

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 4, 2011, at 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Reverend Tim Black, Holy Innocents Episcopal Church, offered the invocation.

**CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:05 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

(Agenda Item No. 11-203)

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Meeting Agenda for October 4, 2011. Councilmember Paulson seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

(Agenda Item No. 11-204)

1. Meeting Minutes:
  - a) September 20, 2011 Regular Meeting
  - b) September 20, 2011 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 11-205)

2. Approval of the Acceptance of the Donation of the Right-of-Way Deed (including Temporary Construction Easement) for the Spalding Drive Sidewalks Project/ Mount Vernon Road to Nesbit Ferry Road (Nesbit Ferry Section); Project No. T-6010-14  
(Kevin Walter, Director of Public Works)

**Resolution No. 2011-10-76**

**(Agenda Item No. 11-206)**

3. Approval of the Acceptance of the Temporary Driveway Easement for the Dunwoody Club Drive Sidewalk Project; Project No. T-6011-4  
(Kevin Walter, Director of Public Works)

**Resolution No. 2011-10-77**

**(Agenda Item No. 11-207)**

4. Approval of the Acceptance of the Temporary Driveway Easement for the Mount Vernon Road Sidewalk Project; Project No. T-6011-9  
(Kevin Walter, Director of Public Works)

**Resolution No. 2011-10-78**

**Motion and Vote:** Councilmember Fries moved to approve the Consent Agenda for October 4, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

1. Review of Awards Received by the Sandy Springs CVB and Staff – Mayor Galambos

**Mayor Eva Galambos** state these awards are for the work done by the City's Hospitality and Tourism Department. She called Hospitality Executive Director Kymberly Hughes to the front. Kymberly Hughes is continually being recognized for her work in the hospitality industry. Every month the Sandy Springs hotel and motel occupancy figures beat all the others throughout the state.

**Hospitality Executive Director Kymberly Hughes** thanked the Mayor. The Board is fantastic and she appreciates the support that allows her department to excel. The Hospitality Department is proud of their Gold Level Benchmark of Excellence. Sandy Springs is one of four cities in the State of Georgia that has received the gold standard. The Hospitality's standards are high, to excel and to help promote the City as a great destination to stay in while in the Atlanta area. The Sandy Springs Welcome Center has just been designated a regional visitor information center by the Georgia Department of Economic Development. Grace Ramocan in the marketing department was recognized by Destination Marketing Association International (DMAI) as the only Georgia representative under 30 years old. Will Carlson was selected as one of Convention South Magazine's professionals to watch for 2011. This is exciting considering he has not even been with the department for a year. Kymberly Hughes just completed a four year leadership program. She was one of twenty people who graduated from the first class of Leadership and Tourism in Georgia. She thanked the Board for allowing her to serve on the Georgia Association of Convention and Visitors Bureaus Board of Directors as well as the Southeast Tourism Society. She thanked the Mayor and Council for their support in recognizing the Hospitality and Tourism Department.

Mayor Galambos thanked Kymberly Hughes because she has worked exceedingly hard in bringing together a fantastic staff and it shows in the results.

2. 2011 American Heart Association Mission Award to Chief McElfish – AHA

**Deputy Fire Chief Dennis Ham** stated staff was given the mission by the Mayor, Council, and City Manager to increase our effectiveness in CPR. He asked the Senior Director for the American Heart Association, Michael Willingham, to the front.

**Michael Willingham, Senior Director for the American Heart Association**, stated it is his honor to present this award. The American Heart Association established the Mission Award in 2004. This award recognizes a leader, nationally, that works diligently to further the mission of the American Heart Association. The fight is to eliminate death or disability from cardiovascular disease. The American Heart Association has been working with the Sandy Springs Fire Department for many years. This

collaboration began when the Fire Department helped the City become a designated heart ready City. This included a very aggressive CPR program along with the proliferation of AED's throughout the City. This award is being presented to Fire Chief Jack McElfish who is the 2011 winner of the American Heart Association's Mission Award. The American Heart Association is grateful for Chief McElfish's contribution to the mission of the Association through his national leadership in CPR and AED placement, and specifically for the QR code technology through the distribution of over 10,000 pocket cards. These cards allow citizens to scan the cards with a smartphone and then view the steps to administer CPR. The American Heart Association is adopting the QR code technology as a national best practice. It is his pleasure to award the 2011 American Heart Association award to Chief McElfish.

**Fire Chief Jack McElfish** thanked the Mayor, Council, and City Manager for supporting the Fire Department. The QR code technology was Deputy Fire Chief Ham's idea. The department is spreading the word, which has encouraged 250 other departments to decide to use the technology as well. Chief McElfish recognized Donnie Wilbanks for his contributions to the program. Mr. Willingham helped the Fire Department by getting thousands of the family and friends CPR training kits at a reduced cost when funding was not available. He thanked Mr. Willingham for the award.

### **PUBLIC HEARINGS**

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

#### **(Agenda Item No. 11-208)**

1. Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 3

**Assistant City Attorney Cecil McLendon** stated this item and the next pertain to the Morgan Falls sidewalk project, which will provide a sidewalk on Morgan Falls Road down to Overlook Park. This parcel is part of the apartment complex frontage located on the north side of the road before entering Overlook Park. The right-of-way is required for the sidewalk per the project design. At this point staff has been communicating with the apartment complex and trying to move forward on the acquisition of the property. Working with the apartment complex company has been a slow process. He is hopeful the acquisition issue will be resolved soon. The City has the authority for condemnation. He would prefer to work out an agreement with the apartment. Staff will attempt to do this before filing a condemnation case. Parcel number 4 is the small piece of land at the corner. Staff is asking Council to approve the use of eminent domain, after a public hearing.

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

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 11-208, Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 3, and to exercise the power of eminent domain. Councilmember Paulson seconded the motion.

**Councilmember John Paulson** stated the design of the project is moving forward. He asked what the time line is for acquiring the property.

Assistant City Attorney McLendon stated earlier this week staff received authority to go on the property for required testing. He anticipates condemnation will be filed within the next two to three weeks, if the acquisition of the property is not resolved with the owner.

