

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, November 6, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Rabbi Michael Shulman, Temple Sinai, offered the innovation.

**CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:00 p.m.

**ROLL CALL AND GENERAL ANNOUNCEMENTS**

**City Clerk Michael Casey** reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

**Mayor:** Mayor Eva Galambos present

**Councilmembers:** Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present.

**PLEDGE OF ALLEGIANCE**

Mayor Eva Galambos led the Pledge of Allegiance

**PUBLIC COMMENT**

There were no public comments.

**(Agenda Item No. 12-264)**

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Regular Meeting agenda for November 6, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

**(Agenda Item No. 12-265)**

1. Meeting Minutes:
  - a) October 16, 2012 Regular Meeting
  - b) October 16, 2012 Work Session*(Michael Casey, City Clerk)*

**(Agenda Item No. 12-266)**

2. Amendment to Chapter 42, Article II, Section 42-41 of the City of Sandy Springs Code of Ordinances (“Code”) relating to firearms in public parks  
*(Wendell Willard, City Attorney)*

**Ordinance No. 2012-11-32**

**(Agenda Item No. 12-267)**

3. Consideration of Approval of the Georgia Department of Transportation (GDOT) Lighting Agreement for Interchange Reconstruction – SR 400/US 19 @ CR145/Northridge Road (CIP T0037)

*(Garrin Coleman, Interim Director of Public Works)*

**Resolution No. 2012-11-69**

**(Agenda Item No. 12-268)**

4. Authorize the Mayor to Sign a Memorandum of Understanding (MOU) for the Northridge Road Interchange Improvement Project (CIP T-0037), P. I. Number 751580, as well as, SR 400 at Abernathy Road – Northbound Ramp Extension (CIP T-0038), P.I. Number 0010311

*(Garrin Coleman, Interim Director of Public Works)*

**Resolution No. 2012-11-70**

**(Agenda Item No. 12-269)**

5. Consideration of the Acceptance of the Agreement to Purchase Right of Way – 1180 Hightower Trail

*(Garrin Coleman, Interim Director of Public Works)*

**Resolution No. 2012-11-71**

**(Agenda Item No. 12-270)**

6. Consideration of the Acceptance of the dedication of a Right of Way Deed as part of the zoning requirements – 4818 Peachtree Dunwoody Road

*(Garrin Coleman, Interim Director of Public Works)*

**Resolution No. 2012-11-72**

**Motion and Vote:** Councilmember Fries moved to approve the Consent Agenda for November 6, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

1. Proclamation for Duke Doubleday – Mayor Galambos

**Mayor Eva Galambos** called Duke Doubleday to the front. She read the proclamation which states, “Duke Doubleday entered the U.S. Army in 1966 after graduating from the University of Georgia. He was commissioned a 2<sup>nd</sup> Lieutenant in 1967 and assigned to the 6<sup>th</sup> Cavalry Regiment, Washington, DC. In 1968, Duke Doubleday was assigned to the 11<sup>th</sup> Armored Cavalry Regiment in the Republic of Vietnam. He served as a Reconnaissance Platoon Leader involving numerous combat actions over a 12 month period. He was awarded the Silver Star, three Bronze Stars, a Purple Heart, Army Commendation Medal, Combat Infantryman’s Badge and several other medals for his service. Upon his return to the United States in 1969, Duke Doubleday became a Commercial Real Estate Broker and recently retired after 43 years. Duke Doubleday is a tireless champion and advocate for veterans, military members, and their families. In 2002, The Department of the Army appointed Duke as a Civilian Aide to the Secretary of the Army for the State of Georgia, and was recently reappointed for an additional 6 year term. He is a lifetime member of the Blackhorse Association, 11<sup>th</sup> Armored Cavalry Regiment, a member of the Atlanta Vietnam Veterans Business Association, Atlanta VA Medical Center Advisory Board, and is a former board director of the Georgia Military Affairs Committee. We salute and express our gratitude to Duke Doubleday for his efforts as honorary co-chair in establishing and organizing the City of Sandy Springs First Annual Veterans Day Tribute in 2010 and again in 2011. In March 2012, Duke Doubleday was named Most Outstanding Citizen of the Year by the West Point Society of Atlanta,

She proclaimed November 6, 2012 "Duke Doubleday" Day in the City of Sandy Springs.

**Duke Doubleday, U.S. Army Veteran**, stated he is very honored for the recognition. It is such a pleasure working with Mayor Galambos, Councilmember Meinzen McEnery, City Manager John McDonough, Police Deputy Chief DeSimone, Police Chief Terry Sult, all the Councilmembers, and the community. He is proud of the leadership in Sandy Springs and all the City has accomplished.

## **PUBLIC HEARINGS**

**City Clerk Michael Casey** read the rules for the Public Hearings segment of the meeting.

### **Alcoholic Beverage License**

#### **(Agenda Item No. 12-271)**

1. Approval of Alcoholic Beverage License Application for Kwick Food Mart at 5700 Roswell Rd Sandy Springs, Georgia 30342. Applicant is Raju Daredia for Retail/Package Wine & Malt Beverage.

**Revenue Supervisor Brandon Branham** stated this item is an application for retail/package wine and malt beverage license due to a change of ownership. The applicant has met all requirements and staff recommends approval.

**Mayor Eva Galambos** called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-271, Alcoholic Beverage License Application for Kwick Food Mart at 5700 Roswell Rd., for Retail/Package Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

#### **(Agenda Item No. 12-272)**

2. Approval of Alcoholic Beverage License Application for Roswell Exxon at 6180 Roswell Rd Sandy Springs, Georgia 30328. Applicant is Naaim Rahman for Retail/Package Wine & Malt Beverage

**Revenue Supervisor Brandon Branham** stated this item is an application for a retail/ package wine and malt beverage license due to a change of ownership. The applicant has met all requirements and staff recommends approval.

**Mayor Eva Galambos** called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-272, Alcoholic Beverage License Application for Roswell Exxon at 6180 Roswell Rd., for Retail/Package Wine & Malt Beverage. Councilmember Fries seconded the motion. The motion carried unanimously.

#### **(Agenda Item No. 12-273)**

3. Approval of Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy Sandy Springs, Georgia 30328. Applicant is Tamara Griggs-Worley for Consumption on Premise Wine & Malt Beverage

**Revenue Supervisor Brandon Branham** stated this item is an application for consumption on premise of wine and malt beverage license due to a change of management. The applicant has met all requirements and staff recommends approval.

**Mayor Eva Galambos** called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-273, Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy, for Consumption on Premise of Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 12-274)**

4. Approval of Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy Sandy Springs, Georgia 30328. Applicant is Tamara Griggs-Worley for Retail/Package Wine & Malt Beverage

**Revenue Supervisor Brandon Branham** stated this item is an application for the guest shop inside of the hotel due to a change of management. The applicant has met all requirements and staff recommends approval.

**Mayor Eva Galambos** called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 12-274, Alcoholic Beverage License Application for Sonesta ES Suites Atlanta at 760 Mount Vernon Hwy, for Retail/Package Wine & Malt Beverage. Councilmember Sterling seconded the motion.

**Councilmember Tibby DeJulio** asked if the applicant previously had a retail license at this location.

Revenue Supervisor Branham responded Staybridge Suites did.

**Vote on the Motion:** The motion carried unanimously.

**Zoning Modification**

**(Agenda Item No. 12-275)**

1. **201201735** - 915 Crestline Parkway, *Applicant: Perimeter Atlanta Hotel Group, LLC*, To modify conditions 2.a., 3.c., and 3.d. of RZ08-006 for the hotel development, with concurrent variances

**Director of Community Development Angela Parker** stated this item is a modification for the Homewood Suites hotel on Crestline Parkway. City Council previously approved modifications to rezoning conditions. This request encroaches less in the setback and less into the landscape strip. The applicant is also requesting a variance to the north of the property to allow for the minor encroachment of a patio into the setback. The condition was originally written to allow the encroachment of a patio into the setback. Staff is recommending allowing an encroachment as shown on the site plan. Staff recommends approval of all three conditions.

**Mayor Eva Galambos** called for public comments in support of or opposition to the application. There were no comments from the public. Mayor Galambos closed the public hearing.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 12-275, **201201735** - 915 Crestline Parkway, *Applicant: Perimeter Atlanta Hotel Group, LLC*, To modify conditions 2.a., 3.c., and 3.d. of RZ08-006 for the hotel development, with concurrent variances. Councilmember Collins seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A 130-room hotel (without a restaurant) and associated accessory uses.
  - b. The maximum building height shall be 100 feet or 6 stories over 2 stories of structured parking, excluding any penthouses for mechanical equipment. (U08-002)
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated ~~March 10, 2008~~ **September 24, 2012**. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Crestline Parkway along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - b. To reduce the required front yard setback from forty (40) feet to fifteen (15) feet along the Crestline Parkway frontage of the subject property to allow conformity with the Perimeter Community Improvement Design District standards (CV08-003).
  - c. To reduce the required forty (40) front yard setback to ten (10) feet along the west property line adjacent to the GA-400 ~~frontage to allow the construction of an underground parking deck (CV08-003)~~.
  - d. To reduce the required twenty (20) foot landscape strip to ten (10) feet along the west property line adjacent to the GA-400 ~~frontage to allow the construction of an underground parking deck (CV08-003)~~.
  - e. To reduce the required twenty (20) foot landscape strip to ten (10) feet along the east property line adjacent to the Crestline Parkway frontage to allow the construction of a patio, steps, and pedestrian walkway to the proposed building (CV08-003).
  - f. To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip planted to buffer standards along the south property line adjacent to a residential use to allow the existing shared driveway to remain (CV08-003).
  - g. To increase the number of parking spaces between landscape islands from every sixth space to every ninth (CV08-003).

- h. No less than 27% of the site shall be maintained as greenspace as shown on the site plan received by the Department of Community Development dated January 7, 2008.
- i. The owner/developer shall construct the hotel building with a brick and/or stucco architectural finish.
- j. The external lighting in the development shall be screened, cut-off type and shall not glare into adjoining residential properties.
- k. To a maximum illuminance level of 0.5 footcandles along all property lines abutting residentially zoned property.
- l. At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in the previous condition and illustrating the proposed lighting fixtures.
- m. The owner/developer shall install a decorative fence along the south property line adjacent to the townhouse residential development and heavily landscape both sides to provide a visual screen. The location and type of said fence and landscaping shall be subject to the approval of Sandy Springs Arborist.
- n. To reduce the required twenty (20) foot side yard setback to ten (10) to allow for the encroachment shown on the approved site plan. (CV – 201201735)

**Councilmember John Paulson** asked if the patio is suspended.

Director of Community Development Parker responded no. Initially staff thought the patio was suspended by looking at the site plans.

**Vote on the Motion:** The motion carried unanimously.

**Ordinance No. 2012-11-33**

### **UNFINISHED BUSINESS**

**(Agenda Item No. 12-276)**

1. A Resolution Approving the Creation of “Sandy Springs Foundation, Inc.”; Approving the Foundation's Name; and Appointing and Approving Board Members

**Assistant City Manager Eden Freeman** stated this item is a resolution for the consideration of Council to approve the use of the City's name in conjunction with a new foundation to be formed called the Sandy Springs Foundation. After the disbanding of the Friends of Sandy Springs, it became apparent there is a need for a fund raising organization. The funds can be used to support City programs such as recreational programs and equipment needs for the public safety department. The proposed members of the foundation are Sharon Griswold, Garrin Coleman, Susan Weber, Debbie House, and Dr. Christine Bruno.

**Councilmember Karen Meinzen McEnerny** stated the resolution indicates the funds raised will be distributed only to charitable tax exempt organizations. She asked if a list of organizations that are eligible to receive donations would include the City.

Assistant City Manager Freeman responded yes. The City auditors have determined the City qualifies as a tax exempt organization.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-276, A Resolution Approving the Creation of “Sandy Springs Foundation, Inc.”; Approving the Foundation's Name; and Appointing and Approving Board Members. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2012-11-73**

**(Agenda Item No. 12-277)**

2. Amendment to Chapter 58 of the City of Sandy Springs Code of Ordinances (“Code”) to create a new Article IV, regulating vehicle immobilization services and operators operating within the City of Sandy Springs (the “City”); and resolution setting fees for vehicle immobilization services and operators

**City Attorney Wendell Willard** stated this item was approved at the last City Council meeting. However, there were several changes that were incorporated with the passing of the ordinance that were previously not a part of the document. The ordinance has since been updated with these changes.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-277, Amendment to Chapter 58 of the City of Sandy Springs Code of Ordinances (“Code”) to create a new Article IV, regulating vehicle immobilization services and operators operating within the City of Sandy Springs (the “City”); and a resolution setting fees for vehicle immobilization services and operators. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Ordinance No. 2012-11-34; Resolution No. 2012-11-74**

**Councilmember Chip Collins** asked about the booting fees.

City Attorney Willard stated the fees are within the body of the ordinance.

**NEW BUSINESS**

**(Agenda Item No. 12-278)**

1. Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for LCI FY2013 New Study funding to complete a LCI for the Powers Ferry Node

**Interim Director of Public Works Garrin Coleman** stated the Livable Center Initiative (LCI) will be the fourth study done within the City limits. The City will have a commitment of \$30,000, if selected, and may turn down the opportunity, if Council so chooses.

**Councilmember John Paulson** asked if staff set the boundaries for the study.

Interim Director of Public Works Coleman stated staff changed the boundary slightly, based on what was in the City’s Comprehensive Plan.

**Mayor Eva Galambos** asked if the City’s Comprehensive Plan defined the Powers Ferry node.

Interim Director of Public Works Coleman responded yes.

Mayor Galambos stated she was surprised to see a particular residential area included in this study.

**Councilmember Dianne Fries** asked if there is an advantage to the study if a residential area is included.

Interim Director of Public Works Coleman stated the Atlanta Regional Commission (ARC) prefers mixed uses to be included in the study. If Council prefers, staff will adjust the boundaries before the application is submitted.

Councilmember Fries asked that the changes to the map be sent to Council before the application is submitted.

**Motion and Vote:** Councilmember Collins moved to approve Agenda Item No. 12-278, Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for LCI FY2013 New Study funding to complete a LCI for the Powers Ferry Node, with the stipulation that Council review the boundary modifications before the application is submitted. Councilmember Meizen McEnery seconded the motion. The motion carried unanimously.

**Resolution No. 2012-11-75**

**(Agenda Item No. 12-279)**

2. Amendment to Chapter 18 of the City of Sandy Springs Code of Ordinances (“Code”) to replace the current false alarm ordinance at Article II, Division 2; and resolution setting forth fees for violations of the proposed false alarm ordinance

**City Attorney Wendell Willard** stated the purpose of this ordinance is to address the growing problem of false alarms for the Police and Fire Department. The reason for the ordinance is to have the public mindful of the need to be sure their alarms are properly maintained and to decrease the amount of false alarms. Before Council this evening is an ordinance and a resolution that shows the fee schedule. There will be no registration fee for the alarms.

**Councilmember Gabriel Sterling** stated language in the ordinance was changed from “will be a permit fee” to there “may be a permit fee”. He asked if that line can be removed from the ordinance.

City Attorney Willard stated with the existing language, if Council wishes to change the fee in the future, there will be no need to change the language in the ordinance.

Councilmember Sterling stated he would prefer the language be removed from the ordinance.

City Attorney Willard stated the language “will” was changed to “may”. The reason for the language change is because if there were ever a change of position of Council, it would not require an amendment to the ordinance, but the adoption of a resolution. Councilmember Sterling is asking for the language to be completely removed from the ordinance, so there cannot be a fee for the registration of alarms unless there is an amendment to the ordinance.

