



# 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*

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Monday, December 9, 2013

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 Orlans, Council Member Betty Price, and Council Member Becky Wynn

*Staff Present: City Administrator Kay Love; Deputy City Administrator Michael Fischer; City Attorney David Davidson; 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; Recreation and Parks Assistant Director Morgan Rodgers; Transportation Director Steve Acenbrak; Budget Manager Ryan Luckett; Community Development City Planner Jackie Deibel; Community Relations Manager Julie Brechbill; Environmental Education Coordinator Vicki Culbreth; Senior Transportation Engineer Robert Dell-Ross; Construction and Street Maintenance Manager Neo Chau; Convention and Visitors Bureau Executive Director Dotty Etris; Bulloch Hall Historic Site Coordinator Pam Billingsley; Building Operations Technician Timothy Thompson; Digital Media Designer Joel Vazquez; City Clerk Marlee Press.*

### Pledge of Allegiance - Janet Russell

### CONSENT AGENDA

1. **Approval of the November 13, 2013 Mayor and Council Meeting Minutes (to replace the Council Brief approved on November 25, 2013); Approval of the November 25, 2013 Mayor and Council Meeting Brief.**  
*Administration*  
**Approved**
2. **Approval for the Mayor and/or City Administrator to sign two Right of Way Agreements for the Eves Road Complete Street Project.**

*Transportation**Approved*

3. **Approval for the Roswell Transportation Department to apply for Accreditation through the American Public Works Association (APWA) in the amount of \$15,000 and submit the Self-Assessment.**

*Transportation**Approved***Approval of the Consent Agenda**

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

In Favor: 5

**REGULAR AGENDA****Mayor's Report**

1. **Recognition of Dotty Etris and Pam Billingsley for being recipients of the 2013 "Roswell's Remarkable Women" from the Leitalift Foundation.**

*City Administrator Kay Love said that Zachary Henderson from the Leitalift Foundation could not attend the meeting but he had provided a brief description about the award and the criteria for Councilmember Orlans and she invited him to make the recognition.*

*Councilmember Orlans said the Leitalift Foundation recognizes deserving working women for their ongoing achievements in the field of service at their annual scholarship and awards dinner each year. This year's theme was remembering Roswell's remarkable women from 1800 to the present. In keeping with that theme they wanted to recognize a remarkable Roswell woman still active in her field with at least 20 years of service to the community. They discovered two such remarkable women in Pam Billingsley and Dotty Etris who are dedicated to their labors of love and have been doing this for more than 25 years. Roswell is very fortunate to have women like them continuing to make this City remarkable. Councilmember Orlans congratulated Dotty Etris and Pam Billingsley for being honored this year by the Leitalift Foundation.*

*Mayor Wood invited Ms. Etris and Ms. Billingsley to come forward and share some of their successes.*

*Dotty Etris said when she first came to this community she met many remarkable women including Tillie Wood, Helen Owens, Francis McGahee, Emily Dobb and*

*many others that mentored her and helped her along her path and she was very grateful to all of them. She said also that this is a special honor for her to receive this award along with Pam Billingsley. When people think of Pam Billingsley they usually think about Bulloch Hall but she thinks first of her kindness and said that Pam is the kindest woman she knows and has done a remarkable job.*

*Pam Billingsley said the first person she met when she started working for the City was Dotty Etris who was not yet working at the Roswell Convention and Visitors Bureau and was still at the Chattahoochee Nature Center. She said Dotty was a very cool lady. Ms. Billingsley then expressed her love for Bulloch Hall and said she loves driving in there every day; it is a wonderful place that makes her happy and she was grateful for the opportunity to be there.*

*Councilmember Orlans thanked Ms. Etris and Ms. Billingsley for everything they do for the City of Roswell and said they do a wonderful job.*

2.

**Presentation of the Georgia Association of Water Professionals (GAWP) Public Education Award - Program of the Year for a Small Water System honoring the Roswell Water System.**

*Councilmember Igleheart introduced this item and invited Stu Moring to make the presentation.*

*Environmental/Public Works Director Stu Moring introduced Pam Burnette, the Assistant Executive Director of the Georgia Association of Water Professionals. He said she would announce this award that was won through the diligent efforts of Vicki Culbreth, the City's Environmental Education Coordinator.*

*Pam Burnette said the GAWP is a professional organization for people who primarily work in the water utility industry and represent most of the large water systems throughout Georgia. This is a special honor for her because the GAWP has a very robust awards program and this award honoring the City of Roswell for their public education program is one of the most competitive awards. The people that receive the award applications and rank them are people who do this type of thing throughout the State of Georgia for their own utilities and there is no more difficult challenge than to be reviewed and rated by your peers. The City of Roswell always comes in far ahead of many other systems but particularly in public education. This award was presented at the GAWP fall conference in November and they are very proud of the City of Roswell not only because of the many things the City does but also because of the unique way in which they do it and the results they achieve. The State of Georgia has been fighting a battle for a long time on the water front and it helps to have the public highly educated and helping them communicate what they are doing and particularly what the City of Roswell is doing on water conservation and public education. They have come a long way in ten years. She thanked Stu Moring and Vicki Culbreth and presented them with the award. She said the leadership provided by the Mayor and Council was important in achieving this award and the Roswell Water System is making a big difference in the State of Georgia.*

*Mayor Wood asked Vicki Culbreth to talk about the program that won the award.*

*Ms. Culbreth said that would take a very long time but it was not just the programs that she does but also education throughout the entire water system. That is what water distribution does with their new constant consumption program and the tours that Mike does at the plant and everything in between. She said when putting together the application, she was surprised to see how much they had done in the past 12 months but it was not just her; it was the entire system.*

**3. Presentation of the 2013 Georgia Partnership for Transportation Quality (GPTQ) award to the City of Roswell and Gresham Smith and Partners for the Big Creek Parkway Project.**