**Councilmember Gabriel Sterling** asked if the property owner is being amicable in the discussions.

Assistant City Attorney McLendon stated the owner is being amicable, but it is difficult to get the owner to address and deal with the issue. This action will let the owner know the City needs a resolution.

Mayor Galambos stated the City had a previous issue with the same property owner regarding connecting their trail with the City's trail. When she communicated directly with the right individual, the issue was resolved. She asked if staff is speaking to the right person.

Assistant City Attorney McLendon stated that same gentleman is the person staff has been speaking with on all of the property issues.

**Councilmember Karen Meinzen McEnerny** posed a question regarding environmental contamination. On the south side of the road there are wells that have been used to check the migration of the pollutants that remain from the landfill. She asked if the City will take title to the property or just an easement.

Assistant City Attorney McLendon stated this would be a fee simple acquisition.

Councilmember Meinzen McEnerny asked if staff is comfortable that the property is free of pollutants.

Assistant City Attorney McLendon stated he will check with staff on whether an analysis has been done on this property. He believes the property is elevated substantially above the landfill site.

**Councilmember Dianne Fries** stated the property is forty to seventy feet about the golf course area.

Councilmember Meinzen McEnerny stated the test wells are on the south side of the road within twenty feet of the property the City is trying to acquire. It makes sense for the test wells on the south side to be researched, because the City will acquire the land all the way to the curb.

Councilmember Fries asked if this parcel is located on the north side of the road.

Assistant City Attorney McLendon confirmed the land is on the north side. The City already owns the road right-of-way.

Councilmember Meinzen McEnerny stated the pollutants do not care about which side of the road and go wherever they want to. There are several monitoring wells that have been installed within the last six years, because of concerns about the migration of pollutants.

Councilmember Tibby DeJulio asked if the discovery of pollutants on the property would cause the City to decide not to acquire the property.

Assistant City Attorney McLendon stated the City intends to keep the property in perpetuity for the sidewalk and as part of the road.

Councilmember DeJulio stated if there are pollutants, this would take a portion of the pollutants off of the apartment complex's property.

Assistant City Attorney McLendon stated if there are the pollutants, they would be under the road the City owns.

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

**Resolution No. 2011-10-79**

**(Agenda Item No. 11-209)**

2. Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 4

**Assistant City Attorney Cecil McLendon** stated this parcel is similar to the previous agenda item. This is an area at the bend of the road before it heads towards Overlook Park. It is the area where the Georgia Power transmission lines run over it and Colonial Pipeline runs under it. When staff previously researched the title during a conveyance, this area was apparently not conveyed forward. This parcel would have to be acquired by eminent domain in order to clear the title. He believes the parcel was left out because it was so heavily encumbered by easements. This is a condemnation for the purpose of clearing the title.

(The public hearing for this item was held at the same time as the public hearing for the previous item.)

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 11-209, Consideration of Approval of the Appropriation of the Property located on Morgan Falls Road as part of T-0034/ Morgan Falls Road Improvements, referred to as parcel number 4, with the use of eminent domain.

**Resolution No. 2011-10-80**

**Text Amendment**

**(Agenda Item No. 11-210)**

3. **TA11-004** - An Ordinance to Amend Section 105-119, Fees and Certificates, of the Code of Sandy Springs

**Fire Chief Jack McElfish** stated this item is staff requesting permission to require flow tests on apartment complex fire hydrants. This request is to change the flow test requirement from five years to every three years. Another requirement is when an apartment complex does a repair on a hydrant, they must document it and let the City know what repair work was done. During a recent incident it was discovered that an apartment complex repaired a hydrant, but did not notify the City of the repair. A test is performed on the public fire hydrants every six months.

**Councilmember Gabriel Sterling** asked if the City would be asking the apartment owners to be responsible for having the flow test done and then notify the City of the results.

Fire Chief McElfish stated each year before an apartment complex is issued a business license they must contact one of the City approved contractors. The contractor then services the hydrants. Part of the apartment receiving their business license is they have to provide documentation that their hydrants have been serviced. Every three years the apartments are required to have the hydrants flow tested.

**Mayor Eva Galambos** stated Council approved a regulation several years ago when a hydrant located at City Hall did not work. She asked if the new ordinance is more restrictive.

Fire Chief McElfish responded yes.

Councilmember Sterling asked if the City will issue a flow test certificate dated to expire every three years. He also inquired if revenue employees deal with this or the Fire Department.

Fire Chief McElfish stated the apartment complex will give the City a copy of the certificate that their hydrants have been flow tested.

Councilmember Sterling asked if it is up to the apartment complex to keep track of the three year flow tests and staff just files the paperwork.

**Councilmember Dianne Fries** asked who processes the paperwork.

**Senior Deputy Fire Marshall Jeff Scarbrough** stated the apartment complex completes the paperwork and the Fire Department reviews it.

Councilmember Fries asked who retains the paperwork.

Senior Deputy Fire Marshall Scarbrough answered the Fire Department retains the paperwork.

Councilmember Sterling asked if the paperwork goes through the Revenue Department.

**City Attorney Wendell Willard** stated the Fire Department signs off on the paperwork before it is sent to the Revenue Department.

Councilmember Fries stated the City tests the fire hydrants every six months. Why are we allowing the apartment complexes to test their hydrants only every three years and not annually?

Senior Deputy Fire Marshall Scarbrough stated the testing the City does every six months is not a true flow test. The Fire Department opens the hydrants up to make sure there is water coming out. When a flow test is done, more than one cap is opened and the water flow is actually measured. The apartment complexes are required to flow test the hydrants every three years.

**Councilmember John Paulson** asked what how often the City flow tests the public hydrants.

Senior Deputy Fire Marshall Scarbrough replied the City flow tests the hydrants every three years.

Councilmember Fries asked if the apartment complexes could do the minor checks in the two other years.

Senior Deputy Fire Marshall Scarbrough stated the apartment complexes are required to check the hydrants every year. The flow tests are required once every three years.

