



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 13, 2014

7:00 PM

City Hall

WELCOME

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

Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; Assistant City Attorney Robert Hulsey; Police Chief Rusty Grant; Fire Chief Ricky Spencer; Community Development Director Alice Wakefield; Planning and Zoning Director Brad Townsend; Environmental/Public Works Director Stu Moring; Finance Director Keith Lee; Transportation Director Steve Acenbrak; Transportation Deputy Director David Low; Community Development City Planner Jackie Deibel; Community Relations Coordinator Karen Zitomer; Environmental Programs Manager Janet Liberman; Historic and Cultural Affairs Manager Morgan Timmis; Deputy Fire Chief Ricky Burnette; Deputy Fire Chief Tony Papoutsis; Deputy Fire Chief Paul Piccirilli; Deputy Fire Marshal Charlie Vacca; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.

Pledge of Allegiance - Fire Chief Ricky Spencer

CONSENT AGENDA

1. **Approval of the December 9, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on December 23, 2013); Approval of the December 23, 2013 Mayor and Council Meeting Brief; Approval of the January 6, 2014 Special Called Mayor and Council Meeting Brief.**
Administration
Approved

Approval of the Consent Agenda

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

In Favor: 6

*****Mayor Wood thanked the citizens of Roswell for re-electing Councilmember Jerry Orlans, Councilmember Kent Igleheart and Councilmember Nancy Diamond and all the candidates for not running against him so he was re-elected almost by default. He announced that they have all signed their Oaths of Office and they are officially back for another four years. He looks forward to a great four years with those Councilmembers.*****

REGULAR AGENDA

Mayor's Report

1. **Recognition of Fire Chief Ricky Spencer for receiving the Liberty Mutual Firemark Award.**

Councilmember Wynn said this was one of the great things about being liaison to Public Safety and this City's public safety fire and police are probably the best in the world because of their leadership. She asked Lisa Carlisle, Executive Sales Representative for Liberty Mutual to come forward to present the award to Fire Chief Spencer.

Ms. Carlisle said Liberty Mutual developed this award to recognize firefighters throughout the country who represent their communities through courageous acts and who best demonstrate the selfless spirit that was known of firefighters. The Liberty Mutual award was named for the fire mark, a leaden plate in the form of a phoenix rising from the ashes which American fire offices in the 18th and 19th centuries used to mark the houses they insured. The fire mark remains a symbol of valor and selfless spirit for those who safeguard their communities and Liberty Mutual wants people to live safer more secure lives. That is also the goal of the City of Roswell and its fire and police departments. The Roswell Fire Department raised funds in 2013 that lead to the purchase of a fire safety trailer to educate families about fire safety throughout the community and they went above and beyond in the aftermath of hurricane Sandy by donating one of their reserve fire engines packed with surplus equipment including boots and jackets to the Island Park, New York Fire Department that was done in record time as a direct result of Chief Spencer. The Roswell Rotary honors WWII veterans by flying them annually to Washington, D.C. as part of the honor air program and the Roswell Fire Department greatly enhances the veteran's experience by providing the EMS service and the Roswell fire department employees have in some way supported all of these initiatives. She said this evening Liberty Mutual was recognizing Chief Spencer who continuously goes above and beyond in his efforts to serve the community while also creating a family atmosphere at the Roswell Fire Department and during his tenure with the fire department, they have raised over \$485,000 for the Georgia Firefighters Burn Foundation. She said there were many more accolades that she could give to Chief

Spencer but time was limited. She then presented the 2013 Firemark Award for Outstanding Community Service to Fire Chief Spencer.

2. Recognition of seven promotions to Captain in the Roswell Fire Department.

Councilmember Wynn announced that seven personnel had been promoted to Captain.