**Motion and Second:** Councilmember Sterling moved to adopt Agenda Item No. 12-279, Amendment to Chapter 18 of the City of Sandy Springs Code of Ordinances (“Code”) to replace the current false alarm ordinance at Article II, Division 2, including an amendment eliminating the language under Section 18-36, “There may be a charge in an amount established by resolution of City Council for the Alarm Permit.” Councilmember Fries seconded the motion.

**Councilmember John Paulson** asked about implementation of the alarm registration.

**Police Chief Terry Sult** stated staff will go through the vendor selection process, including an extensive education campaign. He expects a 120 to 150 day implementation period.

**Mayor Eva Galambos** asked if the once a year inspection of the alarm system addressed in the ordinance is left up to the homeowner or if the alarm businesses have to meet the requirement.

Councilmember Sterling stated Sec.18-38. Inspection, Testing and Maintenance, states “The Owner shall ensure that all Alarm Systems are inspected and tested at least once per year in accordance with Adopted Codes”.

Police Chief Sult stated the inspection of the alarms is not enforceable.

**Councilmember Tibby DeJulio** asked why the inspection of the alarms is in the ordinance, if it is not enforceable.

Mayor Galambos stated the requirement of the alarm inspection needs to be the responsibility of the alarm company and not the homeowner.

**Fire Chief Jack McElfish** stated the inspection of the alarms is for commercial and industrial uses and not just homeowners.

Police Chief Sult stated Section (a) of the ordinance would be difficult to enforce, but Section (b) would not be that difficult to enforce.

Councilmember Sterling asked if there is a difference in the definitions for a commercial alarm or residential alarm.

City Attorney Willard responded no. The alarm system means any single device or assembly of equipment designed to signal the occurrence of a fire, illegal or unauthorized entry, or other activity requiring immediate attention and to which a Public Safety Department will be requested to respond, but does not include alarms installed in motor vehicles, etcetera.

Police Chief Sult stated he would suggest eliminating Section 18-38 of the ordinance.

**Councilmember Karen Meinzen McEnerny** stated she wants to make sure the commercial alarms are addressed as well.

**City Manager John McDonough** suggested eliminating the language in Section 18-38. Staff will research the implication of the language.

**First Amendment to Motion and Second:** Councilmember Sterling moved to amend his original motion to include eliminating Section 18-38, Inspection, Testing and Maintenance; and renumber the ordinance accordingly. Councilmember Collins seconded the motion.

**Councilmember Chip Collins** asked what the responsibility of the homeowners will be.

Police Chief Sult stated the homeowners will have to register their alarms. This will let the City know who is responsible for the alarm at that location. The registration will be an online process and there will be educational classes as well. Part of the process is educating how the alarm system works and making sure the alarm is working properly.

Councilmember Collins asked about the three warnings prior to receiving a citation for a false alarm.

Police Chief Sult stated there will be three allowable Police Department response warnings and one allowable warning from the Fire Department.

Councilmember Fries asked about voting on the resolution, since it is not listed as a separate agenda item.

**Second Amendment to Motion, Second, and Vote on Motion:** Councilmember Sterling moved to further amend his original motion to include approval of the resolution setting fees after first eliminating the language that states “WHEREAS, the Ordinance provides that an Alarm User may be charged a fee to obtain an Alarm Permit in an amount established by resolution of City Council; and” and eliminating the language “1. Fee to obtain Alarm Permit: No Charge”; and renumbering accordingly. Councilmember Collins seconded the motion. The motion for approval of Agenda Item No. 12-279, as amended, carried unanimously.