**Motion and Second:** Councilmember Paulson moved to approve Agenda Item No. 11-210, TA11-004 - An Ordinance to Amend Section 105-119, Fees and Certificates, of the Code of Sandy Springs. Councilmember Sterling seconded the motion.

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

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

**Ordinance No. 2011-10-16**

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

**(Agenda Item No. 11-211)**

1. Street Name Change - Colonel Drive to Pride Place

**Manager of Planning and Zoning Patrice Dickerson** stated Sandy Springs Middle School submitted a request to the Department of Community Development to rename the street that is in front of the school between Roberts Drive and North River Parkway. The school had a contest among the students and they came up with the new street name Pride Place. Staff has reviewed the request for consistency with existing street names and found no conflicts and recommends approval.

**Mayor Eva Galambos** stated this is the type of item that does sometimes engender citizen disagreement. She asked if there was anyone in the audience that opposes the street name change.

**Rick Venable, 8945 Carroll Manor Drive**, stated he represents the Carroll Manor Homeowner's Association. Carroll Manor is a community of over 140 units on the outskirts of Sandy Springs. Recently, the HOA sent emails to Councilmembers Paulson and Fries in regards to their opposition to the change of the street name. The request was made by the school without regard for the residents that live nearby. The change will impact Carroll Manor more than the teachers and students of the school. The HOA is opposed to the name change because it takes many months, or even years, for USPS and GPS tracking devices to update their records to show a street name change. This change could impact dispatching emergency vehicles and disrupt the delivery of goods to the residents. The residents are not aware of who will pay for replacing the street signs. In this tight economy when schools are cutting programs and teachers, money could be better spent elsewhere. The residents are unsure why this particular name was chosen for the street.

Mayor Galambos stated the reason for the street name change is because the Colonels were a football team mascot for Crestwood High School, the school formerly located on the property. The middle school has a new football team and mascot, so they would like a different street name.

**Councilmember Dianne Fries** stated the name Pride Place came from a student contest and it is an acronym for Producing Responsible Individuals Determined to Excel.

Mayor Galambos asked if this is a whole street block change.

Councilmember Fries stated the school is the only property on this street.

**Councilmember Tibby DeJulio** asked how the change would affect Mr. Venable's address.

Mr. Venable stated his home is located on North River Parkway.

**Councilmember Karen Meinzen McEnerny** asked why the street name change would affect the resident's access to their homes.

Mr. Venable stated the residents are concerned about the time it will take the street name to officially be changed and updated with the USPS and for GPS devices.

Mayor Galambos stated his address would not need to be updated in the GPS devices.

Councilmember Fries stated it is a matter of the GPS giving directions to his home.

**Councilmember Chip Collins** asked Mr. Venable if he has done research on how long street name changes take to show up on MapQuest or Google.

Mr. Venable stated Adair Street was recently changed in Sandy Springs and the GPS on his phone has not been updated yet. This street name change occurred about a year and a half ago.

Councilmember DeJulio asked if someone visiting Mr. Venable would have to drive on Colonel Drive to get to his home.

Mr. Venable responded yes, but that is not the only option. Someone coming from Dunwoody Place would turn right onto Roberts Drive and then turn left on Colonel Drive. There are two entrances to Carroll Manor.

Manager of Planning and Zoning Dickerson stated if renaming of the street is approved, staff notifies all appropriate departments including 911, USPS, and the Fulton County Tax Assessors Office. The school would be responsible for paying for the street signs on both ends of the street. The post office will recognize both street names for a certain period of time and the original street name for up to a year.

**Councilmember Gabriel Sterling** asked if the school called the City before running the contest to change the street name.

Manager of Planning and Zoning Dickerson stated the school contacted the City to find out the process for requesting a street name change.

**William Landolina, 8893 Carroll Manor**, stated the school's mascot is not a Colonel. The school motto is pride this month, but what will it be next month or even next year. Colonel Drive is not a great name for the street, but Pride Place is not better. The residents are concerned with the length of time for the updates to occur when the street name is changed. He has had personal experience with name changes that took five years to update. Schools have better ways to spend their money.

**Kay Walker, Principal of Sandy Springs Charter Middle School**, stated the school is the only business on Colonel Drive. The name Colonel Drive came from Crestwood High School, which was torn down and is no longer a school. The name Colonel Drive has nothing to do with the middle school or anything in Sandy Springs. The name Colonel Drive is difficult to pronounce and when you say the name to someone, you always have to spell it. The street name is inconvenient for the school due to the amount of mail the school receives. The school's motto is Producing Responsible Individuals Determined to Excel. The school will not be changing the motto. Pride Place is much more indicative of what happens on the street and the name gives the school a presence. The school held a contest and received over 100 entries. Pride Place was the winner of the contest and was picked by the school's governance board that is made up of parents, teachers, business partners, students, and her. It was a unanimous decision to request this street name. She apologized for not including the neighbors in the process. She hopes Council will give this request serious consideration. The name change will make the children proud and help them become more connected to the school.

**David Knotts, Coordinator of Land Management for the Fulton County School Board**, stated he is here in support of the name change and will answer questions, if there are any.

**Bill Gannon, 505 Taunton Way**, stated the first street name change in Sandy Springs was from West Nancy Creek Drive to Curry Court. He checked Google for Curry Court and the correct street name still is not listed. The City did pay for the two signs. Curry Court has Woodchase neighborhood located on that street. One would have to drive on Curry Court and make a left to get into the Woodchase neighborhood. At the time this street name was changed there were no complaints from residents.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 11-211, Street Name Change - Colonel Drive to Pride Place. Councilmember Paulson seconded the motion.

Councilmember Sterling asked what the process is for staff, once the Council approves the street name change.

Manager of Planning and Zoning Dickerson stated staff will prepare a memo to include the map showing the street name change. The parcels that will be affected by the address change will go to the appropriate departments including the tax assessor's office, 911, and USPS.

Councilmember Sterling asked who gives the name change information to Google Earth.

Manager of Planning and Zoning Dickerson stated she believes the City GIS department updates that information.