*Councilmember Price made the introduction for this presentation.*

*Transportation Director Steve Acenbrak said every year the Georgia Department of Transportation (GDOT) along with the American Council of Engineering Companies (ACEC) of Georgia holds the annual Georgia Transportation Summit which is an all-day event with professionals from all around the State. At the awards luncheon, The Georgia Partnership for Transportation Quality (GPTQ) presents awards and this year the City of Roswell won an award in the area of Context Sensitive Design Including Public Participation Plan for the Big Creek Parkway project. He said the award was presented to the City's consulting partners, Gresham Smith and Partners. Mr. Acenbrak then introduced Gresham Smith representatives who were present at the meeting, Kent Black and Jay Bockisch and the program manager, Robert Dell-Ross, Senior Transportation Engineer for the City of Roswell. He said this is a statewide award and the fourth consecutive year that the City of Roswell has won an award at this summit and the third time winning this particular category. It was an honor to be recognized by their peers for providing context sensitive solutions and having a strong public participation plan. He thanked Gresham Smith and Partners for the good work that everyone does together.*

*Mayor Wood complimented the Transportation Department and Gresham Smith for winning this award and said it speaks to the creativity of this department and the engineers and their openness for involving the community. They have changed the way Transportation is done and are leading the State in context sensitive design and involving the community. It not only helps politically but also shows in the streets themselves. The Transportation Department does a great job and has truly earned this recognition.*

**Mayor Wood said that for the record, Councilmember Orlans was excused for the rest of the evening. He had another engagement that he had to make. Mayor Wood made this announcement before the Consent Agenda vote.**

**Council Member Orlans left the meeting after the Mayor's Report and before the Consent Agenda Vote.**

**City Attorney's Report**

**4. Approval for the Mayor and/or City Administrator to sign Lease Agreements between the City of Roswell and the North Fulton Regional Radio System Authority (NFRRSA) for the Radio Tower Sites at Fouts and Hembree Roads.**

*Presented by David Davidson, City Attorney*

*City Attorney David Davidson presented this item stating that these lease agreements are between the City and the NFRRSA of which Roswell is a member. The agreement for Fouts Road would be for the construction of a communication tower up*

to 350 feet in height with the ancillary support facilities with a five year term with four additional terms and rent would be \$2,500 per month with co-location cost of \$500 per month per each co-location. The City would have the right to approve all co-locations at this site. The annual inflator would be 2.5% or the CP whichever is greater up to 4%. The Hembree Road site lease agreement would be for a communication tower up to 400 feet in height and would be the prime site for the communication system with a five year term with four additional terms possible. The rent would be \$2,500 per month with \$500 per month for each co-location. The annual inflator would be 2.5% or the CP whichever is greater up to 4%.

*Council Comment:*

Councilmember Dippolito said he had a number of comments that he emailed to Council and staff earlier today pertaining to both leases. He made the following comments with regards to the Fouts Road lease agreement:

- Section 3 (c) – discusses \$500 for the co-location but it was not clear that that is also considered base rent and that the \$500 would also be subject to the inflators. That should be clarified.
- Section 5 (a) (3 & 4) – provides for a ten day review of drawings. He was concerned that a ten day review period was not enough time and recommended a minimum of 15 business days in order to review the drawings because of the way that was written, stating if it was not approved in ten days, it would automatically be approved.
- Section 6 (a) – Use by Other Providers currently states, “Without Landlord’s written consent (not to be unreasonably withheld).” The way this is currently written is confusing. This is the City’s property and the City should not be held to a reasonable standard. This should be changed to, “In landlord’s sole and absolute discretion” particularly on Fouts Road because it is important to make sure that any assignments or other potential users (there are uses that the City likes) should not be assigned to anyone unless the City has the absolute final say.
- Section 18 (g) (1) – discusses worker’s compensation insurance. He said he would defer to the Risk Management department but he thought \$100,000 was extraordinarily low and it should be at least \$500,000 for worker’s compensation as a minimum limit.
- Section 18 (j) – specifies there should be an insurance carrier rated by A. M. Best Company but does not specify what the rating should be. He suggested an A- or better but said he would also defer that to the Risk Management department.
- Section 21 (a) – discusses “assignment” in the first sentence. He thought any assignments should be with landlord’s approval. The last sentence talks about the consent not to be unreasonably withheld and said he believed that an assignment in particular needs to be at the sole and absolute discretion of the City.

Councilmember Dippolito said all of the comments he just gave for the Fouts Road lease would apply to the Hembree Road lease with these additional comments:

- Section 6 (a) – Different language was used in the first sentence and he recommended using the language from the Fouts Road lease because this refers to subletting and assignment and there are additional provisions in this particular lease for a sublet not to be approved by the landlord which is what they had agreed to.
- There are slight differences in the two leases and assignment regardless of whether it was Hembree or Fouts Road should be subject to the landlord’s sole and absolute discretion.

Mayor Wood asked Kay Love where they were in the negotiation process. City Administrator Kay Love said the last discussion with Mayor and Council was related to the inflator not exceeding 4%. There were no other changes at that time and it was taken back to the NFRRSA. Last week, the leases were approved in the form submitted without the suggested changes made by Councilmember Dippolito tonight.