**Ordinance No. 2012-11-35; Resolution No. 2012-11-76**

**(Agenda Item No. 12-280)**

3. Consideration of Approval of Selection of the Tennis Center Services Provider

**Assistant City Manager Bryant Poole** stated this item is staff’s recommendation from the City of Sandy Springs request for proposal (RFP) for the Tennis Center’s operations. The purpose of the RFP was to solicit proposals for a firm to operate the Sandy Springs Tennis Center. During the procurement process the performance price trade-off model was used. A vendor’s capabilities, approach to how they would manage the Center, performance and experience, and their cost price proposal were reviewed. Proposals were received from Groslimond Tennis Services, Inc., Operation Tennis, Inc., and Universal Tennis Management. Separate panels were formed to evaluate the proposals. The members of the panels included: Richard Buss, City of Marietta, Parks, Recreation Facilities Director; Bryant Poole, City of Sandy Springs, Assistant City Manager; Ronnie Nix, City of Dalton, Recreation and Parks Director (Retired); Ronnie Young, City of Sandy Springs, Recreation and Parks Director, Kathy Williams, City of Sandy Springs, City Attorney’s Office; and Eden Freeman, City of Sandy Springs, Assistant City Manager. The panel reviewed items such as the best value award, competitive range, performance price trade-off analysis, and experience. From that information the panel was able to determine that Groslimond technical rated “acceptable” with their cost at \$60,000. Their overall performance confidence was rated as “substantial”. Operation Tennis was rated as “acceptable” with a cost of \$32,000, and received a rating of “satisfactory” for their performance confidence. Universal Tennis Management was rated “acceptable” with a cost of \$24,000, and with a performance confidence of “satisfactory”. Groslimond Tennis Services currently supervises and directs daily operations of the Gwinnett County public tennis centers. Two other references received for Groslimond were from Newton Park Tennis Center and Tennis Free Academy located in Johns Creek. Groslimond directs operations for this location. Another reference provided was the Spalding Lake homeowners association. From this information that was gathered, it is staff’s recommendation to Council to award Groslimond Tennis Services, Inc. a contract to provide tennis center operation services and execute a base year task order contract. Another recommendation is to award a contract to Operation Tennis, Inc. to provide eligibility to compete for future task orders under the terms of the contract. Another recommendation is to award a similar contract to Universal Tennis Management to provide eligibility to compete for future task order awards under the terms of the contract.

**Councilmember Karen Meinzen McEnery** asked what other obligations of a financial nature the Sandy Springs citizens will have to pay in terms of operating expenses and capital items.

Assistant City Manager Poole stated the proposal of Groslimond Tennis Services, Inc. states they will pay all of the maintenance expenses and utilities. If there was a major capital expense, for example replacement of the roof, the City would assist with this.

**Councilmember Chip Collins** asked if the City has certain criteria the vendor has to meet regarding the services they provide.

Assistant City Manager Poole responded yes. Staff will meet with the vendor monthly to discuss their services as well as discuss their performance.

Councilmember Collins asked if the scope of services is similar to what is being provided by the current Tennis Center vendor.

Assistant City Manager Poole responded yes. Groslimond will be providing more services at the tennis center.

**Councilmember John Paulson** asked if Council will receive periodic updates on how the vendor is performing.

Assistant City Manager Poole responded yes. Director of Recreation and Parks Ronnie Young will actively speak to the vendor on a weekly, monthly, or as needed basis regarding progress of the tennis center.

Councilmember Collins asked if the vendors were interviewed in person and if the panel spoke to the vendor's current employers.

Assistant City Manager Poole responded yes.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-280, Approval of Selection of the Tennis Center Services Provider with the recommendations of staff. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2012-11-77**

**Mr. Groslimond, Groslimond Tennis Services, Inc.,** thanked Mayor and Council. This RPF process was rigorous and very professional and he is excited for this opportunity.

**(Agenda Item No. 12-281)**

4. A Resolution Re-Adopting the Five Ethics Principles for Re-Certification as a Georgia Certified City of Ethics

**City Clerk Michael Casey** stated this item is a program from the Georgia Municipal Association. During 2006, the City was previously certified as a City of Ethics. The time period has expired for the City's first certification. In order to recertify, Council must adopt and sign a resolution readopting the five ethics principles. The signed resolution, along with the City's current ethics ordinance, will be submitted to the Georgia Municipal Association.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-281, A Resolution Re-Adopting the Five Ethics Principles for Re-Certification as a Georgia Certified City of Ethics. Councilmember Paulson seconded the motion. The motion carried unanimously.

