarding what is known as a "trap lane" at this location where a motorist is in one lane which is going eastbound but is actually caught going north on Old Alabama. Mr. Acenbrak stated some motorists are accidentally caught in that lane but others shift at the last minute which causes a lot of weaving and merging in that lane. Referring to a graphic, Mr. Acenbrak pointed out where it will be reappropriated, and the lanes will be re-designed to eliminate the "trap lane." He stated that a second right turn lane will be added on the northbound ramp. He pointed out the area to be signalized with "valves" so that the eastbound and northbound lanes will alternate with free flow movement. The lanes will be redone so that it will be clearly known when to get into the left turn lanes to go north on Old Alabama and when to go straight to continue on Holcomb Bridge Road. Mr. Acenbrak stated the westbound and southbound lanes will be improved with more storage and stacking area. Mr. Acenbrak stated that \$1,125,000 was earmarked by GDOT for one hundred percent funding from them; they will pay the design, if there is any right-of-way, and all of the construction costs.

*Council comments:*

Councilmember Wynn said she recalled that approximately two years ago, there was discussion regarding motorists going eastbound being in the two lanes dedicated for the left turn. At that time there was discussion regarding the installation of a median type of structure which would require the motorist to turn left if in the left turn lanes, eliminating traffic from being able to sit in that lane holding up traffic and then trying to go back to the right. She asked if that was still on the drawing board. Mr. Acenbrak said it is, and explained that the issue with center medians is the end and nose so that traffic does not accidentally run into it. The solution has not yet been designed but Councilmember Wynn's suggestion would be part of the design process to determine if that would be part of the final design or not. Councilmember Wynn suggested that it be part of the design because during rush hours those who are caught in that lane who do not want to turn left have to do extra maneuvering, blocking the lanes and sometimes causing accidents moving over to the right lane. Mr. Acenbrak stated the median needs some width to it. Councilmember Wynn referring to the two left turn lanes that go north on Old Alabama, stated there was discussion regarding adding a curb to that lane to prevent changing lanes, and curb that could not be jumped. Mr. Acenbrak replied that he would take her preference forward in the design process. Councilmember Wynn asked that it be considered at that location due to the amount of traffic that backs up in that area at rush hour. Mr. Acenbrak confirmed that he understood her concerns.

Mayor Wood stated the City's first preference is for safety, and second, mitigation of traffic. He said Transportation staff could achieve both with good engineering.

Mayor Wood noted that it is appropriate for Council to express their concerns and that Transportation staff should consider all factors. Mr. Acenbrak stated he understood.

Mayor Wood complimented the Transportation staff on their work with the GDOT because this \$1,250,000 is extraordinary in the current GDOT environment. Mr. Acenbrak replied that he spent some time touring the area with the Commissioner. The Commissioner explained to him that the GDOT budget is basically salary and benefits and debt service. GDOT has very little in the way of discretionary money so this actually represents a fairly large percentage of their overall state-wide discretionary budget coming from what GDOT calls "operational improvements." Mr. Acenbrak said it speaks volumes for the quality engineering work done by the consultants and the staff which has caught the attention of the State Department of

Transportation to receive 100% funding like this. It is not a very common occurrence across the state at this time.

*Council comment:*

Councilmember Price asked about the mechanics of receiving the money and if it will come in as the City spends it. Mr. Acenbrak replied that a grant account will be set up for this money; the Transportation budget will include a line item for this money; as bills related to this project come in that money is used for payments. He noted that the design and the design consultant for this project will be paid from this fund. Councilmember Price asked if the entire sum will be provided at the beginning. Mr. Acenbrak replied not the entire fund, but the grant account will be set up for the money. Mayor Wood asked City Administrator Kay Love to explain the procedure. Ms. Love clarified that this is a reimbursement grant; the City will front the money and then be reimbursed by GDOT. Councilmember Price asked if the project cost is grossly under could the remaining funds be used for something else. Mr. Acenbrak replied no, it is money that is programmed in this amount for this project. If during the design phase it is determined that there will be an increase or decrease in the cost, then the City will have to inform GDOT and could go back and negotiate in good faith with GDOT. Mr. Acenbrak stated that generally, this money is to be used for this project. Mr. Acenbrak confirmed for Councilmember Price that the money could not be used for beautification.