*Therefore the Authority has approved the lease in the form that was presented in Council packets.*

*Mayor Wood said the way he understands this is that the NFRSSA originally submitted a form, the City responded asking them to make some changes and they accepted it with those changes. Ms. Love said that was correct. Mayor Wood said that is important to reflect where they are with this. He said Councilmember Dippolito had made excellent points and the most critical point was that the City needs to be able to make a political decision not to allow subletting on Fouts Road. He thought that was already understood but it was not reflected in the contract. That point was essential for this Council to move forward. Mayor Wood asked about section 21 and if the assignment was for the NFRSSA perhaps assigning to someone else other than the Authority. Councilmember Dippolito said that was correct. Mayor Wood said that was also a good point because there was never expectation of dealing with anyone other than which the City was party to. He said the other points had to do with money and he did not want to start negotiating minor points and slight differences in money given where they are in the negotiations and Alpharetta's reluctance to sign this and the fact they were trying to shake this deal apart. He thought all of Councilmember Dippolito's changes were well thought through and all appropriate but at this stage in negotiations, he did not want to start tweaking the inflator on the \$500 and the insurance rating and workers compensation. He said they have an influence with a member on the Board and furthermore it would be hard for the people who are injured on that job to make a claim against the City simply because the City was not the one having the work done. Although they were good points, they were not critical and of the essence. The ones that were of essence which Councilmember Dippolito appropriately pointed out were the assignment clauses which should be "no assignment without our approval and our sole discretion."*

*Councilmember Dippolito pointed out that he had not received the final version of this until after it had been approved by the NFRSSA and that it had been discussed in closure at a meeting that he was not party to. This was his first opportunity to look at it thus the reason for his comments now versus prior to when the Authority signed it. He thought it was appropriate that if there were legitimate concerns, the City should not be pressured by the fact that the Authority wants them to sign the lease. He said they should continue to get this finalized and he did not think he had suggested anything unreasonable.*

*Mayor Wood said not all of the Authority was trying to pressure the City to sign the lease; some on the Authority would rather the lease not be signed. It was not simply a matter of pressure; it was a matter of holding together an alignment. He wanted to stick to what he thought was critical although he agreed with all of Councilmember Dippolito's points and he understood that he had not had a chance to read the lease. He said Council could choose but he did not want this deal to fall apart and he believed there was a potential for that with minor things.*

*Councilmember Dippolito said he thought it would be best for it to fall apart than for them to go forward inappropriately.*

*Mayor Wood asked for other Council comments.*

*Councilmember Price asked, "Specifically, was there anything Councilmember Dippolito would want to alter or take back that we could address this evening?" Mayor Wood said they have not legally accepted the contract. The negotiations have moved forward but there was not a binding contract and all of this was legally open to discussion. He was afraid if they reopened all of these negotiations, they might lose the deal on Hembree Road which Alpharetta wished to move to another location and*

*that was his concern.*

*Councilmember Dippolito said as he mentioned some of the insurance issues he would defer to the Risk Management Department. If they were comfortable with that then he was comfortable but he thought that it was not as clearly defined as he typically sees in leases and that was the reason for his recommendation on the risk management.*

*Mayor Wood asked if someone was present from Risk Management.*

*City Attorney David Davidson said he negotiated that part of the agreement and he was fine with that and the Risk Manager reports to him. He said it is a governmental entity. It is a state authority, so the workers comp...(the remainder of the comment was inaudible).*

*Councilmember Dippolito said he was looking at it from a private perspective so it...(the remainder of the comment was inaudible).*

*Mayor Wood said although there was a ten day review provision it does not say they either have to approve or they can reject it. But there was also a third alternative which goes unsaid. He said you could say we would like additional time or we are going to reject it out of hand. He said he thought if the City gets into a bind, the solution would be to ask for an extension or rejection at which point he thought they could work around that one. As far as the other points; the \$500 in the inflator, Councilmember Dippolito made an excellent point but it was such a small number that he did not want it to jeopardize this.*

*Councilmember Dippolito said it was unclear and he was just looking for clarification. He thought Mr. Davidson had even said that the \$500 was subject to that. He asked if that was the way he presented it. Mr. Davidson replied no, that it was an additional payment in addition to the base rent which was why it says additional payment. Councilmember Dippolito said 2.5% was a small amount on \$500 for one year but they were talking about a 25 year lease and that becomes \$250 per year or more in the final year; that could be significant over time.*

*Mayor Wood said his concern was that Alpharetta wanted to move the lease to Verizon which would be \$30,000 per year plus the inflator and he did not want to jeopardize that but it was a judgment call.*

*Councilmember Diamond asked Mr. Davidson if had looked at the rating of A. M. Best Company and if they usually state some kind of rating minimum. Mr. Davidson said, "This is really part of our base lease that we use anyway and we do not have an A - rating; we don't have a rating. We just require them to be rated." Councilmember Diamond asked what the lowest rating was or if they have a minimum that would give a comfort level that any of these would be fine. Mr. Davidson replied he was not sure.*

*Mayor Wood said he was not sure but these are responsible cities. He said on the matter of insurance, because they have Kay Love's input serving on the Board, he would not be as concerned about somebody they don't know going out and low balling it and getting something. He said Alpharetta and Sandy Springs have as much to lose as Roswell and they would be concerned about that as well.*

*Councilmember Diamond said to that point, and she was not a lawyer, but it seemed in the City's general leases that might be something they would want to delineate in the future in whatever they do. She said she had concerns to the point about*

*negotiations and although it would not upset her not to have this tower in Roswell, the fact that the master site was tied to that site was very important to her and to keep it out of Fouts was something she felt very strongly about. She said she was comfortable with some of the things that Councilmember Dippolito talked about but after having spoken with some of the people in Alpharetta, she was not ready to put this in jeopardy and eliminate that option.*

*Councilmember Wynn asked Kay Love for her opinion of how Section 21(a) for assignment was worded which was something that Councilmember Dippolito had brought up.*

*Ms. Love said she believed this was the standard language related to assignment and there was no intent on the Authority's part to make an assignment to affiliates. She said she did not know who the successor or subsidiary would be since the City is a government but perhaps Mr. Davidson could elaborate on that.*

*Mayor Wood said he did not think the Authority would have a problem changing that because he did not think there was any intention; it was a standard form and Councilmember Dippolito caught it.*

*Ms. Love said City Attorney David Davidson and the attorney for the Authority had worked out the legality paragraphs and anything that Council decided that would be a change would be taken back to the Authority and they would have to vote on that. Mayor Wood said the assignment clause was that there was no intention. He said they would take a hard look at the money clauses but he could not imagine why they would have a problem with the assignment because there was no expectation of assigning it. Ms. Love said that was correct. Mayor Wood said the City was part of the Authority and he did not think they were going to worry about that one; he was only worried about things they would be concerned about. He did not have a problem asking for that change; it was appropriate and an expectation.*

