

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, March 20, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Reverend Chris Starr, Church of the Atonement, offered the invocation.

**CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:01 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 Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present. Councilmember Chip Collins was absent.

**PLEDGE OF ALLEGIANCE**

Mayor Eva Galambos, led the Pledge of Allegiance

**PRESENTATIONS**

1. Proclamation for 50th Anniversary of the Church of the Atonement - Mayor Eva Galambos

**Mayor Eva Galambos** called the representative from the Church of the Atonement to the front. She read the proclamation which states, "The Episcopal Church of the Atonement was founded and organized by a group of Sandy Springs residents on January 7, 1962. The Episcopal Church of the Atonement has served the Sandy Springs community for the past 50 years as a house of worship and pastoral care center in the City's High Point neighborhood. In cooperation with the Sandy Springs Mission and Mt. Vernon Baptist Church, the Episcopal Church of the Atonement offers after-school educational mentoring and support for youth from High Point Elementary, Ridgeview Charter Middle, and Riverwood High School. The Episcopal Church of the Atonement provides hospitality for a wide range of community groups and events, including the High Point Civic Association, High Point PTA, the Congregation Beth Tefillah's Preschool, the Ecuadorian Chamber of Commerce, the High Point Neighborhood Fall Festival and Capitol City Opera. The Episcopal Church of the Atonement is supportive of numerous outreach activities in Sandy Springs and the greater Atlanta community. The City of Sandy Springs acknowledges the Episcopal Church of the Atonement's Fiftieth Anniversary. She proclaimed March 20, 2012, Episcopal Church of the Atonement Day in the City of Sandy Springs.

2. Video "We Appreciate You Sandy Springs" created by The Epstein School

**Mayor Eva Galambos** stated this is the first time a video has been made about Sandy Springs and it is appreciated. The video was then played for all in attendance.

**(Agenda Item No. 12-073)**

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Sterling moved to approve the Meeting Agenda for March 20, 2012. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously

**Councilmember Tibby DeJulio** requested to have Agenda Item 12-075 removed from the Consent Agenda and placed under New Business.

**Assistant City Attorney Cecil McLendon** stated for an item to be on the consent agenda it has to be a unanimous decision. If one person states they do not want an item on the consent agenda, it comes off and is moved to the regular agenda. The consent agenda can then be approved without that item.

**CONSENT AGENDA**

**(Agenda Item No. 12-074)**

1. Meeting Minutes:
  - a) March 6, 2012 Regular Meeting
  - b) March 6, 2012 Work Session*(Michael Casey, City Clerk)*

**(Agenda Item No. 12-076)**

2. Acceptance of the Donation of a Permanent Drainage and Temporary Construction Easement  
*(Kevin Walter, Director of Public Works)*  
**Resolution No. 2012-03-23**

**(Agenda Item No. 12-077)**

3. Acceptance of the Donation of Two (2) Temporary Driveway Easements in Connection with the T-6011-4 Dunwoody Club Drive Sidewalk Project from Grapevine Drive to Chapparral Place  
*(Kevin Walter, Director of Public Works)*  
**Resolution No. 2012-03-24**

**Motion and Vote:** Councilmember Sterling moved to approve the revised Consent Agenda for March 20, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

**Mayor Eva Galambos** asked about Agenda Item No. 12-075.

**City Manager John McDonough** stated Agenda Item No. 12-075 will be the last item under New Business.

**PUBLIC HEARINGS**

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

**Use Permit**

**(Agenda Item No. 12-078)**

1. **U11-004** - 650 Mount Vernon Hwy., *Applicant: Cumberland Academy of Georgia*, A Use Permit to maintain a Private School