*Motion:* Councilmember Price moved for Approval of a Resolution to sign a Project Framework Agreement (PFA) with the Georgia Department of Transportation (GDOT) for the SR 140/HBR at SR 400 Northbound Ramp Intersection and approval of Budget Amendment BA22142200-11-26-12 in the amount of \$1,125,000 to establish the grant budget. Councilmember Orlans seconded.

*Further Council comment:*

Councilmember Diamond expressed her appreciation to Mr. Acenbrak for acquiring this funding and asked when the project will get started. Mr. Acenbrak replied it will probably be a year and a half before construction begins. Councilmember Diamond asked how long it will take. Mr. Acenbrak noted that it will be done under traffic, but everything will be done to expedite the process. The project will have to go through the entire GDOT plan/development process. By the time it is designed and permitted, it will be approximately eighteen months.

Councilmember Dippolito stated that GDOT has implemented a program where they charge for review of drawings. He asked if that is included in the design cost and if that is covered by GDOT or the City. Mr. Acenbrak replied it is included in this particular project. Councilmember Dippolito asked if this is covered one hundred percent by GDOT for design, construction, and review. Mr. Acenbrak stated that is correct.

Councilmember Wynn stated this is only one of three of the projects for Holcomb Bridge Road that Transportation has received GDOT funding on. She stated "Our six million is really a little over nine million." Mr. Acenbrak stated, "It was \$500,000 and of that, we only spent \$100,000 and they matched us \$400,000. We only have \$100,000 into this." Councilmember Wynn stated that because of that \$100,000, the City received an additional approximate three million dollars. Mr. Acenbrak noted that it is \$2.2million. Councilmember Wynn stated the City has \$9.2million for a \$100,000 investment. Mr. Acenbrak stated that is true. Councilmember Wynn expressed appreciation for Transportation's efforts working with GDOT.

Public comments were invited. No public comments were made.

**A motion was made by Council Member Price, seconded by Council Member**



Orlans, that this Item be Approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2012-11-59

**6. Approval for the Mayor and/or City Administrator to sign a design contract with Pond & Company for the design of the SR 140/Holcomb Bridge Road at SR 400 Northbound Ramp Intersection in the amount of \$227,975.**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Price introduced this item. Transportation Director Steve Acenbrak stated this is for approval to award the design of the project discussed in the previous agenda item to one of the City's "on-calls," in order to shorten the timeline. Mr. Acenbrak explained that the City has previous "on-calls" that have previously competed and qualified for on-call status. He said that in discussing this with the City Administrator Kay Love, it was determined that the fastest path forward and that it is eligible for, is awarding it to Pond & Company, one of the design firms. Pond & Company also is a sub-consultant with Arcadis on the Holcomb Bridge Corridor Study so this firm is intimately familiar with the traffic situations, the design criteria, and the GDOT staff. Pond & Company is in a very good position to help the City with not only a quality design for the needs of the City but also in the shortest possible amount of time.*

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

In Favor: 6

**7. Approval of an amendment to Section 22.6.1, Speed Limits Appendix of the City of Roswell Code of Ordinances. (Second Reading)**

*Presented by Steve Acenbrak, Director of Transportation*

*Councilmember Price introduced this item. Transportation Director Steve Acenbrak explained that Georgia law states that jurisdictions may apply for a permit to authorize speed detection devices and that the application shall name the road on which the device is to be used. He said the City along with GDOT has reviewed all the roads in Roswell. Some adjustments were made to a few of the roads. Transportation staff has posted the speeds. This amendment will become a part of the City's Code of Ordinances that allows the Roswell Police Department to enforce the speed limits on those particular sections of road at the posted speed limit.*

*Mayor Wood asked if the City is changing any current speed limits. Mr. Acenbrak asked for staff to supply the list of changes.*

*City Attorney David Davidson conducted the reading of AN ORDINANCE OF THE ROSWELL CITY COUNCIL SETTING SPEED LIMITS ON CERTAIN STREETS stating: pursuant to their authority, do hereby adopt the following Ordinance:*

1. Chapter 22, "Traffic and Motor Vehicles" of the Code of Ordinances of the City of Roswell, Georgia is amended by deleting therefrom Article 22.6, "Speed Limits Appendix" and substituting in lieu thereof a new Article 22.6 to read as set forth in the Appendix attached hereto and incorporated herein by reference.