**Resolution No. 2012-11-78**

**(Agenda Item No. 12-282)**

5. Resolution to Reappoint Directors to Board of Directors of the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia ("CHATCOMM"), Pursuant to O.C.G.A. § 36-75-5

**City Manager John McDonough** stated the initial contract term of four years has come to a conclusion. Staff's recommendation is to authorize the reappointment of the City Manager or his designee to represent the City on the ChatComm board.

**Mayor Eva Galambos** stated the ordinance states the City Manager has to live in Sandy Springs.

City Manager McDonough stated City Attorney Wendell Willard is his designee and he lives in Sandy Springs.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-282, Resolution to Reappoint Directors to Board of Directors of the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia ("CHATCOMM"), Pursuant to O.C.G.A. § 36-75-5. Councilmember Collins seconded the motion. The motion carried unanimously.

**Resolution No. 2012-11-79**

**(Agenda Item No. 12-283)**

6. A Resolution appointing and authorizing Special Counsel to represent the City to obtain a Local Option Sales Tax ("LOST") distribution certification as required under the laws of the State of Georgia; to authorize said counsel to assist in the preparation, presentation and litigation of the City's case; repeal inconsistent provisions; and for other purposes

**City Attorney Wendell Willard** stated the City is involved in the process of renegotiating the Local Option Sales Tax (LOST) with other Fulton County municipalities. This may become a court matter in regards to getting a certification before the court for approval. There are thirteen other cities that have independent counsel representing them apart from other their city attorneys. The Welch law firm located in McDonough, GA, will be representing the City in this matter. As a personal disclosure, he serves with Andy Welch on the State legislature. As soon as this resolution is passed, the Welch firm will begin preparing the work that may be necessary for the City to appear in court on this matter.

**Councilmember Gabriel Sterling** asked if there will be disclosure concerns, since his firm handles Andy Welch's election campaign.

City Attorney Willard responded no.

**Councilmember Karen Meinzen McEnerny** asked about the engagement letter that discusses confidential information.

City Attorney Willard stated the Welch law firm is representing multiple parties. There has to be recognition from all the cities represented in the court matter that what is being discussed is regarding the same legal matter.

**Mayor Eva Galambos** asked about the December 31, 2012, deadline.

City Attorney Willard stated under State law, Fulton County had until July 1, 2012, to start the process. Fulton County started the process by sending a letter to all the cities on June 29, 2012, stating the county is ready to start the process of negotiating. Under State law there is a timeframe of sixty days of negotiations. Having not reached an agreement in the sixty days, there is an additional sixty days of mediation. After mediation and failing to reach an agreement, any parties to the negotiations will have the ability to file an action in court within thirty days. Currently, the City is in the thirty day stage of the process. It is expected there will be action filed by the City around November 20, 2012. Once the action is filed, there will be continued negotiations and discussions among the parties. At that point in time, the

City will have to submit to the court a potential distribution agreement. At this point what is being looked at involves the amount of taxes that Fulton County is entitled to receive as their share. Once that determination has been made, hopefully the cities will be able to come to an agreement regarding their distributions. The cities also have the option to be an absent municipality. An absent municipality will receive its share based on its population from the last census.

Mayor Galambos asked if the cities are required to act in December, if court action is required.

City Attorney Willard stated there was a conflict with the language in the law. Staff is requesting an interpretation of the law from the Attorney General.

Councilmember Sterling asked if there are two separate questions being dealt with. He asked if Fulton County will receive a certain percent of the funds, if the cities agree. Another question is how to divide the remainder of the funds between the cities.

City Attorney Willard responded yes. The cities are trying to resolve what share Fulton County is entitled to and that is the amount that will be placed in the proposal to the court.

Councilmember Meinzen McEnery asked if the City will receive LOST funds based on the existing formula. Then once that new amount is agreed upon, the numbers will be corrected.

City Attorney Willard responded yes. Currently, Fulton County receives fifteen percent. The cities are hoping to get that amount changed to nine or ten percent.

Councilmember Meinzen McEnery stated for the city or cities that are receiving a higher percentage under the old LOST formula, there may be an incentive to extend the court proceedings.