**Manager of Planning and Zoning Patrice Dickerson** stated the Council deferred this item on February 21, 2012. Staff hosted a meeting with the applicant and members from the community on March 5, 2012. Council had directed staff to address concerns about the chiller noise, screening, limiting hours of operation for the chiller, and the student enrollment number. All of the issues were discussed at the March 5<sup>th</sup> meeting and are included as part of the conditions. These conditions include limiting operating hours for the chiller and additional conditions requested by the community. Staff did not address the number of students being requested by the applicant. Staff already determined that the parking provided on site and the circulation plan were sufficient. The last item staff addressed was screening/plantings. Staff has determined that there is not sufficient area where the chiller is located for additional plantings. There was discussion between the applicant and the neighbors about the school providing funding to the neighbors to replant the buffer that is on townhome property. Because the buffer is not on the school or church property, staff did not add a condition related to the plantings. Staff recommends approval conditional of the request subject to the conditions included in the staff report.

**Debbi Scarborough, 650 Mt. Vernon Hwy,** stated she is the founding Director of Cumberland Academy of Georgia. She thanked the Fire Department who recently visited the school. The Academy is for high functioning autistic and Asperger children. This item was deferred from a previous Council meeting. She has tried diligently to resolve concerns from the Glenridge neighborhood. The dumpsters have been relocated and old dumpsters have been removed, so they can no longer be seen. Many options have been looked at for the soundproofing. The fence on the neighboring property has been deteriorating and the soundproofing their builder installed has deteriorated. If the fence and the soundproofing would have been maintained, there would be no noise issue. She offered the neighbors \$500 for plantings or to utilize for soundproofing on their property. The church does not have the extra money to pay for this, but they were still willing to contribute \$250. Her husband was going to add an additional \$500 and then changed it to \$1,000 for plantings and soundproofing. There was a handshake agreement with the neighbors that this was fair. Yesterday evening the neighborhood emailed her requesting more stipulations. At this point, the school withdrew their offer. The school gave the neighborhood transparency on the school's monthly schedule. The school's calendar is on the website, so they will know in advance the school's schedule. She has agreed to comply with the chiller operation hours starting at 6:00 a.m. The children arrive at the school shortly after 7:30 a.m. It will take the building a long time to cool down. The chiller will be turned off in the evening at 10:00 p.m. She has made every effort to try to please the Glenridge Square neighborhood.

**Mayor Eva Galambos** called for public comments in support of the application.

**Donald Sasso, Principal of Cumberland Academy,** stated prior to his current position as principal of Cumberland Academy, he was also the principal of Sophia Academy when they occupied this building. When Sophia Academy was at this location, there were no complaints from the neighbors. This school provides a tremendous service to the community by its existence in Sandy Springs. He asked for Council's support of the application.

**Moscenia Welty, 4893 Cambridge Drive,** stated she is presently serving on the board of trustees for First Baptist Church Sandy Springs. She has had the opportunity to work with the school. She is on the school campus at various times throughout the day for church events and other activities. She has not had any problems with traffic flow or issues with the children being unsupervised. It is beneficial to the building that it is being occupied and taken care of. She strongly supports Cumberland Academy.

**Dr. Kenneth Link, 6353 Glenridge Drive,** stated he is the pastor of First Baptist Church Sandy Springs. He is also the senior chaplain for the Sandy Springs Police and Fire Department. The church appreciates the phenomenal work of Cumberland Academy. The school is doing divine work by helping families. He is honored that his church can help. He supports the application. He asked on behalf of the church

and school that this issue be dealt with tonight. The church will do whatever they can to be good neighbors.

**Hector Cora, 3825 Glenridge Drive**, stated the school does a wonderful job. He has walked the property and the fence is doing an adequate job. Having trees near the chiller would buffer the sound. He is surprised when he drops his son off at this school that there is not more traffic. Traffic is not a problem. The neighbors that have issues with the school have chosen not to maintain items on their property that buffer noise. The nearby retirement home has a large air conditioner that is close to both the school and the neighbors that no one has complained about. The school is consistent with the land use plan for Sandy Springs.

