

Regular Meeting of the Sandy Springs City Council was held on Tuesday, April 19, 2011, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Reverend Ron Gilreath, Mount Vernon Presbyterian Church, offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:03 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence cell phones and pagers at this time. Additionally, those wishing to provide public comment during either a public hearing or the Public Comment section 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 McEnemy present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance.

(Agenda Item No. 11-079)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for April 19, 2011. Councilmember Sterling seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 11-080)

1. Meeting Minutes:
 - a) April 5, 2011 Regular Meeting
 - b) April 5, 2011 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 11-081)

2. Resolution to Support the Rehabilitation of Affordable Housing Units for Older Persons on Property Located at 144 Allen Road
(Blake Dettwiler, Director of Community Development)

Resolution No. 2011-04-34

(Agenda Item No. 11-082)

3. Acceptance of the Donations of the Right-of-Way as Part of the Zoning Requirements - Holy Innocents

(Tom Black, Director of Public Works)

Resolution No. 2011-04-35

(Agenda Item No. 11-083)

4. Acceptance of the Donations of the Right-of-Way as Part of the Zoning Requirements - Mt. Vernon Presbyterian School

(Tom Black, Director of Public Works)

Resolution No. 2011-04-36

(Agenda Item No. 11-084)

5. Approval of the Acceptance of the Permanent Drainage Easements for Storm Water

(Tom Black, Director of Public Works)

Resolution No. 2011-04-37

(Agenda Item No. 11-085)

6. Encroachment and Indemnification Agreement Located at 6450 Powers Ferry Road within the City of Sandy Springs, Land Lots 204, 205, 210 and 211 of the 17th District between Double Feature, LLC, High Cotton Properties LLC and Dr. Richard Goldstein and Marshall E. Siegel as Co-Trustees of the Brett Alan Schwartz Trust and the City of Sandy Springs

(Tom Black, Director of Public Works)

Resolution No. 2011-04-38

(Agenda Item No. 11-086)

7. Acceptance of Encroachment and Indemnification Agreement Located at 6860 Peachtree Dunwoody Road, Land Lot 20 of the 17th District for the Kadampa Meditation Center New York

(Tom Black, Director of Public Works)

Resolution No. 2011-04-39

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for April 19, 2011. Councilmember Collins seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Patriot Award Recognition of Police Chief Terry Sult – Penelope Harbour, Georgia ESGR

Penelope Harbour, Georgia ESGR, stated Employer Support of the Guard and Reserve (ESGR) recognizes employers that are supportive of the service members they employ. Staff Sergeant Shorts nominated Chief Terry Sult for a Patriot Award for the Chief's support of Staff Sergeant Short's service in the Army Reserve. The award reads: Office of the Secretary of Defense Employer Support of the Guard and Reserve recognizes Chief Terry Sult, Sandy Springs Police Department, as a patriotic employer for contributing to National Security and protecting liberty and freedom by supporting employee participation in America's National Guard and Reserve.

Police Chief Terry Sult stated he does not think it is fair for him to receive this award when it was just the right thing for him to do to support his employees. He has been in contact with Deputy Chief Ken DeSimone, who is stationed in Afghanistan, and he is doing well. Deputy Chief DeSimone asked for Sandy Springs Police Department posters in order to make his living quarters feel more like a Police Department. Officer Trujillo is stationed in the same area as well. There are great Americans in Afghanistan that have served with the Police Department. He thanked Ms. Harbour for the award.

Mayor Eva Galambos stated she is proud of Chief Sult and the Police Officers serving in Afghanistan. The Officers serving in Afghanistan are in our thoughts and prayers.

PUBLIC HEARINGS

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

(Agenda Item No. 11-087)

1. **RZ11-002** - 5855 Long Island Drive, *Applicant: Jim Lavallee*, To rezone the subject property from R-2 (Single Family Dwelling District) conditional to R-4A (Single Family Dwelling District) to subdivide the subject property into two (2) lots

Assistant Director Planning and Zoning Patrice Ruffin stated this item is a request to subdivide the subject property into two lots by rezoning it from R-2 to R-4A. Staff is recommending approval conditional. The petition was heard at the March 17, 2011, Planning Commission hearing and the Commission recommended approval subject to staff conditions.

Jim Lavallee, applicant, Epic Development, stated this is a petition for a rezoning. The property is slightly over one acre on Long Island Drive. The property would be subdivided into two lots for the construction of two single family homes. This is consistent with the City's long term Comprehensive Plan for that area.