Councilmember Collins stated Raider Drive is a street that had a name change. He put Raider Drive in MapQuest and the street did not come up. The issue of not being able to locate the street when using a GPS device is a valid point. Staff needs to ensure that when street names are changed, the information is being relayed to the correct people. He is in favor of the name change, but relaying the information should be on staff's "to do" list. He has not heard complaints about people getting lost or emergency vehicle issues regarding the street name change to Raider Drive. The name change is good for the school and the community.

Councilmember DeJulio asked if he can suggest Community Development change their procedures regarding street name changes. The Police and Fire Department and 911 should be contacted before this comes to Council.

Manager of Planning and Zoning Dickerson stated that is done now.

Councilmember DeJulio stated the applicant should contact their neighbors who may be affected by the street name change, so they will know in advance.

Manager of Planning and Zoning Dickerson stated all of the requests listed are required by the ordinance and have been done.

Councilmember Meinzen McEnery asked what the distance requirement is to ensure that the Carroll Manor residents were informed of the change.

Manager of Planning and Zoning Dickerson stated this ordinance does not have a distance requirement. It only addresses the parcels that touch the street that's name is being changed.

Councilmember Meinzen McEnery stated directions do have an impact on the residents on North River Parkway. Perhaps staff should consider a distance requirement for the ordinance. She hopes that not every school will request their street name to be changed. She is in support of this name change.

Councilmember Fries stated she just received an email from a Carroll Manor resident earlier. The resident thanked her for explaining why the school wants to change the street name and said she decided to withdraw her opposition.

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

**Resolution No. 2011-10-81**

**(Agenda Item No. 11-212)**

2. Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for 2011 Livable Centers Initiative (LCI) implementation funding and commitment to required local match

**Director of Public Works Kevin Walter** stated Public Works staff recommends approval of the submission of an application to the Atlanta Regional Commission for the 2011 Livable Centers Initiative (LCI) implementation funding for capital improvement project T-0019 Roswell Road streetscape, Phase I. The project is from Meadowbrook Drive to Long Island Drive. The request is also for an approval to commit to a required local match of twenty percent, which is approximately \$800,000. There is already a commitment of \$750,000 for this fiscal year, which will be used for design and partial right-of-way purchase. Council would not have to authorize spending the money if Council chooses to not accept the grant. A resolution can be drafted stating if Council accepts the grant, the City will commit to twenty percent.

**Mayor Eva Galambos** asked how much money has already been allocated to this project.

Director of Public Works Walter stated \$750,000 allocated in the current fiscal year is being utilized for engineering design and for partial purchase of right-of-way.

**Councilmember John Paulson** asked if the \$750,000 goes against the \$801,000.

Director of Public Works Walter responded no. The \$801,000 is in addition to the \$750,000. For a grant like this there has to be matching funds of future expenditures. Money that has already been spent does not count. He hopes the City will receive a \$3.2 million grant.

**Councilmember Tibby DeJulio** stated the City is not committing to the \$800,000 at this time, just the money that was already allocated to the project.

Director of Public Works Walter stated Council would have to pass a resolution stating the City will contribute a twenty percent match, should the City accept the grant.

**Councilmember Gabriel Sterling** asked what the \$750,000 is for.

Director of Public Works Walter stated the money is for engineering design and right-of-way acquisition.

Councilmember Sterling stated then another \$2.45 million for total right-of-way acquisition followed by \$1.5 million for construction.

Director of Public Works Walter stated that is correct.

Mayor Galambos stated the City is asking for a grant that we may or may not accept after it is approved.

Director of Public Works Walter responded yes.

**Motion and Second:** Councilmember DeJulio moved to approve Agenda Item No. 11-212, Approval for Public Works to submit an application to the Atlanta Regional Commission (ARC) for 2011 Livable Centers Initiative (LCI) implementation funding and commitment to required local match. Councilmember Meinzen McEnery seconded the motion.

Councilmember Sterling asked if the \$801,000 would possibly come out of the 2013 capital budget.

Director of Public Works Walter responded yes

**Vote on the Motion:** The motion carried unanimously.  
**Resolution No. 2011-10-82**

**(Agenda Item No. 11-213)**

3. Memorandum of Understanding (MOU) for Transportation Enhancement (TE) Activities with GDOT for Morgan Falls Road Construction (CIP T-0034, GDOT PI 10652)

**Capital Program Manager Garrin Coleman** stated this item is a MOU for the TE grant for Morgan Falls Road. There is an additional item in the MOU regarding a \$72,000 contract for SEI who was awarded the current design contract. The City will be required to update plans to draw down the money for the grant.

**Mayor Eva Galambos** stated that earlier in the meeting Council approved condemnation for the sidewalks. She asked if this MOU be for the engineering.

Capital Program Manager Coleman responded the \$500,000 TE grant can be used for construction. Staff is recommending a facade on the walls, landscape beautification, entry signage, and beautification at the park entrance.

Mayor Galambos asked if the City has to pay, once the beautification has been done on the sidewalks, with the enhancement money.

Capital Program Manager Coleman stated the City can pay prior to the beautification.

Mayor Galambos asked about the original money for paving the road.

Capital Program Manager Coleman stated the original allocation was \$1.5 million, plus another \$900,000.

Mayor Galambos asked if those amounts are in the City's current budget.

**City Manager John McDonough** stated the City has set aside money for the last two years for this project. The grant is in addition to the funds the City has to construct the project.

**Councilmember Dianne Fries** asked if staff still has the documentation on how Council wants to finish the retaining walls.

Capital Program Manager Coleman stated once the design process has started, staff will come back to Council with the facade options.

Mayor Galambos stated we have only \$500,000 for the enhancement.

Councilmember Fries stated she does not want Council to decide they want a high end facade wall, because there may not be enough money if an expensive wall design is chosen.

**Councilmember Karen Meinzen McEnery** asked if the sidewalks being designed will include bike paths.

Capital Program Manager Coleman stated there will be full bike lanes on both sides of the road and sidewalks on one side.