Mayor Galambos called for public comments in opposition to the application.

**Frank Genest, 6375 Glenridge Drive**, stated he is a member of the Glenridge Square Homeowner's Association. He thanked Councilmember Gabriel Sterling for assisting in the mediation between the Association and the applicant. The Association is requesting many conditions that he feels are adequate. One of the conditions was installing a sound barrier. The homeowner's fence needs repaired, which the Association will do, and meet with the City arborist regarding plantings. The Association is not opposed to the permit. He asked that the student enrollment be limited to 120. The Presbyterian School on Mount Vernon Highway is building a huge parking lot. He wonders how the stacking plan works with ingress and egress at both exits for the traffic in this area. In regards to the student population, there was an unfortunate incident. One of the students escaped, ran over to the townhome community and was subdued there. It is mythical to control this type of population. If that happened with 60-70 students, he would prefer there be 120 students allowed instead of 200. He understands the school is doing their best and accidents do happen. The Association will take care of the chiller noise with additional plantings. He asked that the student enrollment be increased to only 120 instead of 200.

**Trisha Thompson, 145 River North Drive**, stated she is the Zoning Chairman of the Sandy Springs Council of Neighborhoods. Barbara Malone, who is sick, asked her to read a letter which states, "Good Evening. I'm sorry I can't be with you this evening, but ill health has forced me to stay at home. Cumberland Academy, the surrounding neighborhoods, Council of Neighborhoods, and Councilmember Sterling have worked hard to try and resolve the issues relating to this application. The school is a wonderful education facility and an asset to the City. I doubt if you will find anyone who will tell you otherwise. Compromises have been made on both sides and many of the issues have been resolved. There are a couple of outstanding issues that I would like to briefly address. One of those has been covered by the previous speaker, the resident from the neighborhood who did ask that it go to 120 students in one jump and then move on after that at some point in the future. With regard to the chiller, the neighbors have worked hard over the past few weeks. I would like to point out that the comp plan on page 101, number four, does request that the City minimize intrusion of a great list of things. One of which is sound between nonresidential and single family homes. The neighbors would appreciate your continuing support in trying to resolve this issue in a manner acceptable to both parties. Many thanks for your time."

Ms. Scarborough stated despite the enrollment number being 199 or 200, the school has been deemed safe for children. Stacking plans have been provided to staff. The increase of students would be gradual, not immediate. The school did have a large growth last year, which she is pleased with. Currently, the school has 72 students. She wants to be able to help as many of these children as she can.

Mayor Galambos closed the public hearing.

**Motion and Second:** Councilmember Sterling moved to approve Agenda Item No. 12-078, U11-004 - 650 Mount Vernon Hwy., *Applicant: Cumberland Academy of Georgia*, A Use Permit to maintain a Private School. Councilmember Fries seconded the motion

**Councilmember John Paulson** stated the condition addresses the chiller being allowed to operate on the weekends, but the school is not open on the weekends.

**Councilmember Gabriel Sterling** stated the operating hours of the chiller were separated between weekdays and weekends because of a stipulation for summer time weekdays due to the school not cooling fast enough for the safety and health of the children, so the chiller would be allowed to run earlier. This condition would not apply for the weekends. If the school is not using the building on the weekends, the church may use the building. Everyone involved did work hard. A good resolution can come out of this.

Councilmember Tibby DeJulio stated there is a commercial on TV right now stating there is a chance of 1 in 110 of having an autistic child. All of us know someone who has special needs children. The school is an extremely important addition to Sandy Springs. He does have one problem with the neighbors of the school. He is offended, and he believes the school is owed an apology, when one refers to a child as escaping. These are children we are talking about, not hardened criminals. If a child gets out of there, he has a need, a problem. Sandy Springs is tolerant of everyone and cares about everyone in Sandy Springs. These are children we are talking about that unfortunately do not have the ability that others have. Referring to the children as escaped is very offensive. He understands what an important role the school plays. He is horrified that someone would make a reference to the children as if they were criminals.