Mayor Eva Galambos asked what the size or the value of the homes will be.

Mr. Lavallee stated each home will be approximately 3,000 square feet of heated and cooled space with a full basement and a two car garage. He estimates each home will sell for about \$700,000. Even though the homes will have the prestigious Long Island Drive address, the backyards will be a negative factor due to freeway noise, because the homes are located near I-285. There are excellent schools in the area, so the homes will probably sell quickly. His company builds high quality products and sells the homes at reasonable prices. His company won more awards in 2010 from Atlanta Home Builders than any other builder in metro Atlanta.

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.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 11-087, RZ11-002 - 5855 Long Island Drive, *Applicant: Jim Lavallee*, To rezone the subject property from R-2 (Single Family Dwelling District) conditional to R-4A (Single Family Dwelling District) to subdivide the subject property into two (2) lots with staff conditions. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2011-04-04

UNFINISHED BUSINESS

(Agenda Item No. 11-088)

1. Authorization to Acquire Property under Grant HMGP 1858-0006
 - a) 550 Pine Forest Road, Sandy Springs, GA 30342
 - b) 4685 Hitching Post Trail, NW, Sandy Springs, GA 30342
 - c) 510 Pine Forest Road, Sandy Springs, GA 30342
 - d) 520 Pine Forest Road, Sandy Springs, GA 30342

Grants Administrator Eden Freeman stated this item is the request for authorization for the four remaining properties to be acquired under the Hazard Mitigation Grant Program. The first property, located at 550 Pine Forest Road, is owned by Mr. Jeffrey T. Shultz. That property has been appraised at \$400,000. The homeowner accepted the offer from the City to purchase the home at that price and voluntarily agreed to participate and provide the fifteen percent match cost. The next home on the list is 4685 Hitching Post Trail, which is owned by Cathy Castana. That property has been appraised at \$385,000. The homeowner has accepted the offer for the City to purchase the home at the appraised amount and has agreed to participate and provide the fifteen percent match. The next property at 510 Pine Forest Road is owned by James and Courtney Walker. That property was appraised at \$396,000. The homeowner has agreed to sell the house to the City at the appraised price. They have also agreed to participate and provide the fifteen percent match. The final property is 520 Pine Forest Road, owned by Ms. Jeanette Pierce McConchie, as executrix of the estate of Roberta Chapman Attaway. That property was appraised at \$320,000. The homeowner has agreed to sell the home to the City at the appraised value and to participate in the program providing the required fifteen percent match.

Mayor Eva Galambos asked if all six of the properties in the program are adjacent to each other.

Grants Administrator Freeman responded no. The homes on Pine Forest Road are adjacent to one another, but the other homes are not. It was discussed at the last Council meeting to possibly turn the land into some type of park land or green space. GEMA and FEMA directed the City not to inquire about the use of the land until after the requirements of the Grant are complete.

Mayor Galambos asked when the houses would be demolished.

Grants Administrator Freeman stated the demolition of the houses will go out to bid in the next couple of weeks. The properties need to be acquired first and then the demolition companies will look at them to determine a price.

Councilmember Gabriel Sterling asked if, once the buildings are demolished and the grass is mowed, that would qualify as the Grant being closed.

Grants Administrator Freeman responded correct.

Councilmember Tibby DeJulio asked if the City will own the properties.

Grants Administrator Freeman stated the City will own the properties after the deals are closed.

Mayor Galambos asked if the homes are in the floodplain.

Grants Administrator Freeman responded yes.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 11-088, Authorization to Acquire Property under Grant HMGP 1858-0006. Councilmember Sterling seconded the motion. The motion carried unanimously.

NEW BUSINESS

There was no new business.

REPORTS AND PRESENTATIONS

1. Mayor and Council Reports

There were no reports from the Mayor or Council.

2. Staff Reports

a) MARTA Bus Shelters – Tom Black

Director of Public Works Tom Black stated there are two bus shelters that are acceptable to GDOT. The two bus shelters either have advertising or do not have advertising. The previous bus shelter drawings that Council agreed upon were sent to GDOT for approval, but GDOT stated the shelters originally chosen are not acceptable. The designs selected were not considered a shelter because they only had a roof. The shelters before Council now are considered break away by MARTA standards. If a shelter is hit by a car, it should break away and be less likely to cause death.