**Councilmember John Paulson** stated the City can decide to not approve applying for the \$500,000 grant and keep on going with the project or apply for the \$500,000 for beautification. In order to receive the \$500,000, the City has to contribute twenty percent of that amount.

Mayor Galambos stated the \$500,000 is money the City already has.

Capital Program Manager Coleman stated in order to access the \$500,000, the City has to expend a twenty percent match, but the MOU has to be signed first.

**Councilmember Tibby DeJulio** asked when the project will begin.

Capital Program Manager Coleman stated the geotechnical work is currently underway and plans should be finalized in the next month.

City Manager McDonough stated the project will probably begin in spring 2012.

Mayor Galambos stated work cannot begin until the City acquires the right-of-way in the condemnation process.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 11-213, Memorandum of Understanding (MOU) for Transportation Enhancement (TE) Activities with GDOT for Morgan Falls Road Construction (CIP T-0034, GDOT PI 10652). Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2011-10-83**

**(Agenda Item No. 11-214)**

4. Acceptance of Encroachment and Indemnification Agreement located at 5620 Glenridge Drive, in Land Lot 38 of the 17th District for the Glenridge Springs Master Condominium Association, Inc.

**Assistant City Attorney Cecil McLendon** stated this item is for the project located at Glenridge Drive and Johnson Ferry Road. This is an indemnification agreement to allow the property owners to place signage where it has been approved by staff. The sign does partially encroach into the right-of-way. This agreement will allow the placement of the sign without abandoning the right-of-way after the road realignment.

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 11-214, Acceptance of Encroachment and Indemnification Agreement located at 5620 Glenridge Drive, in Land Lot 38 of the 17th District for the Glenridge Springs Master Condominium Association, Inc. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

**Resolution No. 2011-10-84**

**(Agenda Item No. 11-215)**

5. Approval of a Right-of-Way Acquisition Matching Funds for the Roswell Road Streetscape Project, Johnson Ferry to Abernathy Road, (CIP T-0012), subject to Financial and Legal Review and Approval

**Capital Program Manager Garrin Coleman** stated this item first came before Council about two months ago and was tabled for further consideration.

**Mayor Eva Galambos** stated this item was tabled because Council was worried about property owners possibly wanting billboards while the City is buying their right-of-way. There is a deadline coming up and if Council does not take action, the City may lose the federal money. She asked about the amount.

Capital Program Manager Coleman stated the amount is \$410,000, for a total match of \$540,000.

Mayor Galambos asked if that amount is in the budget or if it would come out of the capital contingency fund.

Capital Program Manager Coleman stated the money would come out of the capital contingency fund.

Mayor Galambos asked how much is presently in the capital contingency fund.

Capital Program Manager Coleman responded over \$3 million.

Mayor Galambos asked if there is still plenty of leeway in the fund.

**City Manager John McDonough** stated there is, and that he has asked for a complete review of any projects that may impact the capital contingency funds.

Mayor Galambos asked if this is the first item to come out of the capital contingency funds for this fiscal year.

City Manager McDonough stated he does not recall, but staff can get an answer to that question.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 11-215, Approval of Right-of-Way Acquisition Matching Funds for the Roswell Road Streetscape Project, Johnson Ferry to Abernathy Road, (CIP T-0012), subject to Financial and Legal Review and Approval. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

**Resolution No. 2011-10-85**

**(Agenda Item No. 11-216)**

6. A Resolution to Adopt the City of Sandy Springs Economic Development Incentive Policy

**City Manager John McDonough** stated this item is a resolution to adopt a policy. The policy has been expanded upon by the legal department and the framework from earlier discussions was taken into consideration. The policy defines the purpose and discusses the eligibility requirements and criteria with a focus on location, expansion, and retention of businesses in the City that create fifteen or more full time positions. The policy has threshold requirements for new capital investments in excess of \$1 million with a sliding scale based on the investment, whereby business license fees would be waived. The policy defines the incentives including expedited permitting, waiver of permit impact fees, and waiver of business and occupation taxes. The policy discusses two submittal requirements and the items staff would evaluate once a submittal has been received. The policy also includes the written agreement requirements that would be reviewed by the legal department, which includes twelve items. The policy also has a section on compliance. Staff recommends Council approve the resolution.

**Councilmember Dianne Fries** stated the policy states it does not commit the City to provide economic incentives in any instance, nor does it restrict the City from providing additional incentives. This agenda item was brought to Council because the economic development incentives could not be done on a case-by-case basis. This language sounds like a case-by-case basis.

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City Manager McDonough stated the new language was inserted at the recommendation of the legal department.

**City Attorney Wendell Willard** stated there will be instances where there will be unusual circumstances that may need to be negotiated and a set plan may not fit that need.

Councilmember Fries asked what the difference is between a case-by-case basis and this policy.

City Attorney Willard stated on a case-by-case basis there may be a different situation that happens from time to time. This policy will allow the businesses within the community to be aware of what they can anticipate as an umbrella type of plan for development.

**Councilmember Gabriel Sterling** stated most cities have language similar to this policy. There should be a published rational policy that the City will follow ninety percent of the time. This gives the City flexibility and allows the City to be on the front line with the competing cities.

Councilmember Fries stated she is in favor of the policy, but she does not see a difference in the new language versus a case-by-case basis.

Councilmember Sterling stated these are the basic policies and what businesses can expect when dealing with the City.

Councilmember Fries asked for an explanation of section three where it states the incentives are available two times in a ten year period.

City Manager McDonough stated an example would be if a business came to the City within the next six months and invested \$10 million to build an expansion on their property. Then three or five years later the business decides to expand further, with an additional capital investment and the expansion of jobs. That would be the second instance where the business would qualify for the incentives.

Mayor Galambos stated three or four years from now Council can decide not to continue with the incentive program, if they so choose.

Councilmember Fries stated a percentage amount was discussed. She would like to see that the improvement has to be capital in adding value to the structure or increasing the life expectancy of a facility. An example would be that twenty-five percent could be an improvement in paint and carpet.