Fire Chief Ricky Spencer announced the names of Jack Allen, Ty Howard, Jarrett Jenkins, Bill Logan, Bill Martin, Rob Rennie and Jason Wozniak. Chief Spencer said over the past six months, the Roswell Fire Department had promoted seven firefighters to the rank of Captain through promotional tests and interviews with chief officers of the department. These seven firefighters stood above the rest through their abilities, skills and knowledge. The rank of Fire Captain comes with many more responsibilities than that of firefighter; a Captain must show leadership and the ability and knowledge to make quick and responsible decisions on the emergency scene that could affect the safety of all personnel and the overall outcome of the incident. These seven men have shown that throughout their career at the Roswell Fire Department. The Captain badges were then pinned by their spouses and friends in a show of appreciation and recognition.

3. Presentation by the Williez Chili Cookoff Founders to Keep Roswell Beautiful (KRB) in the amount of \$1,500 from the proceeds of the Annual Chili Cook-Off.

Environmental/Public Works Director Stu Moring invited Janet Liberman, Executive Director of Keep Roswell Beautiful to come forward to receive this gift.

Mayor Wood invited Frank Hasty to come forward and talk about the chili cook off.

Frank Hasty said the cook-off is held at Willow Springs Park every year and next year would be the fifth cook-off. They started as a small event in the neighborhood to raise money and the event continues to grow every year and was the oldest and longest chili cook-off in the City of Roswell. He said they have a good time doing this and the citizens enjoy it and it gives them an opportunity to raise money for Keep Roswell Beautiful and The Drake House. He said the 2014 cook-off will be on November 1 and they are planning exciting new things that will bring a lot more people out. This year they raised \$3,000 which was 50% more than the previous year and they hope to increase that by 50% every year.

Janet Liberman said for the last four years, Keep Roswell Beautiful has been a recipient of the Williez Chili Cook-off. She said they are very grateful to receive this donation of over \$2,500 this year.

Kathy Swahn, Executive Director for The Drake House said she would echo those thanks and also thanked everyone who had attended the event. She said the Mayor and most of the Councilmembers attend. She also expressed her appreciation to Frank Hasty, JB Queen, John Reid and Paul Bieber. She said \$2,500 was a great gift for The Drake House.

Mayor Wood encouraged everyone to attend next year's Chili Cook-off.

4. Reading of a Proclamation for Roswell Reads Months in Roswell and announcement of the 2014 Roswell Reads book

selection.

Mayor Wood read a Proclamation for "Roswell Reads Months in Roswell" stating, *Whereas, Reading is an activity of great value to all citizens of all ages and backgrounds; and many communities across the nation have initiated city-wide reading programs which have helped in building a greater sense of community; have promoted reading throughout the community; and have helped students understand that reading is important both in and out of school. The Historic and Cultural Affairs Division of the City of Roswell in partnership with the Roswell Library (a part of the Atlanta-Fulton Public Library System), Friends of the Roswell Library, and many community volunteers has established "Roswell Reads: A City-Wide Reading Program." Additional support for the program has been provided by the Roswell Jr. Woman's Club, Roswell High School, Centennial High School, and Roswell Rotary Club. The committee has selected Someone Else's Love Story by Joshilyn Jackson to be read during the months of January through March 2014. There will be an array of book discussions, programs and events centered around the selected book to enhance everyone's understanding and enjoyment of it during the months of February and March. There will be a "Literary Luncheon" featuring the author, Joshilyn Jackson, on Saturday, March 15th, 2014.*

On behalf of the City of Roswell, Mayor Wood proclaimed all of January, February and March 2014 as Roswell Reads months and called upon all citizens to recognize this special observance by participating in the Roswell Reads city-wide reading program.

Historic and Cultural Affairs Manager Morgan Timmis introduced Lou Conti, former director of the Roswell Library and said that Ms. Conti was retired now but volunteers her time to chair this committee.