Councilmember Dianne Fries stated the agreement with MARTA was the bus shelters would have no advertising. She would like to hold off on moving forward with this. She is not sure GDOT understands how important this is to the City. Council would like something other than the normal MARTA bus stop. She understands if there is a requirement for the bus shelters to have sides, so rain water won't be splashed into the shelters by passing cars. She does not want to be forced to choose the bus shelter designs MARTA prefers. We want the downtown area to be different than the rest of the City. She would like to call MARTA and speak to them first.

Director of Public Works Black stated the new MARTA bus shelters can be green as well.

Councilmember Fries stated the new MARTA stops are better looking than the old ones. The idea was to brand downtown Sandy Springs and have it be unique.

Mayor Eva Galambos asked if Council would like to postpone the bus shelters decision until more information is gathered.

Councilmember John Paulson asked if Council would be holding up the process, if they decided not to move forward with this item.

Director of Public Works Black stated MARTA is prepared to start replacing the bus shelters in downtown Sandy Springs without the advertising.

Councilmember Chip Collins asked how many shelters are in the downtown area.

Councilmember Fries stated there are six bus shelters in the downtown area. She believes MARTA wanted to place a few more bus shelters downtown. In the agreement, Council did not want more shelters, but wanted to decide what the shelters in the downtown area will look like.

Mayor Galambos asked Council if they were all in agreement to not move forward with this item. There was a consensus of Council to not move forward with this item.

Motion and Vote: Councilmember DeJulio moved to enter into recess from the Regular Meeting for an undetermined amount of time. Councilmember Fries seconded the motion. The motion carried unanimously. The recess began at 6:24 p.m.

Motion and Vote: Councilmember DeJulio moved to end the recess and enter back into Regular session. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously. The Regular Meeting resumed at 7:52 p.m.

(Agenda Item No. 11-089)

EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss litigation. 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 began at 7:54 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 Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 8:04 p.m.

PUBLIC COMMENT

Dr. Yolanda White, Pediatrician, stated she is before Council to gain their support to end the harmful practice of water fluoridation. Even though the City of Atlanta supplies the water to Sandy Springs, the City of Sandy Springs can still document its support to end the harmful practice and help Sandy Springs residents. Many people think that fluoride is a nutrient, like calcium and iron. She has great concerns about the safety of fluoride due to wide spread exposure. In January 2011, the EPA, CDC, and Health and Human Services proposed to lower the concentration of fluoride in drinking water to 0.7 from the original range 0.7 – 1.2. A national survey has shown that one third of children and forty-one percent of teenagers have signs of dental cirrhosis. The cirrhosis is permanent and irreversible. The CDC findings are consistent with her community and clinical findings. Dental cavities are one of the most common diagnoses in pediatrics, despite water fluoridation. Fluoride has not been proven to be safe. It is not a nutrient. Therefore, there are not any recommended daily allowances for it. It was determined that fluoride is more toxic when orally ingested. Fluoride is meant to be applied topically and rinsed out of your mouth like toothpaste. There are concerns for babies that are fed infant formula that is mixed with fluoride tap water. The infants are being exposed to toxic doses of fluoride on a daily basis. The concentration these infants are receiving is 250 times higher than breast fed babies. The fluoride committee from the National Research Council in 2006 reported that babies and small children are receiving about three to four times the amount of fluoride as adults. SCG has done a study in Georgia and has identified cases of skeletal cirrhosis, which is crippling and permanent. Children receive greater amounts of fluoride, but have a decreased ability to clear it from their body, because their kidneys are less developed than adults. The fluoride is sent back through their bloodstream and is deposited in their organs. Since their organs are still in the development stage, the consequences can be severe and permanent. Fluoride has the ability to penetrate the placenta and has been found in umbilical cord blood. Tap water is used for bathing, but there are no skin absorption studies that have proven safety. The FDA identifies fluoride as a drug when it is used in toothpaste. This demonstrates that having good quality health is not a right, but a privilege to the economically and environmentally advantaged who can afford to purchase a water filtration system. The focus on prevention is the key to health and well being. Ending water fluoridation and increasing public awareness is the simplest and most cost effective way to protect the most vulnerable in society.

(Agenda Item No. 11-090)

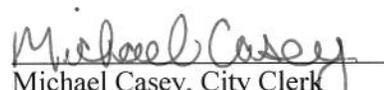
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 8:11 p.m.

Date Approved: May 3, 2011



Eva Galambos, Mayor



Michael Casey, City Clerk