Mayor Galambos stated she likes the idea that it is a permanent capital improvement.

**Councilmember Karen Meinzen McEnery** stated she supports number five under eligibility requirements and criteria of the policy. The improvement could be an expansion or a roof improvement, but not tenant improvements. On page four the policy discusses the incentive being available two times in a ten year period. She does not want a business that is already participating in one of the programs to exercise that option in the future. She wants the City to have the flexibility to say no to a business.

City Manager McDonough stated the incentive would be a vested right as the policy is drafted now.

Councilmember Meinzen McEnery suggested removing that portion of the policy.

Mayor Galambos stated each business would come in on equal footing to start over.

City Manager McDonough stated the City would only be in that situation in year four if someone came in and received the incentives for three years. He suggested keeping the language and this portion can be evaluated over the next three years. If Council adopts the policy, they can decide at the end of the three year period and the language can be removed then.

**Councilmember John Paulson** stated that one sentence can be removed.

City Manager McDonough stated the Mayor raised the issue of a business receiving a waiver of business license fees every year for the next twenty years. The language was put in the policy to address that concern.

Mayor Galambos stated the request for the change in the language was not her suggestion.

Councilmember Meinzen McEnery stated she agrees with the claw back provision in the policy.

Councilmember Fries asked if Cox Enterprises would be an example of where the two times in ten years provision could be used.

City Manager McDonough responded they could be, if they continue to build buildings.

Mayor Galambos stated they would come in de novo.

City Manager McDonough stated the draft policy can be amended to remove that sentence.

Councilmember Sterling stated instead of removing that sentence, it could state that the incentive cannot be used more than twice in a ten year period.

Mayor Galambos stated if the business applies again, they should be evaluated de novo. Council would have a history of what the business has done and can decide whether or not to give the second incentive.

Councilmember Fries asked what happens if businesses come in every three years applying for an incentive.

City Manager McDonough recommended to Council to remove the sentence from the policy.

Councilmember Fries stated on Tier II it states \$1.03 million to \$5 million. The numbers on Tier III should be consistent and state \$5.01 million plus.

Mayor Galambos stated the policy needs polishing, so it will be consistent.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 11-216, A Resolution to Adopt the City of Sandy Springs Economic Development Incentive Policy with the striking of the sentence "This incentive is available two (2) times in a ten (10) year period" from paragraph 3 under Available Incentives. Councilmember Sterling seconded the motion.

Councilmember Sterling stated the cover of the Atlanta Business Chronicle for this week states Southeast Rivals beating Georgia in race for big jobs deals. This policy should be passed.

Mayor Galambos stated for every article like that you can read other articles that say the local jurisdictions are undercutting each other with these incentives.

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

**(Agenda Item No. 11-217)**

7. Management Analysis of Community Development Department and Task Change Order

**City Manager John McDonough** stated this item includes an overview of the staffing for the Community Development Department and the findings and recommendations related to an assessment conducted over the last several weeks. These assessments are based on activities and staffing levels in the department. The first document on the slideshow outlines the position titles within the department before the new contract as well as after July 1, 2011. When the previous contract ended in June 2011, the department was staffed at approximately 27.7 positions. In July 2011, the staffing was at 24 positions. The difference is approximately four positions. The new contract was awarded to three firms and each firm included an FTE. The FTE counts were all within a tight range. The Collaborative had an FTE count of 23.9 and Jacobs Engineering had an FTE count of 24.9.

**Mayor Eva Galambos** asked about the Community Development Director FTE for June 30, 2011.

City Manager McDonough stated the count is located on the top left side of the page. All the firms were within one full time position of each other in their responses provided to the City for the RFP. In June 2011, during the transition process in evaluating staff positions and workload, it was determined that additional staff may be needed in different areas of the department to best address the workload.

The City asked the contractor to balance out the workload. The contractor was able to accomplish this and came back to the City with a no cost task order change. Some of the task order had to do with the salary of the incumbent staff. The CDBG Coordinator position was reduced and placed into a shared duties assignment along with reclassifications within the department. That change was approved by Council on June 21, 2011. Due to development and building activity over the last six weeks, the workload is picking up. The chart references three lines that represent activity from 2007 to 2009. In April 2009, there was a significant drop in the amount of service requested. The yellow line on the chart represents 2010 and the red line represents 2011. From 2007 to 2009 the City performed on average 1,300 inspections per month. Now the City has around 800 inspections performed per month. The number has been trending up the past several months. What also needs to be taken into consideration is the City's \$50 million plus capital improvement program. There are a lot of projects in the City that have a significant impact on the staff, particularly in the area of building and development. He asked Nancy Leathers and Ed Shoucair to provide the best assessment of the uptick in activity in building and development. As a result, there were internal changes and improvements that were made. Changes included the manager of building and development, a couple of staff positions were shifted, and open records requests are now handled by the Executive Assistant. These changes are to provide the maximum efficiency within the department by reassignment of duties. A part time plan review engineer was authorized to alleviate the backlog as a result of the additional workload. Staff has attempted to provide a two week turnaround for plan review. With the staffing level after July 2, 2011, the department was not able to provide the desired turnaround timeframe. At the suggestion of the leadership in the department, part time assistants were brought in to alleviate the backlog. The apartment inspection program was moved from the Building and Development division to the Code Enforcement division. There were process improvements implemented as well. One change for the tree conservation ordinance is to cross train the Code Enforcement officers so they will have the capability to assist in that area. Another is additional training for the boards and commissions in the community development planning area. In order to still maintain the two week turnaround time period, additional staffing is needed in several areas. One is in the area of land development. The recommendation is for a three day per week land development inspector, which would be .6 of an FTE, as well as a .6 FTE arborist. Also recommended is a two day a week engineering plan reviewer that would be on call as the workload increases, so staff does not fall behind on the two week turnaround time. The Acting Manager of Building and Development is

currently a .8 FTE and works four days a week. The recommendation is to bring that position to five days a week, a 1.0 FTE. In addition to the standby building inspector, there would be an allowance used in instances where open records requests are received that are beyond the capability of one person to reply to in a timely manner per Georgia law.