*Councilmember Wynn said they have talked about this and she agreed with the change about the landlord's sole and absolute discretion on Fouts Road and thanked Councilmember Dippolito for catching that because that was very important and something they pledged to the Twelvestones residents. She hoped that they could change the wording on that portion. Mayor Wood said he thought the Authority knew what the City's position was and that would not be a surprise. Councilmember Wynn said that would not be a surprise to them and she assumed if the wording was changed then Council could approve this now and let the Authority look at it and if they were in approval of the wording this would not have to be brought back to Council. She asked Ms. Love if that was correct. Ms. Love replied that was correct.*

*Mayor Wood asked for further Council comment. There was none.*

*Mayor Wood said he hoped Council would move to accept Fouts Road with changing the wording to, "In our discretion, withhold consent to sublet" and change the assignment clause so that it could not be assigned without the City's consent which could also be withheld at the City's discretion. He said he would support those two changes. All he would like to see reserved on the Hembree Road was the right to assign it to a third party. He said personally he would hang more transmitters on the tower because every time they hang one it was another \$500. He hoped someone would make a motion to approve the lease as written with those changes.*

*The Mayor called for a motion.*

*Motion: Councilmember Wynn made a motion for Approval for the Mayor and/or City*



*Administrator to sign Lease Agreements between the City of Roswell and the North Fulton Regional Radio System Authority (NFRRSA) for the Radio Tower Sites at Fouts and Hembree Roads with the aforementioned language changes to include changing the Fouts Road lease agreement Section 6 (a) to read "In landlord's sole and absolute discretion" and changing the wording for the Assignment clause, Section 21 (a) for both the Fouts and Hembree Road leases per the Mayor's recommendation to read, "It cannot be assigned without the City's consent which could also be withheld at the City's discretion." Councilmember Diamond seconded the motion.*

*Public comment invited. None were made.*

*Further Council Comment:*

*Councilmember Dippolito asked for a clarification on the motion. He said the landlord has sole and absolute discretion on both assignment and subletting on both leases.*

*Councilmember Wynn replied, "No; just the subletting. The sole and absolute discretion on Fouts Road only because that is the one we just talked about. And when we discussed Hembree, we just put the dollar amount on Hembree; we did not discuss or have a consensus to do the sole and absolute discretion."*

*Mayor Wood said the way it would read as it reads right now; we wouldn't unreasonably withhold consent to put a transmittal tower because I think...I would encourage them to put more locations on that tower.*

*Councilmember Dippolito asked about assignment.*

*Councilmember Wynn said, "Yes, I said that would be for Fouts and Hembree."*

*Mayor Wood said, "Sole and absolute discretion for assignment on the lease, on both." Councilmember Wynn said, "Yes, on both of those leases; change that on Fouts and Hembree." Mayor Wood said using Councilmember Dippolito's language.*

**A motion was made by Council Member Wynn, seconded by Council Member Diamond, that the Lease Agreements with Roswell and the NFRRSA for the radio tower sites at Fouts and Hembree Roads be approved with the aforementioned language changes regarding the assignment and subletting clauses discussed for both sites.**

**Councilmembers Wynn, Diamond, Dippolito and Price voted in favor of the motion. Council Member Igleheart opposed the motion. Council Member Orland was not present for the vote. The motion carried by the following vote:**

**In Favor: 4**

**Opposed: 1**

### **Transportation Department - Councilmember Betty Price**

**5.**

#### **Approval of the FY2013/2014 Paving List.**

*Presented by Steve Acenbrak, Director of Transportation*

*Director of Transportation Steve Acenbrak presented this item stating this was the annual paving list which is one of the most important tasks that the Transportation Department performs for the City. The list contains approximately five miles of residential roads which would be combined with the previously approved LMIG list which is 12.4 additional miles. There would be about 17.5 miles of road resurfacing*

that would happen this year. He said road resurfacing is a combination of art and science where the inspectors go out every year and rate the roads using a software package and that requires a lot of training. There are 12 pavement distress categories and the inspectors look at all of the road sections and measure the areas and load that information into the software and receive an overall condition index. A list is then formulated that talks about the areas that are most in need. This year they have broken the contract to make it an annual service contract which means there will be some renewable options where additional streets can be added as the funding becomes available. Estimates are made first and then after they get into the field, the combination of the milling, patching, resurfacing and striping all has to be included and this year they would complete these 28 roads and then look at how much money was left over for other roads waiting in the wings. Staff is recommending this list for Council's consideration.

Mayor Wood asked if they would be widening shoulders where possible. Mr. Acenbrak replied they always do especially in the areas that are rural which does not have a curb and gutter. They always look at making the shoulder, which is an important component of the road, so there is no edge failure or drop offs and that area could be used for other activities.

Mayor Wood asked if they were looking to help the people at Nesbit Lakes where there is a problem getting out onto that road. Mr. Acenbrak replied they were and that would be brought to Committee. Mayor Wood said they had discussed how to improve their access at rush hour so they do not have to hire a police officer and try to make that part of this mobilization to do it all at one time. Mr. Acenbrak replied yes and they were looking at that but that was not part of this agenda item. He said he had charged Neo Chau and his staff to look at various options but they were not working out very well. They would probably end up with a traffic signal there from the applicant who was adding the extra houses as he was required to. He said staff was still looking at alternative options but they really bog down because of the volume on Nesbit Ferry. There are 21,000 cars per day are on that road which is an overwhelming amount for most roundabouts. He said he thought that would not work but they would continue looking. In any case, they would make it better than it currently was.

*Council Comment:*

Councilmember Dippolito said he had a question about the LMIG contract that was separate from this but asked about the timing of Norcross Street and if they were working around the timing of the construction that was occurring. Mr. Acenbrak replied they would do that and noted that the developer was adding a left turn lane at Myrtle Street and staff was working with them to do that section. Councilmember Dippolito thanked Mr. Acenbrak.