**Councilmember Karen Meinzen McEnerny** stated her comment is directed at the Council. She agrees that all the parties have worked together to try and reach an agreement. She totally supports the Academy, which provides a wonderful service to the students. The student enrollment number has been the subject of discussion for compromise, but there has been no compromise. If there is a yearly growth rate in student enrollment of 9 to 15, it would take the school eight years to reach a maximum capacity of 180. One item that was discussed this evening is the Presbyterian School relocating their stacking and parking entrances. That could potentially have an impact on traffic in the area. She asked why the student enrollment number was not decreased by at least twenty as a compromise.

**Councilmember Dianne Fries** stated there is no legal reason to decrease the student enrollment number. She does not see a need to ask the applicant to come back to the City. She is tired of hearing Council say "let's see how it goes". Once Council makes a decision, it is made. There is no reason why the student number cannot be 200. The school is providing a wonderful service in the City. She agrees that the child being referenced to as escaped was horrifying.

Councilmember Paulson stated he relies on staff's evaluation of the school on the allowed maximum number of students to be enrolled at the school. He did not see anything in staff's documentation that 200 students would be a burden or problem. He agrees with staff's recommendation.

Councilmember Sterling stated he does not like many levels of regulation. The City's Comprehensive Plan discusses noise regulations. The chiller has been in this location for about forty years. The neighborhood was built with a forty foot buffer before the disturbance permit was issued. Everyone involved is trying to make the best of the situation. The school offers a wonderful service to the community. The neighbors do have rights to be protected. He appreciated the outside observers who asked questions that others may not have asked. He does not like setting the student number just to see how it goes. Asking the applicant to come back to the City is not an appropriate way for the City to exert its power. Council should be open-minded to anyone coming to the City to find mutually beneficial compromises. The set of conditions placed on this permit meets that goal. Staff cannot add a condition that requires the Glenridge neighborhood to add plantings. There is no reason Council should impose its own process and deny the student number requested.

**Vote on the Motion:** The motion carried unanimously.  
**Ordinance No. 2012-03-09**

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

#### **(Agenda Item No. 12-079)**

1. Sandy Springs Farmers Market Agreement for 2012

**Assistant City Manager Eden Freeman** stated Andy Bauman came to the City a couple weeks ago and expressed interest in renewing the agreement to operate the Sandy Springs Farmers Market for another year. There are slight changes in the agreement including changing the year from 2011 to 2012 and setting the close out time at 2:00 p.m. instead of 3:00 p.m. Each Councilmember was given the Farmers Market annual report from last year. Mr. Bauman was present to answer any questions.

**Andy Bauman, Sandy Springs Farmers Market**, stated this is the farmers market's third year. The market has been running smoothly with the help of a great market manager. He will continue to make the market a quiet community event that can be dependable for people to enjoy.

**Mayor Eva Galambos** stated the farmers market has been a great success and many people are looking forward to it this year. She asked when the market begins.

Mr. Bauman responded on April 14<sup>th</sup>, and the hours that day will be 8:30 a.m. to 12:00 p.m. The first civic group that is scheduled for the second Saturday of the farmers market is Autism Speaks. Supporting schools and civics groups is the most meaningful thing the farmers market does.

**Councilmember Gabriel Sterling** asked if any changes will be made this year.

Mr. Bauman stated he will continue to try to obtain good vendors and customers. He will be embarking on farm visits later this week and next. He visits every farm that participates in the farmers market.

**Councilmember John Paulson** stated the farmers market made \$1,300 last year. He asked why the farmers market is now changing to a nonprofit.