**Councilmember Gabriel Sterling** asked if Community Development receives a lot of open records requests.

City Manager McDonough responded yes. There is a significant amount of open records requests received by Community Development. In the task order there was an allowance for the Community Development Director position. Candidates for that position have been successfully identified and for the candidate that was chosen the compensation level is higher than what was originally approved. The cost difference is an offset of approximately \$26,000, with the burden factor, to allow the individual to work for the City for the next nine months. The original RFP scopes were developed based on the City's best historical data that was available. The range in the bids for FTE's were within one of each other. Regardless of which company was awarded the bid, this proposal would still be before Council. Based on the data, the staffing levels have been impacted and staff has not been able to meet the two week turnaround time. If it is Council's intent to meet the turnaround deadline, he recommends resourcing the building and land development disturbance activity per the recommendations.

**Councilmember John Paulson** stated the staffing needs appear to be part time. He asked if the workload decreases, will the money not be spent for the part time employees.

City Manager McDonough stated the money allocated might not all be spent. When the rebid process occurred, the City decided not to pay more money than needed at that time. This was the guidance to staff from Council and was based on facts and data. If there are circumstances that arise where staff cannot keep up with the workload, it is owed to the Council and community to bring forward the facts and recommendations in order to meet the workload and the two week turnaround requirement. Within the next few months, if there is a significant decrease in building and development, another task order will be brought before Council to reduce the task order amount.

**Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 11-217, Management Analysis of Community Development Department and Task Change Order in the amount of \$212,877, with an additional scope of work including .8 arborist, .2 arborist, and .2 building inspector at a cost of \$86,000. Councilmember Paulson seconded the motion.

**Councilmember Karen Meinzen McEnery** stated the extra cost of \$86,000 is to serve a function in terms of enforcement of two of the City's existing ordinances, which has not occurred in the past.

Mayor Galambos asked what the \$86,000 would be used for.

Councilmember Meinzen McEnery stated \$56,000 would be used for a .8 arborist, who would be responsible to inspect residential tree surveys that are submitted as part of the residential building permits. In the past six years the City has not had the resources to accomplish this. Over sixty percent of all the building permits submitted from 2005 to 2010 were residential, yet not one arborist went to the residential sites to verify the tree survey was correct. This change would provide the resources to protect the City's tree canopy, which is predominately in residential areas. Another item that has not been addressed in the building development ordinance is a post development inspection of the smaller jobs. Some of these jobs may have been approved by the Board of Appeals to include a stream bank variance or a deck that would not include a certificate of occupancy. On Northside Drive and Jett Drive there were people that received permits for a variance and decided to place an unapproved bridge across the creek. The permit boxes

were removed and staff did not track the variance. A .2 arborist and a .2 building inspector would enforce that part of the building ordinance.

**Councilmember Dianne Fries** stated it is a .8 arborist for \$57,900 and .2 building inspector for \$14,500 and a .2 arborist for \$14,500.

**Councilmember Tibby DeJulio** asked if that is in addition to the three day a week arborist that is included in the task order.

Councilmember Meinzen McEnery responded yes. Before June 30, 2011, the arborist was a Chief Arborist, but after that date the role has received expanded duties. We need to protect our tree canopy in the residential areas by enforcing the City's tree ordinance, which requires a tree survey. She hopes that the additional scope will be supported.

Councilmember Fries stated when Council was briefed on this item there was discussion of post inspections. Is the .2 building inspector for post inspections?

City Manager McDonough stated he believes that to be the case. This would be an internal policy and procedure change within the department. The documents that are related to the tree and development activity on the property were reviewed in the office, because there are not enough resources to inspect each site. The suggestion is to provide for an individual to go out and visit every site as part of the internal protocol during the review process.

**Councilmember Chip Collins** asked if staff will look at the plans and once the project is complete, physically look at the completed project in order to issue a certificate of occupancy.

City Manager McDonough stated there are projects where a certificate of occupancy is not issued. Some people are not contacting the City for the final inspection.

Councilmember Collins asked for an example.

City Manager McDonough stated there was a landscape project that was done and a pool was included. Staff received a plan and once the work had begun, a pool was installed in the river corridor or the buffer setbacks. The applicant then removed the permit placard from the property and never contacted staff for a final inspection.

Mayor Galambos asked if the post project inspection will be covered by the new employees.

City Manager McDonough responded yes. This was not in the original proposal. Staff was asked to investigate this issue, what resources would be needed, and the cost to add the capability to the department.

Councilmember Sterling stated Sandy Springs is already perceived as not being the easiest City to do business with. If the post inspections are added as a requirement, could this slow the process down even more? If there are building issues found, is the applicant fined a large amount?

City Manager McDonough stated the environmental fines can be huge and run into the thousands of dollars. The property owner will also have to remove the additions and restore the land to what the original plan called for.

Councilmember Sterling stated this would be staff reviewing the completed project and if there is a violation, the owner will be fined.

City Manager McDonough stated the review would be on both the front end and back end of the project. This is an internal policy change. If Council wants this level of review, it will require additional resources.

Mayor Galambos asked if the additional resources are included on the task order list.

City Manager McDonough stated those resources are meant to address the current workload. In order to meet the level of review on both the front and back end, it would require 1.2 additional FTE's.

Councilmember Fries stated she agrees with the post inspections and slightly agrees with the pre inspections. She is not sure that Council should specify that an FTE should be an arborist. The Code Enforcement officers that are cross trained would be able to perform those inspections.

City Manager McDonough stated he likes having the money available for the resources, if needed. Council can be provided a monthly report on the activity and what was billed regarding the FTE's.

**Substitute Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 11-217, Management Analysis of Community Development Department and Task Change Order in the amount of \$212,877, with an additional \$86,878 for FTE employees as determined by the City Manager to support pre and post inspections for residential development. Councilmember Sterling seconded the motion.

Councilmember Meinzen McEnery stated the purpose for the additional money is to verify the tree survey on residential permit applications and the post inspections for the smaller jobs.