Councilmember Price asked if they were reasonably certain that this list would be accomplished. Mr. Acenbrak replied that he was 100% certain this list would be accomplished. Councilmember Price asked possibly how many more. Mr. Acenbrak replied he was not comfortable answering that question because it depended on what was found in the field with these 28 roads but as they got closer to finishing these, staff would discuss the leftover money.

Mayor Wood asked if this would then come back to Council. Mr. Acenbrak replied he would do that and let them know how much money was left over after they had completed these roads.

Councilmember Price asked when they anticipate starting. Mr. Acenbrak replied that depended on the weather because this time of year during the cold weather the

asphalt plants are not open all of the time. He said they would give the contractor notice to proceed and would look for good weather days and complete as much as possible during the winter but the bulk of the work would likely be done in the spring. Councilmember Price asked if they had completed the 2012/2013 streets. Mr. Acenbrak replied that 2012 was complete. Councilmember Price asked about 2013. Mr. Acenbrak said this was a little bit of overlap and everything that was previously contracted for had been completed. Councilmember Price asked if this list was according to need or according to a rotation plan. Mr. Acenbrak replied it was strictly needs based. He said they use MicroPAVER software developed by the Army Corp of Engineers; a rigorous program that evaluates each of the streets. He said as was mentioned, there are 12 types of pavement distresses and the inspectors are trained on how to look for the different types of distresses and there could be multiple distresses in the same area. After looking at an area and finding a distress, they are measured and the length and width and surface area are input into the software package that has an algorithm that helps calculate the pavement condition index or PCI. Councilmember Price said the numbers on the list varied considerably and asked if they were ranked in order of highest need. Mr. Acenbrak replied that was correct; they were listed by alphabetical order not necessarily by number order. He displayed a graphical representation and said the list was sorted alphabetically but all of those roads were in the worse condition.

Councilmember Price said, "When a constituent asks me why are we paving a road that did not look like it needed it; whereas there is another road that looks like it needs it and it is not getting paved; the answer is they are mistaken?" Mr. Acenbrak replied it was not for the untrained eye. There could be a section of road where one part looks good but another part is a mess. As a policy most of the time they repave entire road sections because it is difficult to draw the line and there can be things going on that are not known. So if the contractor is already mobilized for that road, they go ahead and do that road and then it is added into the GIS database as being at a PCI of 100 because it is freshly repaired and resurfaced. He said if they did it in sections they would have to categorize the section and there are 1500 roads on the database and subdividing them by sections would be much harder. Councilmember Price said, "Basically, even though a road looks good in some portions of it; it is...(The remainder of her comment was inaudible)." Mr. Acenbrak replied there was data to support why that road is on the list.

Mayor Wood said if a road was in bad condition and did not make it on the list this year it would likely make it on next year's list; it keeps moving up the list. If someone believes the City has totally missed the ball, there is a process where they can send an email and that road can be double checked. He said the City does not want to make this a political decision because the politics could get dicey and that is why it is turned over to the professionals. Mistakes are made and things are overlooked from time to time but if someone feels that a road needs a second look, then the staff would do that. Mr. Acenbrak said they receive calls about these things all the time and they do that.

Councilmember Price asked, "This is not ongoing maintenance or potholes, what have you. That is totally separate?" Mr. Acenbrak replied that was completely separate. He said they do a very good job of repairing the potholes short term especially in bad weather and usually during the winter but that is a temporary measure.

Mayor Wood said he would compare Roswell roads to any city in the state of Georgia and this City uses best management practices and are way ahead of much of metro Atlanta.

*Councilmember Dippolito said another concern they hear almost every time they pave is how the fresh asphalt tracks out onto the existing asphalt and asked if there was a way to reduce the amount of tracking. Mr. Acenbrak said that was just part of the process; when those areas are milled and the tack is put down, the trucks apply the tack and then roll through it and then they have to turn around. Most of the tracks are from the trucks repositioning themselves after they have already rolled through it but the good news is that usually the tack will wear away fast. It looks bad for the first couple of months but within three to four months the car tires pull it off. He said it can be messy but the City's inspectors are on site before the contractors arrive and are the last to leave; if there is any cleanup to be done, the staff is there every time telling them to make the cleanup issues.*

*Construction and Street Maintenance Manager Neo Chau said they normally put a sign outside a subdivision before paving saying that the tracking will appear.*

*Councilmember Dippolito said he understands but that is a comment they get almost every year and it would be great if there was a way to minimize it but he understands there is only so much that can be done.*

*Mr. Acenbrak said another thing they hear a lot about is the striping. He said they put paint down on fresh asphalt and let it cure for 30 days before doing the thermo. A lot of times cars track through a stripe but they can often repair that. They follow an industry standard but many people don't understand that there is a timing aspect to a lot of things that they do. Councilmember Dippolito asked if that is 30 days later. Mr. Acenbrak replied it is 30 days if the weather has been good and if the contractor is back in the area. He said if they have a statewide contractor doing the striping, they could be down in Valdosta when they are ready to go and they must wait on their schedule.*

*Councilmember Price said, "A little unrelated, but as far as waiting to do certain things; I know we have had some trees planted in some islands and they have got little aprons on them. Do those stay for an extended period? She said she was thinking of some on Pine Grove and Magnolia roads. Mr. Acenbrak said they are gator bags and there for establishing the root zone. Councilmember Price asked how long that stays. Mr. Chau noted that they could probably be removed now with all of the recent rain. He said usually in the winter they do not need the bags. Mr. Acenbrak said they are more for a drought condition when planting in the spring. He said they stay for a couple of months and then they should be removed. Councilmember Price said they might want to look at the ones on Pine Grove. Mr. Acenbrak thanked her and said they may have forgotten those and would look into that.*

**A motion was made by Council Member Price, seconded by Council Member Dippolito, that the FY2013/2014 Paving list be approved. The following streets or segments of streets will be included on the calendar year 2014 Resurfacing Contract:**

**Ansley Court; Arroyo Drive; Chickering Lake Court; Chickering Lake Drive; Chickering Parkway; Devereux Chase; Devereux Circle; Fortuna Court; Heathers Glynn Drive; Kathie Court; Kimlie Court; Kristie Lane; Mountain Laurel Drive; North Abbeywood Place; Northfield Court; Northfield Place; Northfield Way; Old Alabama Place; South Abbeywood Place; Thorndale Court; Tyson Knoll; Wheatridge Bluff; Wheatridge Drive; Whidbey Court; Willow Lake Cove; Willowcrest Court.**

**This list contains approximately 5 miles of residential roads which will be combined with an additional 12.4 miles from the two LMIG contracts. The**

proposed contract will be arranged as an annual service contract with renewable options so that additional streets can be added for resurfacing on demand as long as funding is available.