Mr. Bauman stated when the farmers market first began, it was thought that a small amount of money could be made from the market. He quickly realized that was not going to happen, and he is fine with that. The cost to start the farmers market from year to year is not as much as it was to start the market the first year. If the farmers market can obtain a tax exempt status, that will be great and will help with funds. The farmers market is now effectively being run as a nonprofit. He had no idea how gratifying running the farmers market would be.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-079, Sandy Springs Farmers Market Agreement for 2012. Councilmember Fries seconded the motion. The motion carried unanimously.

#### **(Agenda Item No. 12-080)**

2. Consideration of Approval of the GDOT FY 2011 Local Maintenance & Improvement Grant Paving Contract

**Deputy Director of Public Works Garrin Coleman** stated this item is regarding a contract for paving work on four streets. Staff recommends that Allied Paving be approved for this contract in the amount of \$375,081.15.

**Councilmember Gabriel Sterling** asked what this project would be under the local maintenance improvement grant.

Deputy Director of Public Works Coleman stated this project would be under GDOT's LMIG program under which GDOT is funding the project for \$290,063.41. The City will have to contribute money to the program from the FY12 pave on budget in the amount of \$85,071.74.

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 12-080, Approval of the GDOT FY 2011 Local Maintenance & Improvement Grant Paving Contract. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2012-03-25**

**(Agenda Item No. 12-081)**

3. Consideration of Approval of a Change Order to Baldwin Paving Contract for the Intermediate Paving Program Completion

**Deputy Director of Public Works Garrin Coleman** stated this item is for consideration of approval for a change order of \$8,534.43. This change order is for the contractor who repaired the hot-in-place pavement operation.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-081, Approval of a Change Order to Baldwin Paving Contract for the Intermediate Paving Program Completion. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2012-03-26**

**(Agenda Item No. 12-075)**

4. Site Development Inspection Staffing Enhancement

**City Manager John McDonough** stated this item was briefed at a previous Work Session. Based on the feedback received at the Work Session, this item was originally placed on the consent agenda. This evening the item was moved from the consent agenda to the regular agenda. Staff is prepared to answer any questions relating to this item.

**Councilmember Tibby DeJulio** stated he is not opposed to an arborist, pre-inspections, or preserving trees. When he lived in North Carolina, he personally planted close to 50,000 trees. He is concerned about what the City told the people of Sandy Springs. He and the Mayor spent almost twenty years lobbying to the capitol, homeowners groups, City of Atlanta, and Fulton County, to create Sandy Springs. The City promised people a different type of City. This would be a City free of patronization, politics, favoritism, and political micromanagement. When the Charter was created, the salaries were set for the City Council and the Mayor at \$5,000 for City Councilmembers and \$7,500 for the Mayor. The reason this amount was set was because of the desire for Council not to be professional politicians, but instead civil servants. Council did not want Sandy Springs to be like the City of Atlanta or Fulton County where people make their living running the City and making decisions for the City. The idea was that professional people would be hired to run the City as a professional corporation. The City Council was set to make policy decisions and leave the operational decisions to the operating professionals. A long process occurred to find a City Manager. Council previously discussed the need for pre-inspections. Councilmember Paulson suggested the City does need pre-inspections. As a policy decision, Council

decided that the City should be doing pre-inspections. Council discussed a tree survey and it was decided it would be a good policy to protect the trees. Council then went one step too far. Instead of giving the charge to the City Manager and staff, Council told staff how to implement the process. This is something the City of Atlanta or Fulton County would be proud of. The only thing that is missing is someone's cousin to take charge. That is not the way we run the City of Sandy Springs. We run the City by setting policy and having professional people implement the policy. The City spent 18 months putting together a contract committee and Council did not tell people how to do their job. The contractor told the City how they were going to do things and that is what they were judged on. Council needs to make sure staff is implementing decisions and Council is not involved in the daily operations. For that reason, he is opposed to taking a step towards micromanaging the City.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 12-075, Site Development Inspection Staffing Enhancement. Councilmember Meinzen McEnery seconded the motion.