Councilmember Fries stated she would like the pre inspections for the trees and surveys and post inspections for the construction.

Mayor Galambos stated it is up to the City Manager on how staff completes the work. It is not up to Council to decide what percentage of an FTE is needed to do a particular job.

Councilmember Collins stated these recommendations came at the request of Council as to what changes could be made to the way business is done. He is not necessarily opposed to Councilmember Meinzen McEnery's suggestion. What she is proposing is a fundamental change in the way the City does business in the Community Development Department. If he is going to agree, he would like to hear more facts and information from the Community Development Department. Council should be careful not to unintentionally add to the bureaucracy and create more of a perception that one has to jump through hoops to get things done in Sandy Springs. He wonders why staff has historically relied on people's word and not completed a quick inspection. That is a discussion for another day. Councilmember Meinzen McEnery's proposal should not be added to the task order.

Councilmember Sterling asked what the annualized cost increase is, if the task order is approved, and the City stays at the same economic level.

City Manager McDonough stated for the recommendations before Council now, the amount would be approximately \$285,000.

Councilmember DeJulio stated when a land or a residential permit is issued; the applicant hires professionals to assist with the process. If certain people are not living up to professional standards, does

the City have a process that would no longer allow those people to submit building permits? Councilmember Meinzen McEnerny has been interested in an additional arborist for the last six years. He agrees with the Mayor that it is not up to Council to say what positions are needed. He asked if the additional staff was requested by the contractor.

City Manager McDonough responded yes. The City historically has not performed the pre and post inspections due to the lack of resources. Staff was asked to estimate the cost and how much personnel would be needed to include this as part of the process. The cost is approximately \$80,000 for a nine month period for the rest of this year.

Councilmember DeJulio stated he detests regulations and does not remember this ever coming to Council that there have been problems with people not keeping up with building permits. He does not know of a case where the applicant had to remove a swimming pool after it had been built.

City Manager McDonough stated there is a historical record of these types of issues occurring over the past five or six years.

Councilmember Meinzen McEnerny stated she agrees that Council should not micro manage the City Manager's staff. It was an internal Community Development policy to not require a tree survey to be verified. When a tree is cut down, we are talking about adjacent personal property rights as well as adhering to our own tree ordinance. Staff was not previously sending out an arborist to inspect tree surveys. We now have information from The Collaborative on how to address the problem. She is amicable to withdrawing the \$86,000 until Council receives the additional information needed. She still would like enforcement of the building development and tree ordinance.

**Withdrawal of Substitute Motion:** Councilmember Fries withdrew the substitute motion. Councilmember Sterling accepted withdrawal of the substitute motion.

**New Substitute Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 11-217, Management Analysis of Community Development Department and Task Change Order at an amount of \$212,877. Councilmember Sterling seconded the motion.

Councilmember Sterling stated in reference to the cost for the additional employees from the three companies that the contract was awarded to, The Collaborative had the lowest overall burden cost. If the bid had been awarded to either of the other two contractors, the cost of the new employees would be more. This is the lowest cost way to do this.

City Manager McDonough responded yes.

Councilmember Collins stated he does support the change order. The request is based on documented change, which is from the uptick of inspections that has occurred since the bid process. It is important to note the recommendations came at the Council's request from Nancy Leathers. The City was proud to be saving the \$7 million per year based on the rebidding process. The \$212,000 is a minimal reduction to the annual savings.

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

Councilmember Fries inquired about a task order change in the amount of \$86,878 for the pre and post inspections.

City Attorney Willard stated a task order is required for any monetary change in the contract.

City Manager McDonough asked if there is a consensus from Council to bring the pre and post inspections item back to Council in a few weeks.

Mayor Galambos stated Council will need a complete description of the current policy along with the extent of problems that have occurred and then the policy will be evaluated for what changes need to be made.

### **REPORTS AND PRESENTATIONS**

1. Mayor and Council Reports
2. Staff Reports
  - a) Upcoming Events – Community Information

### **PUBLIC COMMENT**

**Patty Berkovitz, 800 Crest Valley Dr. N.W, Watershed Alliance of Sandy Springs**, stated the citizens want staff to look at the soil and erosion being left in the streets and to enforce the ordinance. She has had to call Code Enforcement four or five times over the course of a month. If this continues, the problem will have to be taken to a different body for enforcement. Staff is the City's best asset in getting the job done. Staff is being asked to do multiple jobs and they are not able to get the work done as efficiently as before. The permitting department has a two week turnaround time and there is not enough staff for that. The Alliance recently identified two or three big permit errors. The Alliance would also like to review the Morgan Falls Road plans before they are put out to bid. She would like the public included in this process.

**Councilmember Chip Collins** stated there will be a town hall meeting that he will host on October 12, 2011, at City Hall from 6:00 p.m. to 8:00 p.m. The subjects will be the status on the Johnson Ferry and Abernathy Road project and the Abernathy Greenway Park project.

**Councilmember Tibby DeJulio** asked about the status of the new floodplain maps.

**City Manager John McDonough** stated staff will check on this tomorrow and give Council an update.

**Councilmember Karen Meinzen McEnerny** stated she was told that FEMA would be at City Hall November 9, 2011, to speak with staff and the public.

**Motion and Vote:** Councilmember DeJulio moved to recess the regular meeting for a short break and to hear one of the Work Session Agenda Items. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting recessed at 8:16 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 8:33 p.m.

(Agenda Item No. 11-218)

### **EXECUTIVE SESSION – Litigation**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss pending or potential litigation with Patrice Dickerson and Laurel Henderson included. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember

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Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session began at 8:33 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 8:52 p.m.

**(Agenda Item No. 11-219)**

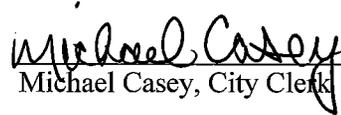
**ADJOURNMENT**

**Motion and Vote:** Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 8:52 p.m.

Date Approved: October 18, 2011



Eva Galambos, Mayor



Michael Casey, City Clerk