City Attorney Willard stated the law is clear about maintaining the court proceedings in a timely manner.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-283, A Resolution appointing and authorizing Special Counsel to represent the City to obtain a Local Option Sales Tax ("LOST") distribution certification as required under the laws of the State of Georgia; to authorize said counsel to assist in the preparation, presentation and litigation of the City's case; repeal inconsistent provisions; and for other purposes. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2012-11-80**

**Motion and Vote:** Councilmember Fries moved to recess the regular meeting for a short break and to hear one of the Work Session Agenda Items. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 7:02 p.m.

**Motion and Vote:** Councilmember DeJulio moved to end the recess and resume the regular meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The recess ended at 8:12 p.m.

**PUBLIC COMMENT**

There were no public comments.

**(Agenda Item No. 12-284)**

**EXECUTIVE SESSION** – Litigation

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss potential or pending litigation. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 8:13 p.m.

**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:31p.m.

## **REPORTS**

1. Mayor and Council Reports
2. Staff Reports
  - a) September Financial Report – Finance Director

**Finance Director Karen Ellis** stated included in the agenda package is the September financials for review. Added to the financials was a summary page to highlight the points Council reviews on a regular basis.

- b) Cemetery/Burial Ground Boundary Report – Community Development Director

**Director of Community Development Angela Parker** stated the City Council approved a cemetery ordinance. The ordinance requires a boundary survey to be done on any cemetery property, along with an archeologist, to determine the property limits. The issue is whether or not the City wants to cover the cost of the cemetery survey when burial areas are not discovered. Staff is preparing a map that shows all the cemeteries within the City limits. This map will be used to “flag” the property when a building permit is applied for. However, cemeteries may exist in the City that staff is not aware of. When a potential burial area is identified, but the headstones are not visible, staff will require that a cemetery survey be done. In the event no evidence of graves is discovered, the City may want to consider waiving the permit fees to cover the cost of the survey. A survey of a fairly small cemetery may be in the range of \$2,000.

**Councilmember Gabriel Sterling** asked if the City will require the property owner to pay for the survey.

Director of Community Development Parker responded yes, if there are credible reasons to think that the property is a burial site.

**Mayor Eva Galambos** stated this looks like a good policy. She asked if staff will present the policy as a proposed ordinance.

Director of Community Development Parker responded this may be submitted as a resolution for Council to adopt.

**Councilmember John Paulson** asked if the study of how many cemeteries are in the City would be completed first.

**City Manager John McDonough** stated staff has seen more evidence of burial sites as the construction and development activity picks up. Staff wants feedback from Council on this item that would help

protect the City. In the event nothing is found on the property, it is a good gesture by the City to waive the permit fees.

Councilmember Sterling asked if burial plots are found on the property, would the applicant lose the money spent on a survey and for the development of the land.

City Manager McDonough responded no. The applicant has to comply with the State law and the City ordinances relating to the boundary and buffer that is required to be placed around the cemetery.

Councilmember John Paulson asked if no burial plots were found, would the City waive the fees up to the amount the applicant spent for the survey or the amount of fees the applicant would have paid.

City Manager McDonough stated the City would waive the fees up to the amount the applicant spent on the cost of the survey.

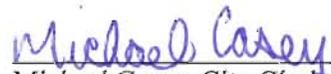
**(Agenda Item No. 12-285)**

**ADJOURNMENT**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 8:37 p.m.

Date Approved: December 4, 2012

  
\_\_\_\_\_  
Eva Galambos, Mayor

  
\_\_\_\_\_  
Michael Casey, City Clerk

**CITY OF SANDY SPRINGS, GA**

STATE OF GEORGIA  
FULTON COUNTY

November 6, 2012

**AFFIDAVIT FOR EXECUTIVE SESSION**

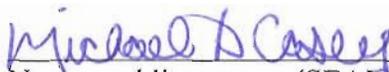
Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 6th day of November, 2012, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

  
\_\_\_\_\_  
Eva Galambos, Mayor

Sworn to and subscribed before me,  
this 6<sup>th</sup> day of November, 2012.

  
Notary public (SEAL)