**Councilmember Dianne Fries** stated Councilmember DeJulio stated Council was micromanaging and making the decision for staff. During the midyear budget review Council charged the City Manager with two items. One of them was to see if there is a need for pre-inspections. Staff came back with a recommendation that if pre-inspections are done, a .6 FTE would be needed. That is not micromanaging. The request was given to staff and they researched it and brought it back to Council.

**Mayor Eva Galambos** stated staff is trying to make the permit process quicker. Pre-inspection would add a step to the process. When a step is added, it makes the process longer. No other jurisdiction within the vicinity performs pre-inspections. There is no history of anyone else trying this, except Fulton County. This is a total waste of taxpayer money, and she does not like to see something micromanaged. This recommendation did not come from the City Manager. The City Manager was told to bring this information back to Council. This was Council's recommendation.

**Councilmember John Paulson** stated when this discussion occurred, he remembers someone asking if there was a potential benefit to having the pre-inspection, and he believes there is. The pre-inspection could catch issues as opposed to waiting until the job is halfway complete. Council asked staff if we currently do pre-inspections and staff responded no. Council asked if the City chooses to do pre-inspections, what would it take with existing staff or adding staff. Another item discussed was the implementation of the pre-inspections. At the midyear point staff can look back to see if the new process has been effective. This is a potential positive step in the City's permitting process. He wants to try this to see what happens and receive a report back to see if the process is working.

Mayor Galambos stated she recalls the instructions from the previous discussion about the review being not at midyear, but instead during the budget process. The review of this new process would be only a month and a half after the process is implemented. This process would be burdening the budget for the next year.

**Councilmember Gabriel Sterling** stated he recalls that Council asked staff to look into this. Staff stated there would be a benefit and suggested on how to implement the process. The statement that no other jurisdiction has done this could be said for anything that Sandy Springs has ever done. Sandy Springs is the first privatized City and had nothing else to model the City after. An ounce of prevention is worth a pound of cure. Fixing an issue after it is found is not nearly as tenable. He came across an issue last week where the City took a plot of land to split into two different lots. When the inspector looked at the property for a building permit, a State waterway was discovered on the property that no one was previously aware of. There are some situations where the pre-inspection process would be a benefit. The Council decided they wanted pre-inspections. Staff came back to Council on how the process could be

done. The City would be spending \$17,000 this year and \$64,000 next year for the site inspection process. If there are two or three situations that are found and expedited, you will see the behaviors of developers change and they will be more prepared. This is a small step to take in fixing the issues before they become issues. If the new process does not work, Council can look at this item next year at the midyear budget review and remove the process. If staff has the Thursday meetings, the development community will learn that the City is implementing a pre-inspection. This is a good use of City money and he supports this item.

**Councilmember Karen Meinzen McEnerny** stated good design costs the same as bad design. The City requires grading plans and tree surveys before a permit is issued. All of these would be reviewed on site, before the permit is issued. She thanked Council for working with her on this and she appreciates the support. Council did operate within the City's process.

Mayor Galambos stated once new staff is added into an organization, it is very difficult to cut back. She does not think all builders and developers will do the wrong thing. Council is assuming that the builders will not bring the City the right tree survey or site plan. This would require staff to go on site and check to make sure the correct plans are being submitted. There were egregious developers in the past. The meetings with the developers are a good thing. Staff has been trying to expedite the permitting process and the addition of pre-inspection will not make it faster. She will have a veto message on this particular vote explaining all the reasons why she does not think this is a good use of taxpayer money.

Councilmember Fries stated she hopes in the veto letter the Mayor's message will be clearer than Councilmember DeJulio expressed on how this came about. She does not think that all the developers are doing the wrong thing and that is not why she wants to have the pre-inspection added to the process. She wants this because Council asked for certain reports and these reports should be followed up on to see if they are correct. The pre-inspection may smooth out any developer issues, which will save taxpayer dollars.

Councilmember Meinzen McEnerny stated there has never been a veto from the Mayor. She asked about the veto process.