Lou Conti thanked the City of Roswell for supporting this program for the past nine years and noted that they also received funding for the program from the Roswell Arts Commission this year. She introduced committee members Cheryl Small, Judy Stanton, and Linda Smither as they handed out copies of the book to the Mayor and Council. She announced that Someone Else's Love Story by Joshilyn Jackson had been selected for this year and said Ms. Jackson was a local author living in Decatur, Georgia. The book was described by one reviewer as funny, charming and poignant about science and miracles, secrets and truths, faith and forgiveness, and about falling in love and learning that things are not always what they seem or what we hope they will be. She said Committee member, Judy Stanton thought the best thing about the book was the lesson learned that you should not rush to judgment about people, relationships, or situations. Ms. Conti said book clubs are encouraged to read the book and discuss it at their meetings; also, Roswell Reads will sponsor book discussions, one during the day, one on an evening and one on a weekend day. This year's programs include one for parents to help encourage creativity in their children, creative writing classes for children, and a volunteer fair. There will also be a sponsorship of a beautification project that goes along with the book in partnership with the Roswell Recreation and Parks Department in which people would purchase plants for the Waller Park Landscape Planting Improvement Plan. She announced the Literary Luncheon with the author on Saturday, March 15, 2014 at 11:30am at the Adult Recreation Center. Ms. Conti said copies of the book were available at the library and was also available on audio, as an E-Book and could be purchased at local book stores.

Mayor Wood said he looks forward to this every year and encouraged everyone to read Someone Else's Love Story.

Councilmember Price thanked the Committee for bringing this book and said her

book club reads the Roswell Reads book every year and they enjoy it very much. She said they also appreciate that it is suitable for families and all readers.

Morgan Timmis noted that The Huffington Post listed Someone Else's Love Story as one of the ten must read books for 2014 across the country.

5. Approval of a Design Review Board appointment - Eric Clementi.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito, that this appointment to the DRB Item be approved. The motion carried by the following vote:

In Favor: 6

****Mayor Wood expressed appreciation to the citizens of Roswell for re-electing Councilmembers Jerry Orland, Kent Igleheart and Nancy Diamond. He said he was advised by the City Attorney to announce that they had all signed an Oath of Office and were officially back for another four years.****

Community Development - Councilmember Nancy Diamond

6. Approval of an Ordinance to create the Unified Development Code (UDC) and Map. (First Reading)
Presented by Bradford D. Townsend, Planning and Zoning Director

**Please Note: Due to the length of the minutes, it will be necessary to go back to the Meeting Details Section and then select the Minutes file for item, File # 13-0607.*

A motion was made by Council Member Diamond, seconded by Council Member Wynn, to approve the First Reading of the text (map deferred to the 1/27/2014) for the UDC with the following amendments (from the Draft amendments to First Reading Draft sheet dated 1/13/14):

1. Grey section – 1,2,3,4,5, 7,8,9,10 (rewrite), 11, and 13-20.
2. Pink section – 1,2,4,5,7,9,11,14-18,20-23, 25, 28,29,31, and 32.
3. Pg 2-6, 2.2.6 B –remove public and private use – change to common open space
4. Pg. 2-7, 2.2.8 B 5 – change “outside” to “inside”
5. Pg. 10-39, 10.3.24 C 4 – remove the word “exposed”
6. Article 14 – reference all building types as definitions
7. Pg. 3-30 - remove Livestock as a conditional use in the RM-3 district
8. Pg. 5-31 – 5.5.2 (use table) – change the “P” to a “C” for remote parking in the DH district
9. Pg. 6-25 – Personal service and restaurant – “Limited” in OP
10. Pg. 6-26 – Remove Livestock raising and Poultry raising from all employment districts
11. Pg. 2-6 – all outdoor amenity space shall be located at grade
12. Pg. 2-9 2.2.12 A – remove “theater fly space”

- Make a chart for all buffers for the work session
- All height set at existing

The Second Reading will be on 2/10/14. Council Members Diamond, Dippolito, Wynn and Orlans voted in favor of the motion. Council Members Igleheart and Price voted against the motion. The motion carried by the following vote:

In Favor: 4

Opposed: 2

7. **Approval of Text Amendments to the City of Roswell Zoning Ordinance required for adoption of the Unified Development Code (UDC) (First Reading)**