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

*Council comment:*

Councilmember Price noted that the ordinance includes thirteen pages of speed limits in the appendix of this ordinance, with changes to three.

Mr. Acenbrak displayed the Speed Limit List with requested changes as follows:

Etris Road 45 to 40 mph; no change made.

Holcomb Woods Pkwy 35 to 30 mph; no change made.

Maxwell Road 45 to 35 mph; approved to lower speed to 40 mph.

Hembree Road 45 to 35 mph; approved to lower speed to 35 mph.

Riverside Road 40 to 35 mph; no change made.

Steeplechase Drive 35 to 30 mph; no change made.

Azalea Drive 35 to 30 mph; no change made.

SR 9 40 to 35 mph; no change made.

Mr. Acenbrak stated the requested change on Maxwell Road was done with Alpharetta, to lower the speed from 45 to 35 mph; it was approved to 40 mph. He stated a request was made to lower the Hembree Road speed limit from 45 to 35 mph; it was approved to 35 mph. Mr. Acenbrak confirmed that only those two changes were made, not three; other roads on the list remain at the same speed limit as they were. No further discussion.

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

**In Favor: 6**

Enactment No: ORD 2012-11-16

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

**8. Approval of the T-Mobile South LLC Water Tower Lease Amendments. (This item was deferred from the November 14, 2012 Mayor and City Council meeting)**

City Attorney David Davidson stated there have been further discussions with T-Mobile since this item was deferred on November 14, 2012. T-Mobile had a representative in attendance at this meeting. Mr. Davidson stated this item is for the approval of the installation of upgraded antennae on the water tank located at 9870 Hightower Road and the water tank located at 808 Community Circle.

Mr. Davidson stated that the 808 Community Circle water tank proposal brought forward by T-Mobile will also change the terms of the payments the City currently receives. Mr. Davidson clarified that the rent currently is \$1500 per month, with no escalator. T-Mobile has proposed a new rent of \$3,000 per month, an increase of \$1500 per month, with a proposed new escalator of 2% annual.

Mr. Davidson stated the current rent for the water tank located at 9870 Hightower Road is \$3361 per month, due to the escalators at 4% annual or CPI. T-Mobile proposes new rent of \$3,000 per month, a decrease of \$361 per month, with an annual escalator of 2%.

Mr. Davidson stated the rent proposal brought forward by T-Mobile would provide the City an average of \$3,000 per month on both water tank sites with a 2% annual

escalator in the rent.

*Council comment:*

*Councilmember Orlans said the rent at the Community Circle location was very low. His intent was to bring it up equal to the Hightower Road water tank monthly rental rate. Councilmember Orlans stated he did not understand why the rates were so far apart to begin with since they both provide the same service for T-Mobile or why the rent on the Hightower Road water tank should be reduced.*

*City Attorney David Davidson explained that part of the negotiation involved getting both leases to be congruent at \$3,000 per month. He said the rent at 9870 Hightower Road began at \$2500, due to the escalators it has increased to \$3361. In order to increase the rent at 808 Community Circle, he gave up \$300 on the monthly rent at the Hightower Road location in order to receive the \$1500 more in rent on the Community Circle location. Mr. Davidson noted that T-Mobile offered another possible proposal which involved "leaving the one at \$3300 and possibly bringing the other rent up \$2600." Mr. Davidson stated the T-Mobile representative could come forward to provide the details.*

*Mayor Wood asked if Mr. Davidson had researched the market rate for other jurisdictions for similar towers. Mr. Davidson replied that the City of Roswell is well above market rate for the \$3300 rent at Hightower Road; \$1500 is close to what is charged in those areas that actually allow it. Mayor Wood asked if \$3,000 each is above what the general market is in other cities. Mr. Davidson replied yes, in this area.*

*Councilmember Orlans said that from his research, he felt that the rent at Community Circle should have increased to the Hightower Road rent rate. He said he could understand that a lower percent escalator could be discussed but that the CPI should remain so that it is an escalator of 2% or CPI, since things may change in the future. Councilmember Orlans noted that some cell tower issues have been costing the City more money recently and also why the City should carefully watch and keep this up to date. He reiterated that the rental rates for both locations should be matched and be willing to "open the escalator from 4% to 2%, or a CPI still involved."*

*Mr. Waddell, representing T-Mobile, stated that after the last Mayor and Council meeting, he discussed with T-Mobile what had transpired at that meeting and that it was necessary for the Community Circle rent to be in line with the rent at the Hightower Road location. Mr. Waddell stated, "Basically, we are fixed with a budget per one of these projects. The increase that is going into the Community Circle site far exceeds the allowable amount that we can get approved. We had to go back in with these two sites in tandem to give them as a common land owner. That is how we had to present this to T-Mobile to get them to accept the current proposal." It took much justification to T-Mobile. T-Mobile finally came back with this proposal as "opposed to the other scenario." Mr. Waddell said it was his understanding that the Mayor and Council wanted both leases to coincide with each other as far as the rates are concerned. Councilmember Orlans emphasized that Council's desire was to have the rate coincide with the Hightower Road rental rate. Mr. Waddell stated yes. Mr. Waddell said the opinion returned by T-Mobile was that the Hightower Road rent is well above market rate rent. He noted that he was not part of the proceedings or negotiations for the original rental rates at these two water tank locations.*

*Mr. Waddell stated T-Mobile needs the two sites. He asked that T-Mobile be able to proceed with one or the other of the two sites. He said if there is an issue regarding the Community Circle site, he would require a conveyance of Mayor and Council's needs to take to T-Mobile for discussion.*

Mayor Wood stated it is time for Council to either accept the recommendation of the City Attorney or to make a counter. Mayor Wood called for a motion.

*Council questions:*

Councilmember Price asked how long the contract has been in effect. Mr. Waddell stated the Community Circle site was signed in 1997; Hightower Road site was signed in 2000. Councilmember Price asked if the rental rate at Community Circle has been \$1500 per month since 1997. Mr. Waddell replied no; it was originally signed at \$1200 with no annual escalator, or no escalator at all, either term or annual. It was amended to install the UMTS system which is another overlay similar to what is being installed now. It was amended by \$300 and pushed the rent up to \$1500 which where it is currently. The Hightower Road site was signed in 2000. At the same time that Community Circle was signed for the UMTS, that lease was amended for a \$100 increase. The rental rate is currently \$3361. Councilmember Price asked if each year it increased by 4% or was it by CPI. Mr. Waddell replied that he did not know; the language is 4% or the CPI index factor, whichever is greater but he did not know which one it was. He said one thing which provided some "appetite" for T-Mobile to accept the 2% annual or to make these leases even, is the CPI; the Consumer Price Index is a "headache for our accounting department" because it is out of their normal box of how they compute; an annual set increase is preferred.

Mayor Wood asked City Attorney David Davidson what other cell service providers are charged for similar facilities. Mr. Davidson replied that the typical term has been \$2500 per month with 4% escalator or CPI increase per year.

*Further Council questions:*

Councilmember Price asked if the CPI is a safety factor for the City should there be inflation. Mr. Waddell stated, "I would imagine so. I can't explain why that was negotiated into the lease but there is a point of view that I deal with on a constant basis with land owners; that is their point of view." Councilmember Price stated Council may want to consider leaving that in the terms.

Mayor Wood called for the motion. Councilmember Orleans asked if the Mayor would call for public comments. Mayor Wood replied that he wished to open this item for public comments one time and therefore wanted to have the motion on the table. Councilmember Orleans stated that public comments could possibly help him with the direction he was going. Mayor Wood called for public comments. No public comments were made.

*Further Council comments:*

Councilmember Orleans stated the proposal was not quite what he was expecting or would have pushed for. He said he understood that T-Mobile wanted to get the construction completed.

**Councilmember Orleans moved for Approval of the T-Mobile South LLC Water Tower Lease Amendments, with the rent agreement as follows: Proposed new rent for both Community Circle and Hightower Road will be the \$3,000 per month with an escalator of 2% or annual CPI, whichever is greater.**

**Councilmember Price seconded. No further discussion. The motion carried by the following vote:**

**In Favor: 6**

**9. Recommendation for closure to discuss acquisition of real estate.**

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, 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 7:47 p.m.**