Council Member Orlans was not present for the vote. The motion carried by the following vote:

In Favor: 5

#### **Administration and Finance Department - Councilmember Rich Dippolito**

**6. Approval of the FY 2014 Mid-Year Budget Amendment #10015850-12-09-13 to increase the FY 2014 Approved revenue budget by \$261,666 and increase the FY 2014 Approved expenditure budget by \$335,455.  
Presented by Ryan Luckett, Budget Manager**

*Budget Manager Ryan Luckett presented some of the items included. He discussed General Fund revenues, operating expenditures and one time capital as well as other funds:*

- *General Fund Operating Revenues - The mid-year amendment recommends a revenue adjustment primarily as a result of the new title ad valorem tax law. The new state law eliminated sales tax on vehicle purchases and also the annual ad valorem tax on vehicles titled after March 1, 2013. That also created a new one time title tax on vehicles titled on or after March 1, 2013. The new law reduced the sales tax but established a new revenue source through the title ad valorem tax. Mid-year recommendation is to lower the sales tax budget by \$1.2 million and establish a budget for the title ad valorem tax of \$1.2 million which would be a net zero impact to the General Fund revenues.*

- *General Fund Operating Expenditures*
  - *Staff is recommending an adjustment for SafeBuilt contracts. The contract has two components. One is for building inspection and plan review and the other is code enforcement. The building inspection and plan review component is variable based*

*contract based on the revenues that the City collects for building permits. The code enforcement component is a set amount annually by contract. The mid-year recommendation is to adjust both. With an increase in building permit activity, they are recommending an increase to the Building Permit Revenue budget by \$239,000. They also recommend an increase to the Expenditure for the Safebuilt contract for each of these two components listed. The building inspection component would go up by \$167,300 which is 70% of the revenue just mentioned. The code enforcement component would increase by \$16,167 which is representative of a 4% increase that was not adopted until after the FY2014 budget was adopted. These adjustments would result in net additional revenue to the General Fund of \$55,533.*

- *Employee Compensation – The FY2014 budget included one-time compensation of \$100 for qualified full-time employees and \$50 for qualified part-time employees. The mid-year recommendation is to increase these amounts utilizing some expenditure savings within the current year budget to \$300 for full-time employees and \$150 for part-time employees. This would be at a cost of \$131,226. This increase in expenditures would be paid from savings resulting from a one-year delay in the employer mandates for the Affordable Care Act. That savings was \$138,750. Combined this would be a net expenditure decrease of \$7,524.*

- *On-call architectural services for Community Development in the amount of \$5,000. In total, the General Fund Operating adjustments included in the mid-year budget amendments includes total revenue increases of \$239,000 and total*

expenditure increases of \$180,943 for net additional revenue in the General Fund of \$58,057.

- *General Fund One-Time Capital* – In closing out FY2013, \$3.2 million is available in General Fund Fund Balance; most resulting from expenditure savings from FY2013. Mid-year recommended projects include:

- *Upgrade wireless network for City Hall complex* – This is a reprogramming of current dollars for a project that is no longer needed. \$58,000 would be reprogrammed to the wireless network upgrade.

- *Reconfigure the Dobbs Fuel Station* - \$50,666 would be paid from the General Fund and the balance would be covered by other Enterprise Funds.

The remaining Fund balance in the General Fund would be \$3,149,334 estimated that could be reserved for consideration during the next year budget process.

- *Other Funds:*

- *Confiscated Assets Fund* – The mid-year recommendation includes an additional canine at a cost of \$18,000 and a reimbursement of an overpayment from the U.S. Department of Justice that was \$34,650.

- *Recreation Participation Fund* – This includes a recommendation to lower revenues and expenditures by \$46,000 to reflect the cancellation of the Trilogy Trolley Crawl event.

Mr. Luckett displayed a listing of other adjustments that would be needed in other funds to match the employee compensation proposal with the General Fund.

*Council Comment:*

Councilmember Dippolito asked if the \$3.2 million that was mentioned under One-Time Capital was included as an estimate within the budget at the beginning of the year. Mr. Luckett replied no and said the amount they programmed for One-Time Capital during the FY2014 budget was the existing Fund Balance at that time. This is as of the closing of FY2013 and is additional funding that is now available.

Councilmember Dippolito referred to the \$58,000 for the wireless network and said he had requested some additional information regarding that and asked if a breakdown of how that would be used was available.

Deputy City Administrator Michael Fischer said that Councilmember Dippolito had asked if there was an estimate yet and that he had just received an email today from the IT Department. He said they are looking at upgrading the wireless system at the public safety facility and City Hall. If they take the full \$58,000 to reprogram from the servers; some of those funds need to be shared on equipment that would be shared. They estimate about \$18,475 for controllers and software that would be installed in City Hall that would run some of both sections. The main controller equipment would be here with the software. For the police department, the equipment and cabling would be about \$25,575. The equipment and cabling for City Hall would be about \$13,950. That is the estimated breakdown based on equipment they have looked at. The IT Manager had mentioned another brand of equipment they are researching now that might be lower. This pricing is for a brand they have used before. \$58,000 would do both of these buildings in tandem if the software and the controlling equipment were housed in one location that would feed both systems.

Councilmember Dippolito said the police department needs this wireless network because many of the officers use laptops and it is important for them. He asked Mr. Fischer to elaborate on the necessity for this.

Mr. Fischer said with the tools the Police Department has, they are overloading the system very quickly with the current wireless. Anytime there are meetings at City Hall, people are using mobile devices such as laptops but only employees have a network they can get on that is secure and not open to the general public. Meetings

at City Hall are becoming more frequent where there are consultants or citizens or other groups on site who want to connect to the wireless. So either the City has to open up its network which the IT Manager highly suggests not doing or they have to mobilize and bring in some type of hot spot. Every time there is a meeting that is other than employees, they have to bring some type of network for them to use and that equipment has to be here and be able to be deployed. They would like to be able to open up City Hall so the general public could work throughout the building and they currently cannot do that. Mr. Fischer said currently there is a third party company, Wireless Town, who has done the area in City Hall that is limited to a small public area in the rotunda and also some small areas in the parks where parents might be in a building waiting for their children who are in an activity. These areas are very small and not conducive to doing much work. The hope is to get more of a commercial system going.

There was no further Council comment.

Motion: Councilmember Dippolito made a motion for Approval of the FY 2014 Mid-Year Budget Amendment #10015850-12-09-13 to increase the FY 2014 Approved revenue budget by \$261,666 and increase the FY 2014 Approved expenditure budget by \$335,455. Councilmember Wynn seconded.

*Public Comment:*

Janet Russell stated her home address as 260 Willow Springs Drive and made the following comments:

- The City privatized Community Development and Code Enforcement saying that would save a lot of money. They eliminated a lot of employees and two were re-hired. Now the City is asking for an increase of \$167,000 for Code Enforcement. She asked how much money was not being saved anymore and said she would like the comparison between the costs when there were City employees versus the employees of SafeBuilt. She had spoken with Mike McCurdie with SafeBuilt in Denver about some issues with Code Enforcement and she had also talked to the people in Code Enforcement. She said there are only two code enforcement officers and as of last week over 700 outstanding code enforcement queries that they could not get to. Code enforcement in this City has become a joke among the general population. SafeBuilt did not save money the first year because \$150,000 was rolled over for starting the new project and now they are spending even more money. She questioned the saving of money and said money is being shifted around. They got rid of City employees to save money but she did not see any savings and there has been a total degradation of code enforcement.
- She said the one-time payment of \$150 and \$300 to part-time and full-time employees was a joke. The City says they are saving money by deferring the Affordable Care Act and there is a lot going on with that and she understands the City delaying it but to give someone only a \$150 bonus is an amount some people would spend on dinner in one night. She questioned how much the employee contribution to their health premiums would increase and said that would eat up the \$150 or \$300 one-time token gesture and that did not sound right to her. She said the City is not very fiscally responsible to get rid of City employees and then degrade the service they are providing their citizens.

Mayor Wood responded to Ms. Russell's comments and said he heard two questions.

Mayor Wood said to Ms. Love that he thought the first question was the cost of outsourcing versus the previous cost of code enforcement and asked if that number was available.

Ms. Love said she believed Ryan Luckett had it. She said part of this amendment is

*the contract related to inspections and plan review based on the revenue. The reason the expenditure budget is increasing is because the permitting and plan review activity has increased therefore the City pays a percentage of that. They are not decreasing the amount of savings they anticipated; they are just bringing in more money in the form of permitting fees therefore their contract is based on that activity. That is the way they are able to ramp up and ramp down the level of support staff the City needs. There was about \$150,000 and \$16,000 of that was the code enforcement. She asked Mr. Luckett for the original anticipated savings from Community Development. Mr. Luckett replied he did not have that with him but believed it was around \$150,000 annually. Ms. Love said yes it was.*

*Mayor Wood said Ms. Russell's second question had to do with the employee health care and how much their costs were increasing.*

*Ms. Love said the City did not defer the Affordable Care Act; the federal government deferred it. The City had set aside funding to comply with the implementation requirement and after the federal government deferred the implementation the City had additional funding available. On the table for Council's decision was a consideration to increase the one-time compensation, a payment made at the holidays of \$150 for part-time and \$300 for full-time employees.*

*Ms. Love said the amount of healthcare increase that the contract requires this year is about 6%. With the implementation of the wellness program; if an employee participates in the program, they would not have an increase in their healthcare. If they do not participate, depending on the plan they have, they would have an increase in their bi-weekly payroll deduction for healthcare.*

*Mayor Wood asked what the employee participation had been so far. Ms. Love replied it was over 500 persons. Anticipation in the Karelia wellness program was 70-80% and 85% is the best they normally see. The City has exceeded that percentage of participation. Mayor Wood said he understands that is already showing some benefits. Ms. Love replied yes sir; it is.*

*Mayor Wood asked for further questions regarding the budget.*

*No further public comments. The public hearing was closed. There were no further questions from Council.*

**A motion was made by Council Member Dippolito, seconded by Council Member Wynn, that the FY 2014 Mid-Year Budget Amendment be approved. The FY 2014 Mid-Year Budget Amendment includes several adjustments to both the operating and capital budgets. These adjustments are funded through a combination of expenditure savings, additional revenues, and the use of General Fund fund balance. The operating budget adjustments include: One Time Employee Compensation, On-Call Architectural Services and SafeBuilt Contract Revisions. The capital budget adjustments include: Dobbs Drive Fueling Station Reconfiguration, City Hall Wireless Network Upgrade and One Additional K-9 Unit.**

**Council Member Orlans was not present for the vote. The motion carried by the following vote:**

**In Favor: 5**



**7. Approval of a Resolution for an amendment to the Sanitation Hardship Exemption Policy. (This item was deferred at the November 25, 2013 Mayor and Council meeting)**  
***Presented by Keith Lee, Finance Director***

*Finance Director Keith Lee presented this item stating this is a resolution related to the Hardship Exemption policy associated with services provided by the City including water, sanitation and stormwater. The exemption is available for up to one year and would only include the services for which the City sets the fees. These are modifications from the last meeting.*

*Mayor Wood said he supports the one-year exemption but he had reservations about rolling it over for a second year. He said he supports going from six months to one year but if they go to a second year then they are really giving a two year exemption and he would not support that.*

*Mr. Lee said this resolution is for up to one year. Mayor Wood said and they could not roll it over for a second year. Mr. Lee replied no sir. Mayor Wood said without the Council. Mr. Lee said no sir; that was correct. Mayor Wood apologized and said he did not see that in the email he received. He said he hoped Council would support the change.*

***Council Comment:***

*Councilmember Wynn said she supports the change but asked Mr. Lee if it was correct that if someone had a one year exemption and they wanted another, they would have to come back and start over again. Mr. Lee replied that was correct. Councilmember Wynn said then if they had it for the first year then it is not a given they would have it for the second year; they would have to start from scratch. Mr. Lee replied yes mam. Mayor Wood said he understands they would have to come back to Council to have the second year. Mr. Lee said the Hardship Committee has authority only up to one year and anything above that would come to Mayor and Council. Councilmember Wynn said that was what she needed to know and thanked Mr. Lee.*

*There was no further Council comment.*

***Motion:*** *Councilmember Dippolito made a motion for Approval of a Resolution for an amendment to the Sanitation Hardship Exemption Policy. Councilmember Diamond seconded.*

*Public comment invited. None were made.*

*Mayor Wood asked for further Council comment:*

***Further Council Comment:***

*Councilmember Price said, "I believe we are working off the one with the blue additions. Is that correct? I'm trying to figure out the difference in the second and the third resolve because they didn't seem to be appreciatively different to me." Mr. Lee said there were two changes to the final edition under Section 2. The first would be for it to read, "While the Hardship Review Committee may provide for up to a one-time exemption not to exceed 12 months." The second change would read: "It is Further Resolved, that the hardship exemption only applies to fees established by the Mayor and City Council of Roswell for garbage/solid waste, water, and storm water services provided by the City."*

Mayor Wood asked if that answered Councilmember Price's question.

Councilmember Price said, "2 and 3 just seem redundant to me but maybe there is something there that I am missing. I guess it is just saying this is included and this is not included and anything other than; which seems intuitive. But if the legal beagles, they require that sort of redundancy; alright. Another question; I know it is talking about including the things other than solid waste that we now have as fees, but the Hardship Committee can already exempt other fees, penalties and interest. I know this is not part of these changes but I am just curious, do they ever waive taxes or liens?" Mr. Lee replied no. Councilmember Price said, "They do not; currently without this change?" Mr. Lee said this change does not apply to taxes or liens. Councilmember Price said, "My other question is on the cover page, financial impact being none. Clearly there is a loss of revenues for any hardship that we grant. What do we estimate that to be and what is it currently?" Mr. Lee replied over the past year, they have had one hardship exemption request and approval. Mayor Wood said that would be insignificant. Mr. Lee said it was \$240 for sanitation. Councilmember Price said, "And we are not anticipating any ground swell of hardship requests, are we?" Mr. Lee replied no. Councilmember Price thanked Mr. Lee.

There was no further Council comment.

**A motion was made by Council Member Dippolito, seconded by Council Member Diamond, that the Resolution to amend the Sanitation Hardship Exemption Policy be approved. Council Member Orlans was not present for the vote. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: R2013-12-82

### **Community Development - Councilmember Nancy Diamond**

**8. RC 201302700 R, 264 Valley Ridge Dr., Metropolitan River Protection Act Certificate, Adam & Janelle Kimball, Land Lot 381.**

*Presented Bradford D. Townsend, Planning & Zoning Director*

*Planning and Zoning Director Brad Townsend presented this item stating this is a river corridor review for a single family home located at 264 Valley Ridge Drive. The vacant piece of property is being proposed for a single family home. Staff recommends approval with two conditions. This has been reviewed by the Atlanta Regional Commission (ARC) and they have found it consistent with the Chattahoochee corridor plan.*

*Mayor Wood asked for Council comment.*

*Council Comment:*

*Councilmember Dippolito said there were some timber walls on the back of the property and asked if those were existing. Mr. Townsend replied yes. Councilmember Dippolito said there was a description of a brick wall and asked if those were also existing. Mr. Townsend replied yes. Councilmember Dippolito asked if they had plans for those to remain. Mr. Townsend replied yes. Councilmember Dippolito said with respect to the trees they are removing and since this is a single family house, asked if there was a requirement to replace trees when removing a specimen tree. Mr. Townsend replied if there was a specimen tree, they were required to meet that code requirement. Councilmember Dippolito said he did not*

*see an analysis of that and asked if that was in the packets. Mr. Townsend replied that would not be analyzed until they submit for the tree removal permit for the single family home. He said this is just to approve that they can meet the river corridor requirements. Councilmember Dippolito said this is essentially for Council to approve that they agree with the ARC. Mr. Townsend replied yes. Councilmember Dippolito thanked Mr. Townsend.*

*Public comment invited. None were made. There was no further Council comments.*

**A motion was made by Council Member Diamond, seconded by Council Member Price, that this application for an issuance of a certificate for development within the Chattahoochee River Corridor be approved with the following conditions:**

- 1. The property shall be developed in accordance with the approved Erosion Control Plan.**
- 2. All plans for permits shall contain the ARC impervious and clearing allocations.**

**Council Member Orlans was not present for the vote. The motion carried by the following vote:**

**In Favor: 5**

Enactment No: R2013-12-83

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

#### **9. Recommendation for closure to discuss personnel, litigation and real estate.**

**A motion was made by Council Member Wynn, seconded by Council Member Igleheart, that recommendation for closure be approved. Council Member Orlans was not present for the vote. The motion carried by the following vote:**

**In Favor: 5**

### **Adjournment**

**Meeting adjourned at 8:25 p.m.**