Presented Bradford D. Townsend, Planning & Zoning Director

**Please Note: Due to the length of the minutes, it will be necessary to go back to the Meeting Details Section and select the Minutes file for this item, File # 14-0001.*

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Ordinance to the Code of Ordinances be approved on First Reading and be placed on the Mayor and City Council agenda for 2/10/2014. (The agenda should have read City of Roswell Code of Ordinances and not the Zoning Ordinance). This approval is contingent on the adoption of the Unified Development Code. The motion carried by the following vote:

In Favor: 6

8. **Approval of an amendment to Chapter 15, Section 15.2, of the City of Roswell Code of Ordinances regarding Film and Photography Permitting.(Second Reading)**

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield presented this item stating this amendment adds a section to Chapter 15 to addresses film and photography permits that require a provision for film, media production and photography permits. This amendment provides for a one-time permit and annual permit for portrait/scenic photography and also for large scale film and photo production. Staff recommends approval of the second reading of this amendment.

City Attorney David Davidson conducted the second reading of AN ORDINANCE TO REGULATE AND PERMIT COMMERCIAL FILM, VIDEO AND PHOTOGRAPHY IN PUBLIC AREAS OF THE CITY OF ROSWELL stating: pursuant to their authority, the Mayor and City Council adopt the following ordinance:

Chapter 15 of the City of Roswell Code of Ordinances is hereby amended by adding the following to said chapter:

15.2.1 – Definitions; Permit Required

Media production shall mean all activity related to videotaping or filming for commercial motion pictures, television shows, programs, or commercials or professional photography with staff, model(s) and/or product(s), which involves set-up and tear down time of more than 10 minutes, requires reservation of a specific site on public property, requires City staff time to facilitate the shoot, or requires

restriction of public sidewalks or roadway.

Portrait photography shall mean all activity related to professional photography of a subject lasting less than two hours which involves set-up and tear down time of less than 10 minutes.

No person shall conduct a media production or portrait photography session for commercial use on public property without first having obtained the applicable permit from the City of Roswell.

15.2.2 – Exemptions

The provisions of this chapter shall not apply to the following:

- A. Any media production or portrait photography activity which occurs solely on private property with no impact to public property.*
- B. Current news productions, which includes reporter, photographers or camera persons in the employment of a newspaper, news service, broadcasting station or similar entity engaged in the broadcasting of a news event.*
- C. Productions which are conducted by students as part of a class project.*
- D. Productions which are conducted by the City of Roswell.*

15.2.3 – Application: Deadline, Content, and Fee

A. Media Production

- a. A complete application for a media production permit shall be submitted to the Community Development Department not less than two business days prior to the date production is to begin.*
- b. The following information shall be provided in the application for a media production permit:*
 - i. Name, type and description of Project;*
 - ii. Name, address, and phone number of Production Company;*
 - iii. Name, phone number, and email address of Location Manager;*
 - iv. Location of Project, including any building or landscaping changes;*
 - v. Dates and times of shoot, including set up and tear down;*
 - vi. Proposed road closure(s)(if applicable);*
 - vii. Projected number of persons and vehicles;*
 - viii. Special effects or stunts (if applicable);*
 - ix. Any other such information as any city department deems reasonably necessary to determine that the production meets the requirements of this article.*

B. Portrait Photography

- a. A complete application for Portrait Photography may be submitted at any time during normal business hours prior to shooting, bearing in mind that reservations are required to shoot at City historic homes.*
- b. The following information shall be provided in the application for a portrait photography permit:*
 - i. Name, address, phone number, and email address of photographer;*
 - ii. Name, address, phone number, and email address of studio (if applicable);*
 - iii. Primary photography location(s);*
 - iv. Any other such information as any city department deems reasonably necessary to determine that the shoot meets the requirements of this article.*
- C. Complete media production and portrait photography permit applications shall be submitted with a nonrefundable payment based on the fee structure established by the City of Roswell.*
- D. Additional fees may be required based on the property used and the City staff required.*

15.2.4 Standards for Denial of Permit

Reasons for denial of a media production or portrait photography permit include:

- A. The activity interferes or conflicts with previously scheduled media production, special events, construction, maintenance, or other City activities;*

- B. The activity will disrupt traffic within the city beyond practical solution;*
- C. The activity will interfere with access to fire stations and fire hydrants;*
- D. The location of the activity will cause undue hardship to adjacent businesses or residents;*
- E. The activity will require the diversion of so many public employees that allowing the production would unreasonably deny service to the remainder of the city;*
- F. The application contains incomplete or false information;*
- G. The applicant fails to comply with all terms of this article including failure to remit all fees and deposits or failure to provide proof of insurance, bonds, and a save harmless agreement to the city.*
- H. There is a documented history of problems relating to the project in the past or the applicant, production company, or location manager has not properly managed or paid all fees for prior projects.*
- I. The activity violates federal, state, or local laws or established regulations for the property used.*

15.2.5 Special Conditions on a Permit

The Community Development department shall send copies of media production permit applications to other affected departments. Each department reviewing an application may impose in writing certain conditions or restrictions as deemed necessary to facilitate the production, to comply with other laws or regulations, and/or to ensure the safety, health, and welfare of the community. The conditions or restrictions of the departments shall become a part of the permit.

No production activity which involves the use of explosives, pyrotechnics, fire, smoke-making machines or other special effects may be undertaken unless specifically approved by the Roswell Fire Department.

15.2.6 Temporary Road Closure

Road closure(s) may be granted temporarily for media production permits issued pursuant to this article upon approval of the chief of police or his/her designee and the director of transportation or his/her designee.

15.2.7 Insurance Required

At the city's request, the applicant may be required to obtain and present evidence of a surety indemnity bond or comprehensive liability insurance naming the city as an additional insured. The insurance requirement is a minimum of three hundred thousand dollars (\$300,000.00) personal injury and one hundred thousand dollars (\$100,000.00) property damage against all claims arising from permits issued pursuant to this article. If the event poses higher risks than covered by such insurance, the applicant shall be responsible for assessing the risks of the event and obtaining additional insurance coverage.

15.2.8 Save Harmless Agreement

The applicant is required to provide a save harmless agreement in which the applicant agrees to defend, pay and save harmless the city, its officers and employees, from any and all claims or lawsuits for personal injury or property damage arising from or in any way connected to the production; excepting any claims arising solely out of the negligent acts of the city, its officers and employees.

15.2.9 Limitations of Liability

This article shall not be construed as imposing upon the city or its officials or employees any liability or responsibility for any injury or damage to any person in any way connected to the use for which permit has been issued. The city and its officials and employees shall not be deemed to have assumed any liability or responsibility by reasons of inspections performed, the issuance of any permit, or the approval of any use of the right-of-way or other public property.

15.2.10 Cleanup/restoration.

The applicant shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use, maintenance of the area and the cleanup of trash and debris. The areas used shall be cleaned of trash and debris immediately following the completion of the activity or within such other time established in the permit to city's satisfaction. Applicant shall be responsible for restoring an area damaged or disrupted before leaving the site. If the site is not repaired or restored to the city's satisfaction, such repairs and/or restoration shall be arranged by the city and the costs charged to the applicant. Removal, cutting or trimming of vegetation in the public right-of-way is prohibited unless specifically approved by the permit.

15.2.11 Revocation of Permit.

All permits issued pursuant to this article shall be temporary and do not vest any permanent rights. Permits may be revoked by the Director of Community Development or his or her designee for the following reasons:

- A. Application contained incomplete or false information;*
- B. Applicant does not comply with all terms and conditions of permit;*
- C. Applicant fails to arrange for or adequately remit all fees, deposits, insurance or bonds to the city;*
- D. Disaster, public calamity, riot or other emergency exists;*
- E. Shoot/production threatens public safety, health, or welfare.*

15.2.12 Appeal Procedure.

Any applicant whose permit application has been denied or revoked may request a review of this decision by the city administrator. This request must be in writing and received by the city administrator within five (5) business days of the notice of permit denial or revocation. The applicant may appeal the decision of the city administrator to the mayor and city council by filing a written notice of such appeal to the City Clerk within five (5) business days of the notice of denial of the applicant's appeal by the city administrator. The mayor and council shall set a hearing date within fifteen (15) days of receiving such appeal request. At such a hearing, the applicant is entitled to be heard and present evidence in his behalf. The mayor and city council shall determine whether the denial or revocation of the permit is justified using the "any evidence" standard of review.

15.2.13 Permit to be on-site

A copy of the permit shall be on-site for any activity governed by this article and permit holders shall furnish the permit at the request of any City official. No permit holder may make any public property exclusive for their use only unless specifically allowed by City staff. It should be anticipated that the public will be walking by and through major areas of public property, causing minor interruptions. Appropriate signage asking the public to not interfere with the shoot/production may be posted.

15.2.14 City Logo

The City of Roswell logo may not be used without written permission from the Community Relations division.

15.2.15 Fees

Mayor and Council are hereby authorized to set fees, by resolution, for each permit herein described.

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

Public comment invited. None were made.

Council Comment:

Councilmember Price said as seen under financial impact, \$15,000 was budgeted for revenues related to this and asked how much had been brought in thus far for this year.

Alice Wakefield said she could not say specifically but she could get the information and provide it to Councilmember Price. Councilmember Price thanked Ms. Wakefield.

There was no further Council comment.

A motion was made by Council Member Diamond, seconded by Council Member Wynn, that this Ordinance regarding film and photography permitting be approved on Second Reading. The motion carried by the following vote:

In Favor: 6

Enactment No: ORD 2014-01-01

9. Approval of a Resolution to Establish Fees related to Applications for Film and Photography permits.

Presented by Alice Wakefield, Director of Community Development

Director of Community Development Alice Wakefield presented this item stating it was a resolution to amend the fee schedule to add a fee for film and photography permits. The fees are established as follows: \$50-Portrait/Scenic Photography Permit (one time); \$100-Portrait/Scenic Photography Permit (annual); and \$250-Media Production Permit (per project).

Public comment invited. None were made. There were no questions from Council.

A motion was made by Council Member Diamond, seconded by Council Member Dippolito, that this Resolution to establish fees for film and photography permits be approved. The motion carried by the following vote:

In Favor: 6

Enactment No: R2014-01-01

Transportation Department - Councilmember Betty Price

10. Approval of the Revisions to the Historic Gateway Memorandum of Agreement (MOA) between the National Park Services (NPS), Federal Highway Administration (FHWA), Georgia Department of Transportation (GDOT) and the City of Roswell.

Presented by Steve Acenbrak, Director of Transportation

This MOA item was not discussed due to the length of the meeting and was deferred to the Mayor and City Council meeting on 1/27/2014.

City Attorney's Report

11. Election of Mayor Pro-Tem for 2014.

City Attorney David Davidson presented this item stating that Section 3.100 of the City Charter requires the Council to select a mayor pro-tem at the first scheduled meeting in January of each year. The mayor pro-tem assumes the duties and powers of the Mayor during the Mayor's disability or absence.

A motion was made by Council Member Wynn, seconded by Council Member Dippolito to nominate Council Member Diamond as the Mayor Pro-Tem for 2014. Council Members Dippolito, Igleheart, Orlans, Price and Wynn voted in favor of the motion. Council Member Diamond abstained from the vote. The motion carried by the following vote:

In Favor: 5

Abstain: 1

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

There was no closure due to the late time that the meeting ended.

Councilmember Diamond thanked everyone that had been involved with the UDC and she acknowledged the people who were present at the meeting and said they had out done themselves working on this. She said Alice was right when she said it would be painful but it was working and they were getting there. She requested any additional comments or questions be sent in as soon as possible so information could be gathered and they could be ready for discussion as soon as it came up.

Adjournment

The meeting adjourned at 11:50 p.m.