Councilmember Fries stated the outcome of this item will be determined after the vote.

**Vote on the Motion:** The motion carried 4-1, with Councilmember DeJulio voting in opposition.

## **REPORTS AND PRESENTATIONS**

### 1. Mayor and Council Reports

**Councilmember Dianne Fries** stated some of City Hall staff and Councilmembers are voter registrars. There are several businesses within the City that have said the voter registrars can hold registration drives, but they are asking for an indemnification letter from the City.

**Motion and Second:** Councilmember Fries moved to authorize the City Manager to enter into agreements with City property owners to indemnify property owners when voter registration drives are held on their property, subject to approval of legal staff. Councilmember Meinzen McEnerny seconded the motion.

**Councilmember Gabriel Sterling** asked what is being indemnified.

Councilmember Fries stated an example would be if Whole Foods authorized the registrars to set up a table in front of the store for voter registrations. Whole Foods does not want to have the responsibility if an accident should happen at the registration event.

**Assistant City Attorney Cecil McLendon** stated the property owners have been contacting the City for a general indemnification. His initial response would be Fulton County would be the appropriate party to contact. Fulton County is not willing to sign an indemnification. The property owners are requiring the indemnification.

Councilmember Sterling asked how far the indemnification will cover the City.

Assistant City Attorney McLendon stated the traditional scenario is someone is at a table at a business location when a car drives over the curb and hits the person at the table. The personal injury attorney sues the person driving the car and everyone else. The shopping center will ask the City to indemnify them. At that point, the City's insurance would take over. The indemnification would need to be verified through the City's insurance company first.

**Mayor Eva Galambos** stated then an indemnification letter is routine.

**Councilmember Karen Meinzen McEnery** asked if the City will be able to issue a certificate of insurance.

Assistant City Attorney McLendon stated the only request he has received are the requests for indemnification. He will insert the language "to the extent allowed by law". He recommended that the letter be subject to the legal staff's approval of the language.

City Manager John McDonough stated staff will check on this with the insurance company.

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

Mayor Galambos stated due to the diligent efforts of Councilmember Fries and she, Sandy Springs is ahead of other jurisdictions in terms of having identified locations for voter registration drives.

## 2. Staff Reports

### PUBLIC COMMENT

**Bill Gannon, 505 Taunton Way**, stated his mother-in-law, who lives at Merrill Gardens, wants to register to vote. Many of the residents at Merrill Gardens are not registered to vote.

**Councilmember Dianne Fries** stated she is a Fulton County registrar and she would be happy to visit Merrill Gardens to register the residents to vote.

Mr. Gannon stated regarding the site development inspection staffing enhancement and micromanagement, things have gone too far when citizens come to Council telling them they must hire an employee. He has previously had to explain to the other citizens about the model of the City and how it operates. He is in favor of having a City policy that allows the City Manager to manage the day-to-day operations. The City does need an arborist.

**City Clerk Michael Casey** stated one public comment card was properly received from a citizen that was unable to attend the meeting. He then read the public comment into the record:

**Barbara Malone, 240 Colewood Way**, wrote regarding the flood maps “when does the clock start on the ninety day appeal process?”

**City Manager John McDonough** stated there will be a briefing on that item during the Work Session.

**(Agenda Item No. 12-082)**

**EXECUTIVE SESSION – Litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation with Deputy Director of Public Works Garrin Coleman included. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 7:21 p.m.

**Motion and Vote:** Councilmember DeJulio moved to adjourn Executive Session. Councilmember Sterling seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:27 p.m.

**(Agenda Item No. 12-083)**

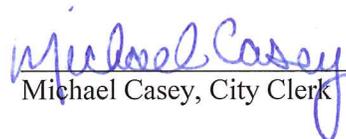
**ADJOURNMENT**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 7:27 p.m.

Date Approved: April 3, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk