

Regular Meeting of the Sandy Springs City Council was held on Tuesday, December 21, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

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

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:04 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 Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnerny present.

PLEDGE OF ALLEGIANCE

Mayor Eva Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-313)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for December 21, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-314)

1. Meeting Minutes:
 - a) February 2, 2010 Work Session
 - b) December 7, 2010 Regular Meeting
 - c) December 7, 2010 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 10-315)

2. Background Check Fee for Fulton County Firearm Permit
(Terry Sult, Chief of Police)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for December 21, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Presentation of the "Patriot Award" to the City of Sandy Springs by Sergeant Mark Johnson

Sergeant Mark Johnson stated he submitted the City of Sandy Springs for the Outstanding Employer award. He has been a member of the Army Reserves for nineteen years and has been employed by other police departments. Sandy Springs is the best employer he has worked for due to the amount of pay for Reservists for time off, the packages sent to Iraq, and other things. He thanked the City of Sandy Springs on behalf of himself and Officer Trujillo for their support. He presented the Patriot Award for Employer Support of the Guard and Reserve to Mayor Galambos.

Mayor Eva Galambos stated the City is proud of its employees that are serving in the National Guard. It is the City's duty to treat them with great respect, cherish their service and welcome them back.

PUBLIC HEARINGS

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

Rezoning

(Agenda Item No. 10-316)

1. **RZ10-008** - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District)

Assistant Director Planning and Zoning Patrice Ruffin stated this is a rezoning petition initiated by the Mayor and City Council at the request of staff to clean up the use conditions related to the subject property. At this time staff is asking for a deferral of the petition at the recommendation of the Planning Commission and the City Attorney's office.

Councilmember Karen Meinzen McEnery asked for clarification on the reasons why staff is recommending deferral.

Assistant Director Planning and Zoning Ruffin stated the Planning Commission recommended deferral so staff could go back and look at the option of changing the ordinance instead of bringing each property before Council on a case-by-case basis. The City Attorney's office has asked staff to research other shopping centers within the City and staff is still working on this.

Councilmember Meinzen McEnery asked for additional background on this matter.

Assistant Director Planning and Zoning Ruffin stated this item and the third item on the zoning agenda have conditions that limit the properties to retail uses only. There are other uses such as restaurants, medical offices, and service commercial uses such as barber shops and day spas, that are in the shopping centers and were historically permitted by Fulton County. The City has also permitted some of these businesses.

Councilmember Meinzen McEnery stated this item was brought forward because there are uses in the retail facilities that are not defined as retail. Staff is now reviewing the ordinance instead of bringing each issue to Council individually, so the issue can be dealt with on a larger level.

Assistant Director Planning and Zoning Ruffin responded correct.

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

Motion and Vote: Councilmember Collins moved to defer Agenda Item No. 10-316, RZ10-008 - 220 Sandy Springs Circle, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to the February 15, 2011, City Council Meeting. Councilmember Paulson seconded the vote. The motion carried unanimously.

(Agenda Item No. 10-317)

2. **RZ10-009** - 200 Morgan Falls Road, *Applicant: City of Sandy Springs*, To rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single Family Dwelling District)

Assistant Director Planning and Zoning Patrice Ruffin stated this rezoning request was initiated by the City Council at the request of staff. This is the Morgan Falls Overlook Park which is currently zoned M-2 (Heavy Industrial District). The conditions of approval for the case expired after a certain time. Staff suggested changing the property to the original R-2 zoning, which is similar zoning to the other parks within the City.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-317, RZ10-009 - 200 Morgan Falls Road, *Applicant: City of Sandy Springs*, To rezone the subject property from M-2 (Heavy Industrial District) conditional to R-2 (Single Family Dwelling District). Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-52

(Agenda Item No. 10-318)

3. **RZ10-010** - 7700 Spalding Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District)

Assistant Director Planning and Zoning Patrice Ruffin stated this case is similar to the first case discussed. Staff is recommending deferral at the request of the Planning Commission and the recommendation of the City Attorney's office.

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

Motion and Vote: Councilmember Paulson moved to defer Agenda Item No. 10-318, RZ10-010 - 7700 Spalding Drive, *Applicant: City of Sandy Springs*, To rezone the subject property from C-1 (Community Business District) conditional to C-1 (Community Business District) to the February 15, 2011, City Council Meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Zoning Modification

(Agenda Item No. 10-319)

3. **ZM10-009/CV10-012** - 315 Towergate Place, *Applicant: Miriam Rinkavage*, To modify condition 3.a. of petition Z82-122 to allow a deck in a buffer and setback, with concurrent variances

Assistant Director Planning and Zoning Patrice Ruffin stated this is a request to modify condition 3.a. of zoning petition Z82-122 to allow a deck that was constructed without a permit to encroach into the buffer and setback for the subdivision. Staff is recommending denial of the request.

Mayor Eva Galambos called for public comments in support of this modification.

Miriam Rinkavage, 315 Towergate Place, stated last year at this time she lived in San Diego. Sadly, she had to leave to come home and support her mother after her father's death. She acquired a job at Davis Academy Middle School in Sandy Springs, GA. She previously lived in Sandy Springs and loves the area. She found a home with a yard for herself and her dog. Sandy Springs has few townhomes with yards and most only have small patios. She found a fee simple home in a familiar neighborhood. After closing, she began making improvements to make the house a home. The townhouse has a large back space that was covered in kudzu and dead shrubbery. She hired a contractor to remove the kudzu and shrubbery so the area could be fenced in for her dog. Once the kudzu was removed, a large drop-off in the backyard became visible. From her backdoor to the street her yard drops a total of sixteen feet. The drop cuts her yard in half. The solution suggested to her was to construct a deck that would extend the use of her space over the land with the large drop-off. The contractor who made the improvements to her house also built the deck. She hopes that Council will approve her request for a zoning modification based upon three contentions. First, the topography of her land has created a hardship for her. She is not able to use a significant portion of her backyard due to the severe slope. Her second contention concentrates on home values. Her goal is not to create a nuisance or eyesore to any of her neighbors. She was not able to put up the lattice work around the deck or landscape because of the stop-work order. She met with the City Arborist and discussed the vegetation that would be most viable for the land. The deck does not devalue the property of the neighbor who complained. The deck increases the value of Ms. Rinkavage's property and that of her next door neighbor. The deck is a vast improvement to the kudzu and dead trees and plants that once stood. She visited the neighbor who complained in hopes of ameliorating the situation. They could not reach a resolution. Her third contention is a request to staff to create a document stating that she will comply with adding the lattice, plants, and any other necessary items to make the area around the deck more visually pleasing. She would be happy to have a sixty day period to remedy the appearance of the deck and revisit this again with staff. She has pride in her property and maintains it accordingly.

Mayor Galambos called for public comments in opposition to this application. There were no comments from the public. The public hearing was closed.

Councilmember Karen Meinzen McEnerny asked to have the picture of the deck displayed for the audience.

Councilmember Dianne Fries asked if the applicant built the deck without coming to the City to obtain a permit.

Assistant Director Planning and Zoning Ruffin responded correct.

Councilmember Fries stated the applicant did not have a chance to work with staff to find out the rules for that particular lot. She received an email from Ms. Rinkavage discussing the neighbors' properties. The neighbors' properties were zoned through Fulton County, not Sandy Springs. She does not like that the application came in and staff had to put a stop-work order on it without a permit. She asked if the deck is encroaching into some area that is not buildable.

Assistant Director Planning and Zoning Ruffin stated the townhouse residential zoning classification has a perimeter setback that surrounds the entire development and the applicant is encroaching into this. There is also a buffer requirement in the area that she is encroaching into.

Councilmember Fries stated these pictures were taken from the street. She asked if the applicant would be able to construct a fence similar to the other units and if that would require a variance.

Assistant Director Planning and Zoning Ruffin stated it would be a zoning modification and a variance.

Motion and Second: Councilmember Fries moved to deny Agenda Item No. 10-319, ZM10-009/CV10-012 - 315 Towergate Place, *Applicant: Miriam Rinkavage*, To modify condition 3.a. of petition Z82-122 to allow a deck in a buffer and setback, with concurrent variances. Councilmember Jenkins seconded the motion.

Councilmember Meinzen McEnery stated the City ordinances are in place to protect the rights of the citizens. She understands this citizen's concern, but the deck was built without a permit, which is required. She does not see any reason to allow the applicant to build in the buffer. She is not going to support this variance.

Councilmember Tibby DeJulio asked if the applicant had come to the City for a permit before work began on the deck, would the City have approved the deck or modified the application in order for the applicant to have a deck?

Assistant Director Planning and Zoning Ruffin stated the applicant would have had to come through the process she is going through now. It would have been up to Council to make that decision.

Councilmember DeJulio asked if the applicant has enough room for any of the deck.

Councilmember Ashley Jenkins stated the deck is fully in the buffer.

Councilmember Fries stated one corner of the fence is in the buffer and the whole deck is in the buffer. The deck does just hang there.

Mayor Galambos stated the deck does look like an eyesore if viewing from the house across the street. The biggest eyesore is the huge open hole under the deck. She asked if there would be any way to screen that hole with Leyland cypress or something to make attractive landscaping and hide the deck.

Councilmember Fries stated these are townhomes and they typically do not have big yards. If the City allows this deck, what would stop the rest of the homeowners from wanting to add a similar deck?

Councilmember Meinzen McEnery stated when the applicant bought her property she looked at the survey and should have known where the buffer is located.

Councilmember Fries stated not all homeowners understand about the buffer.

Councilmember Chip Collins stated he hopes that the contractors understand a permit needs to be obtained before work begins. He appreciates the applicant's presentation, but he cannot support this application.

Councilmember John Paulson stated this is not a request to build two or three feet into the buffer. This is a request to build thirty feet into the buffer. The City often receives applications to build a couple of feet into the buffer, but not thirty feet. The encroachment is too much for him to support.

Councilmember Meinzen McEnery asked if the City would have any recourse against the contractor who built this deck.

City Attorney Wendell Willard stated that has to do with the contractual arrangement between the applicant and the contractor.

Vote on the Motion: The motion carried unanimously.

Text Amendments

(Agenda Item No. 10-320)

4. **TA10-019** - An Ordinance to Amend Section 33.12.A., Sign Variance Limitations, of the Sandy Springs Zoning Ordinance.

Assistant Director Planning and Zoning Patrice Ruffin stated this is a text amendment to clarify the sign variance limitations in the Zoning Ordinance to indicate which types of variances the Board of Appeals is allowed to hear. That section limits it only to size and height. The second clarification is the time frame for which variances can be heard. When this sign ordinance was adopted in 2007, a sixty day standard time frame was established. Staff's calendar has never been sixty days, so this detail needs to be clarified. Staff and the Planning Commission are recommending approval.

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

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-320, TA10-019 - An Ordinance to Amend Section 33.12.A., Sign Variance Limitations, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-53

(Agenda Item No. 10-321)

5. **TA10-020** - An Ordinance to Amend Section 28.4.2, Land Use Petition Requirements, and Section 12A.3.1, Approval of Alterations or New Construction, of the Sandy Springs Zoning Ordinance

Assistant Director Planning and Zoning Patrice Ruffin stated this text amendment deals with the role of the Design Review Board and the rezoning process. The amendments would require the applicant to submit elevation drawings with the rezoning application. If those elevations are approved as a part of the rezoning request, then the applicant would not have to go back through the Design Review Board process when they submit their building permits. Staff and the Planning Commission are recommending approval of the amendment.

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

Councilmember Ashley Jenkins stated approving this item will streamline the process. It will help Council and the Planning Commission when they are making decisions on a rezoning.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-321, TA10-020 - An Ordinance to Amend Section 28.4.2, Land Use Petition Requirements, and Section 12A.3.1, Approval of Alterations or New Construction, of the Sandy Springs Zoning Ordinance. Councilmember Paulson seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-54

(Agenda Item No. 10-322)

6. **RC10-05SS - 535 Rivercrest Ct., River Corridor Review for Construction of Addition to Existing Residence**

Director of Community Development Blake Dettwiler stated this is an application for River Corridor review certificate for the property located at 535 Rivercrest Ct. The application proposes the construction of a nine hundred and sixty-one square foot addition on an existing single family residential home. The application has been reviewed and approved by the Atlanta Regional Commission on their December 3, 2010, meeting.

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

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 10-322, RC10-05SS - 535 Rivercrest Ct., River Corridor Review for Construction of Addition to Existing Residence. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-55

(Agenda Item No. 10-323)

7. **An Ordinance Amending Chapter 110 of the City of Sandy Springs ("City") Code of Ordinances ("Code") by Adding Water Usage Restrictions as Required by State Law**

City Attorney Wendell Willard stated this item was reviewed at the last Work Session. There was a law passed by the Georgia General Assembly dealing with water conservation measures for the various local governments. One of the measures approved was to have restrictions on when watering outside can occur. The water restriction time is from 10 a.m. to 4 p.m. with certain stated exclusions.

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

Mayor Galambos asked if the City of Sandy Springs has the power to enforce these restrictions.

City Attorney Willard stated yes it does. Even though Sandy Springs is supplied by the Atlanta Water System, the measure of enforcing the restrictions falls upon the local government.

Mayor Galambos asked who will be enforcing this within Sandy Springs.

City Attorney Willard stated usually the Code Enforcement personnel do this.

Mayor Galambos asked if it would be a violation if the Code Enforcement officers see water sprinklers running during the prohibited times.

City Attorney Willard responded yes, except for exclusions such as hand watering, drip irrigation, and new landscaping that requires water.

Mayor Galambos asked if a fine will be levied if there is a violation.

City Attorney Willard stated the fine will come under the general provisions of when there is a violation of an ordinance.

Mayor Galambos stated this will not be burdensome until summertime. She thinks there may be a lot more Code Enforcement work at that time. Manpower wise the City will need to plan on this and make sure the fines come back to pay for extra manpower.

Councilmember Ashley Jenkins stated the watering rules should be posted on the City website. It should also be stated the City of Sandy Springs can enforce the watering restrictions.

City Attorney Willard stated staff might request through the City of Atlanta Watershed Department that a notice of the watering restrictions be included with the bills over a period of time.

Councilmember Karen Meinzen McEnerny stated it should also be confirmed who is on well water. You might see a sprinkler going during the restricted times. How do we know if it is well water? Maybe part of this process is the City requires it to be posted and verified if an individual is on well water.

Councilmember Dianne Fries stated she believes these rules should be followed given the water issues in the state. She hopes that staff does not start giving out tickets from the beginning of enforcing this law. The first time should be a warning. If Code Enforcement has to return to that location, then the individual receives a ticket.

Councilmember John Paulson suggested the City put in place a policy. The first thing would be notification and discussion with the individual that they are making a mistake before a fine is imposed.

City Manager John McDonough stated it is a typical procedure that staff would follow with new rules. There would be a communications plan and a notice of violation warning would be issued the first time.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-323, An Ordinance Amending Chapter 110 of the City of Sandy Springs ("City") Code of Ordinances ("Code") by Adding Water Usage Restrictions as Required by State Law. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Ordinance No. 2010-12-56

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 10-324)

1. Software Selection Recommendation

Finance Director Amy Davis stated staff has been in the process of evaluating various software systems for an overall City wide financial system. There was a committee that represented each department in the City which helped in selecting the software system. The decision was narrowed down to two different

companies. The first was Munis Software from Tyler Technologies and the second was New World Systems. The Munis Software system was chosen due to the functionality and the future possibilities such as Human Resources, Recreation and Parks, disaster recovery and other applications that the City could add on in the future if so desired. The cost of the software is \$223,600. The conversion cost is an estimated cost not to exceed \$309,700. The first year maintenance fee is \$18,350 and the estimated hardware cost is \$50,000. The total cost of the package is \$601,650.

Councilmember Ashley Jenkins asked what amount was budgeted for the software.

Finance Director Davis responded \$600,000.

Councilmember Tibby DeJulio stated the City is in the process doing an RFP for technology services for the City which has been released to the public. The City is also in the process of hiring a Chief Information Officer. We are discussing spending \$600,000 on computer technology before we get back the RFP and before the Chief Information Officer is hired. Is there some rationale for this?

Finance Director Davis stated it is the implementation schedule. She was ready to present this recommendation at the beginning of November. She waited in order to get an opinion from the CIO candidate, but negotiations with the CIO candidate fell through. The City has a contract with HTE that expires in January 2011, and has been extended through June 2011. This system is costing the City approximately \$20,000 a month. The City would have to extend the contract with HTE past the June 30, 2011, deadline date. It is going to take at least six months to implement this new system.

Councilmember DeJulio asked if dual systems would be running during the six month period.

Finance Director Davis stated it will take approximately four and a half months for implementation and training and another four to six weeks for parallel testing. The whole implementation process includes the parallel testing.

Councilmember DeJulio asked if this is a system Finance Director Davis has used in the past.

Finance Director Davis stated she has used a variation of this system. Her previous employer used a Tyler Technology system. She is very familiar with the company. The system the City is considering purchasing is tremendously enhanced and a different product.

Mayor Eva Galambos stated she has a concern that the cart is being put before the horse. It was felt the City needed an expert in information technology to guide the City through these decisions. To make the software selection without having the expert on hand seems a reversal on what we said we need. Maybe a Chief Information Officer is not needed. There is another possibility that should be looked into, which would be sharing a Chief Information Officer with some of the other new cities. If the City Manager felt there was competence in this arrangement, the conversion could be postponed for a few weeks. She would like to see an expert on hand to guide the City in this choice.

Finance Director Davis stated the Cities of Roswell and Alpharetta were both in this same process. The City of Roswell hired a consultant that reviewed sixty-two different software companies and narrowed their search down to the same two companies as Sandy Springs. Roswell recently chose the Munis software. The City of Alpharetta has also chosen this software. She could contact the IT Director for the City of Roswell and perhaps he could give a presentation on his reasoning for choosing this software. The two companies that Sandy Spring narrowed the choices down to both work on the .net platform, windows environment, and sequel servers.

Mayor Galambos stated she is becoming more convinced that maybe the City does not need a Chief Information Officer.

Councilmember Jenkins asked if the monthly fee for HTE is \$20,000 and if the total first year maintenance fee for the Munis software is \$18,000.

Finance Director Davis replied the first year maintenance fee is \$18,000. Tyler Technologies waived a considerable amount of the fees for the first year. The second year maintenance fees are \$69,000.

Mayor Galambos stated the City needs to change the software. Does the change need to occur before the City receives advice or does the City even need outside advice? The issue of the City not having a Chief Information Officer and whether or not we need one comes to the forefront.

Councilmember Jenkins stated that is a good question. She sees the value of what the Finance Director is saying as far as quite a few municipalities are moving towards the Munis software. It does seem prudent for Sandy Springs to select the Munis software so the conversion process can be started.

Councilmember John Paulson asked if there is a second candidate for the Chief Information Officer position.

City Manager John McDonough stated there are other candidates. He would like to follow up on the Mayor's suggestion of sharing a Chief Information Officer. This is an item brought to Council last spring. It was budgeted, Council supported it, and staff went through an extensive selection process which has been validated by two sister cities on a separate dual track. The RFP for Financial Services calls for the City to provide the software. The sooner the City can let the potential vendors know what the financial software will be, the more it will help with the transition to the new financial services package. For purposes of a smooth transition, given the amount of lead time required to stand up this system and train, a seventy-five day transition period for both the IT and financial services packages was planned.

Councilmember Karen Meinzen McEnery asked what drove the reason why the City is changing from HTE and going to another software program.

Finance Director Davis answered because the City does not own the HTE system. The City is on a lease basis with it. Her understanding is that the City wants to own the hardware, software, and the data.

Councilmember Meinzen McEnery asked if it is cheaper to own the software.

Finance Director Davis stated it will be cheaper in the long term.

City Manager McDonough stated it will cost \$450,000 over a five year period. It will be more efficient for the City and less costly over a five year period.

Councilmember Meinzen McEnery asked if there will be modifications to the software to where it will no longer be a simple program to add enhancements.

Finance Director Davis stated she has experience with Tyler Technologies. The company usually performs upgrades on their software every six months. The upgrade cost is included in the maintenance fees. All the departments at Sandy Springs have reviewed this software and stated it will work for them.

Councilmember Meinzen McEnery stated she would like to hear from the Roswell IT Manager from a technical level on why they chose the Munis software.

Finance Director Davis stated a six month turnaround time is quick for implementing a financial system. This system will be used by the Community Development Department as well. Councilmember Meinzen McEnerny stated this is an expensive acquisition.

Finance Director Davis stated if the decision in choosing this program is delayed two weeks that will delay the City being placed on the implementation schedule. The City of Roswell and Alpharetta have already chosen Munis and if they have their contracts signed before Sandy Springs, they will be implemented before Sandy Springs.

Councilmember Chip Collins asked if Finance Director Davis will be using this software on a day-to-day basis.

Finance Director Davis stated yes.

Councilmember Collins asked if there is any risk that if the City decides to purchase the Munis software it will impede our ability to get a Chief Information Officer or vendors to bid on the RFP.

Finance Director Davis answered no.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-324, Software Selection Recommendation of Munis Software from Tyler Technologies. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-103

(Agenda Item No. 10-325)

2. Consideration of the First Amendment to the Intergovernmental Agreement for the Activation of ChatComm

City Attorney Wendell Willard stated when Sandy Springs entered the Intergovernmental Agreement with the City of Johns Creek for ChatComm there was language left open as to the responsibilities for any deficits. It stated the deficit would be shared based on some form to be determined. ChatComm operations created a running deficit. The cost of it is being shared based upon the hours and time used by each city for the calls that are received. The deficit cost is a 65/35 split with Sandy Springs paying the sixty-five and Johns Creek responsible for the thirty-five percent. If there is a new City to share the services of Chatcomm at a later time, the agreement can be modified again based on the sharing of costs.

Councilmember John Paulson asked if this amendment addresses if a new city were to share the services of Chatcomm.

City Attorney Willard replied no. This is something both cities are aware of and open to doing should there be a new city. It will also depend on what the involvement of the new city is on whether they would pay on a subscribing type basis or be a member of the Chatcomm itself.

Councilmember Karen Meinzen McEnerny questioned the 65/35 split. At the beginning of this enterprise the split was done based on each City's population.

City Manager John McDonough stated the split is now based on call volume and the amount of revenues collected by both cities. The numbers are very consistent. At the beginning it was based on everyone putting in all of their fees. It was not until after the revenues began to come in that we realized there is a shortfall. Some type of rational standard had to be applied to determine what each party would pay to subsidize the operation.

Councilmember Meinzen McEnery stated when the startup cost was allocated it was done on population. Now, when there is a deficit, the agreement needs to be modified. There should be a mechanism in this amendment that the usage of Chatcomm be reviewed yearly.

Assistant City Manager Noah Reiter stated there is an annual review provision.

Mayor Eva Galambos asked if Johns Creek has paid their amount in full yet.

Finance Director Amy Davis stated we received \$175,000 in November. They have paid the same percentage of their budget. The budget for ChatComm was \$492,000 and Johns Creek budgeted \$350,000. Of the \$350,000 Johns Creek has paid \$175,000. They are aware of the discrepancy.

City Manager McDonough stated the City of Johns Creek is aware of the discrepancy. In this agreement there is a 1/12 payment that states that this amount will be amortized over a twelve month period. There was a budgeting oversight on the part of Johns Creek that did not recognize the total amount required to be paid for this year. They are working on that issue. Staff will make recommendations to the Board if the funds are not forthcoming within a reasonable amount of time.

Councilmember Dianne Fries asked if this is the opportunity to have language in the agreement regarding late fees.

Councilmember Ashley Jenkins stated the agreement states the fees must be paid by the 9th of each month.

Councilmember Fries stated the agreement does not say what happens if the fees are not paid by the 9th of each month.

City Manager McDonough stated this is an exception rather than a rule. If it continues to be a problem going forward, those options will be looked at. We are not in a situation where we are being charged late penalties. Sandy Springs has paid almost fifty percent of our subsidy this year.

Mayor Galambos asked about the chances of the 9-1-1 fee being increased in the legislature.

City Attorney Willard stated the chance of the fee being increased is nil. What is being looked at is finding ways to improve what is the flow of revenue for local governments that have 9-1-1 systems. One way is when users buy prepaid phone cards that money includes the 9-1-1 charges, but the fees go to the State. The Legislature will try to find a formula that is based upon population as opposed to point of sales because some cities would be extremely higher on point of sales than those based on population needs. Secondly, the Legislature is looking to ensure all the providers of telephone services in the State are brought under some type of licensing so that all companies are registered where they are doing business. The idea is to either set this up through the Public Service Commission or the Department of Community Affairs. The local governments have the right to do the audits, but they do not. What may occur is through ACCG and GMA some mechanism will be set up where the funds from these cards are audited on behalf of the cities. All of the cities and counties are aware of this. He has had discussions with both the ACCG and GMA regarding this.

Mayor Galambos stated she saw the amount of money that goes into the State coffers from the prepaid phone cards.

City Attorney Willard stated the amount is \$8 million plus a year.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-325, Consideration of the First Amendment to the Intergovernmental Agreement for the Activation of ChatComm. Councilmember Paulson seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-104

(Agenda Item No. 10-326)

3. Police Department Facilities Lease

City Manager John McDonough stated the lease between the City and Cousins Properties for the Police Department facility will expire June 30, 2011. Police Chief Terry Sult and his team have been exploring different options for other properties. After an exhaustive search, available space was found in the Morgan Falls Office Complex in Buildings 300 and 400. The City was able to negotiate a favorable lease term. The City Hall property lease will also expire soon. This proposal enables the City to renegotiate the City Hall property lease for Building 500 at a lower rate as well. The recommendation is to enter into a lease that will expire in June 2015. There are four ninety day extensions at the end of the term in 2015. The estimated overall annual savings is approximately \$257,000. The recommendation is for Council to authorize the City Manager, with concurrence from the legal department, to enter into this lease.

Councilmember Dianne Fries stated she has a suggestion. In working with the Welcome Center and the Anne Frank exhibit, that lease contains language for a \$1,000 cap on the repair amount for the air conditioning on an annual basis.

City Manager McDonough stated this is a good idea. He has discussed this issue with Assistant City Attorney Cecil McLendon. If this language is not in the lease, he will make sure it is added.

Councilmember Fries stated this language is not in there.

Police Chief Terry Sult stated regarding the air conditioning issues, the contract and the details are worked out. The contract allows for the City to pay for the regular maintenance. If there is a failure of the air conditioning system that requires replacement, then the landlord is responsible for that.

Councilmember Fries stated that language is not in the draft received by Mayor and Council.

Police Chief Sult stated it was in the previous draft. He will make sure it is included.

Councilmember Karen Meinzen McEnery asked if the lease term of 2015 is the right number in regards to the construction of the new City Hall.

City Manager McDonough stated the construction of the new City Hall is a factor. The goal is to move that project forward and hopefully start construction in the fall of 2013.

Motion and Second: Councilmember Jenkins moved to approve Agenda Item No. 10-326, Police Department Facilities Lease. Councilmember Fries seconded the motion.

Councilmember Chip Collins asked if the Police Department would be sharing the buildings with other tenants.

Police Chief Sult stated both buildings will be shared with other tenants.

Councilmember Collins asked if that is a concern to Police Chief Sult.

Police Chief Sult stated it is not ideal. When everything is balanced across the board, it really is a good deal. The Police Department is satisfied they can secure their facilities, particularly the Property and Evidence areas.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2010-12-105

(Agenda Item No. 10-327)

4. Modifications to the Business Occupation Tax

City Manager John McDonough stated over the past several months the City has been working with the business community under the leadership of the Mayor and himself to address a number of concerns. There were options discussed with Council to ensure Sandy Springs remains competitive and responsive to an increasingly competitive economic development arena. Sandy Springs is in competition with other cities, counties, and in the greater region across the State. The first option discussed was a change in the services exemption. The second was a change in the franchise exemption. The cap was then discussed and different options where staff provided Mayor and Council with a spreadsheet to calculate what the financial impact might be if such a cap were imposed. Also, what the financial impact would be if Council were to choose to implement a reduction for all businesses or ten percent on the first \$1,000 of gross receipts. Revenue sources have been looked at to ensure that any change that Council would implement this year would be revenue neutral. It is staff's opinion that based on property tax projections the City would be able to make up \$1.2 million or slightly more to ensure this is revenue neutral.

Mayor Eva Galambos stated each one of these changes will be voted on individually.

- a) A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Services Based Upon the Location of the Customer

City Manager John McDonough stated there are five that will be discussed. The first Resolution is on the services exemption which would state that Sandy Springs would only charge the customer if the sale is within the State of Georgia.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-327(a), A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Services Based Upon the Location of the Customer. Councilmember Jenkins seconded the motion.

City Attorney Wendell Willard stated he wants to change the Resolution in paragraph one on the second line to read, "Tax, the City shall use the location of the customer only in Georgia to determine whether revenues for services rendered should be included within the gross receipts calculation". Remove the parentheses and put in, "only in Georgia" and strike out the rest of the wording. He then read the whole paragraph which states: "For the purposes of calculating gross receipts pursuant to the City's Occupation Tax, the City shall use the location of the customer only in Georgia to determine whether revenues for services rendered should be included within the gross receipts calculation; and". The provisions are retroactive, which is in the second paragraph. There should be very minimal loss of revenue. There has been ongoing controversy with several major businesses about this issue. The City only charges for products sold within the State of Georgia. This will be the same thing relative to services as the City does for products.

Vote on the Motion: The motion carried unanimously.
Resolution No. 2010-12-106

- b) A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Franchise Fees Based Upon the Location of the Franchisee

City Attorney Wendell Willard stated this item deals with the issue of franchisees. There are several companies within Sandy Springs that have large national and international franchise operations. An example of these would be Wendy's, Arby's, and Popeye's Chicken. There has been controversy in regards to the payment of franchise fees as being like a service portion of their income. The recommendation is to recognize only those franchise fees received from franchisees within the State of Georgia to be calculated towards the occupation tax.

Councilmember Karen Meinzen McEnerny asked if there will be any change to the language of the Resolution.

City Attorney Willard responded yes.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-327(b), A Resolution Directing the City to Calculate Occupation Tax Gross Receipts for Franchise Fees Based Upon the Location of the Franchisee. Councilmember Jenkins seconded the motion.

City Attorney Willard stated he would like to propose the following amendment to the language. The paragraph should read: "For the purposes of calculating gross receipts pursuant to the City's Occupation Tax, the City shall use the location of the franchisee only in Georgia to determine whether franchise revenues should be included within the gross receipts calculation; and". This is a retroactive policy from January 1, 2006.

Councilmember Chip Collins stated both of the Resolutions are retroactive to cleanup any disputes. Has the City collected any revenues under these two Resolutions to date?

City Attorney Willard stated there have been audits done that have brought to light a claim of potential revenues the City would be entitled to if the City did not change the policy. The businesses who have paid were not calculating based upon including franchise fees as a part of their gross receipts.

Councilmember Collins asked for verification that some of the larger businesses the City has already settled with would not be affected.

City Attorney Willard responded correct.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2010-12-107

- c) An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap on the Maximum Occupation Tax Which Can Be Paid for Any One Taxable Year

City Manager John McDonough stated this item is an Ordinance to amend the cap on the occupation tax. This is to reduce the cap which is currently set at \$400,000. From an analysis of our neighboring sister cities and other jurisdictions the current cap is high. This has put Sandy Springs at a competitive disadvantage based on the feedback received from the business community and especially those who own office space, Class A in particular. The \$400,000 cap is an impediment to not only attracting headquarters type companies, but also retaining the ones we have. For Council's consideration is a reduction of the cap that would put Sandy Springs in a more competitive position. Council was provided

a spreadsheet that shows the cost to the City in this year's budget at the cap amount. For example, with a \$200,000 cap the unrealized revenue to the City for this year would be \$305,562. A \$50,000 cap would cost the City in excess of \$1 million. Feedback is needed from Council on this item. Council may want to have a larger discussion on what the entire cost would be based on all the different types of scenarios, not only on the reduction of the cap, but also an across the board fee reduction, as well as 10% on the first \$1,000 in gross receipts. He recommended Council consider the next three Ordinances after discussing the various scenarios.

Mayor Eva Galambos asked if there is information on how many current accounts would now be paying the \$400,000.

Councilmember Karen Meinzen McEnerny stated if the cap was set at \$200,000 it would affect two companies currently and it would cost the City \$305,000. If the cap was dropped to \$100,000 it would affect five companies and cost the City \$600,000. If the cap was dropped to \$75,000 it would affect nine companies and cost the City \$900,000. If the cap was dropped to \$50,000 it would affect fourteen companies and cost the City \$1.2 million. The lower the cap is set, the more companies that are impacted.

Mayor Galambos stated more companies could be impacted by doing the 10% percent reduction.

Councilmember Tibby DeJulio stated what is being done by lowering the cap is impacting the larger companies. There are a lot of small companies in Sandy Springs and a few of them are struggling. If all companies receive a reduction of 10% on the first \$1,000, a company that pays \$500 will only receive a \$50 decrease. Was it figured out how much this will cost?

City Manager McDonough stated yes, there is a spreadsheet providing this information.

Mayor Galambos stated the amount goes from \$193,000 with the \$400,000 cap to a cost of \$1.2 million if the cap is changed to \$50,000.

Councilmember Dianne Fries stated her suggestion was to do a percentage across the board. That is what this chart is.

City Manager McDonough stated those numbers are based on a cap. The cap has to be determined first, because it is an important variable in the equation. The total impact with ten percent on the first \$1,000 is included in the numbers. Staff can also figure out the cost of any percentage across the board reduction as well.

Councilmember Ashley Jenkins stated she was looking at doing a cap of \$75,000 and then dropping the rate for all companies by eight percent. Companies would then receive a larger savings, which could be \$300-\$500, versus the \$100 that Councilmember DeJulio mentioned.

Councilmember DeJulio stated this was in addition to the cap, so that the smaller companies will receive a benefit.

Councilmember Jenkins stated she wants to have a cap of \$75,000 with an eight percent reduction across the board. This will save the companies more than the other proposal.

Councilmember Meinzen McEnerny stated we are considering all three of the Ordinance changes right now.

Councilmember Jenkins suggested if the Council agreed with her on the \$75,000 cap and the rate reduction of eight percent for all companies, then reducing the amount on the first \$1,000 would not be necessary.

Councilmember Fries asked for the number that Councilmember DeJulio was referring to.

Revenue Supervisor Brandon Branham stated this number would be \$193,352 at the current cap of \$400,000.

City Manager McDonough stated the cap is the variable in this. That number changes depending on what Council sets the cap at.

Councilmember DeJulio stated he thinks it is important that the City shows the small businesses within Sandy Springs that the City supports them. He is okay if the reduction is ten percent or eight percent.

Councilmember Jenkins stated she thinks the small businesses will see more of a savings if the cap is changed to \$75,000. She agrees that the City needs to show the small businesses that the City understands they are hurting.

Councilmember John Paulson stated he wants to encourage companies that are looking for a place to go to not be hit with the \$400,000 max. He would like to see the cap reduced as well. He suggested taking the cap down to \$80,000, which would be an eighty percent reduction.

Motion and Second: Councilmember Paulson moved to approve Agenda Item No. 10-327(c), An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap of \$80,000 on the Maximum Occupation Tax which Can Be Paid for Any One Taxable Year. Councilmember Fries seconded the motion.

Mayor Galambos stated she would like to know what the \$80,000 cap would cost the City without any reduction in rates.

City Manager McDonough stated it would cost the City \$698,000.

Substitute Motion and Second: Councilmember Jenkins moved to approve Agenda Item No. 10-327(c), An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap of \$75,000 on the Maximum Occupation Tax which Can Be Paid for Any One Taxable Year. Councilmember Meinzen McEnery seconded the motion.

City Manager McDonough stated with a \$75,000 cap the impact is \$738,949. This is for the cap only. Taking nothing into consideration other than a reduction in the cap, at \$80,000 the cost to the City is \$698,301. This is based on historical data from this past year. There is approximately a \$40,000 difference in these amounts.

Councilmember Chip Collins asked if there is any benefit in having an annual escalator added to the cap amount. He looks at statutes that have a dollar figure that becomes obsolete with inflation. Instead of Council having to come back in five years and do a tax increase, maybe a two percent escalator can be added to the cap or an escalator based on the cost of living index.

Councilmember Jenkins stated she would accept the two percent escalator added to the \$75,000 cap as a friendly amendment.

City Manager McDonough stated from an economic standpoint there could be an inflationary depression. If the escalator is placed on the cap, Council could be back again debating on whether it was wise to put the escalator on the cap based on the economic conditions.

City Attorney Willard stated this amendment needs to be worded properly first. He suggested an annual review of all the fees of the City.

Councilmember Fries stated City Attorney Willard is recommending Council doesn't do automatic.

Mayor Galambos stated she likes the automatic provision.

City Attorney Willard stated if Council wants an automatic provision he needs a few minutes to prepare something for consideration.

Councilmember Collins stated it can be undone if Council does not like it.

City Attorney Willard suggested tabling this item for the moment while considering the last Ordinance on the agenda and he will have the wording done before the meeting is over.

Councilmember Fries stated nothing is wrong with the way the wording is right now. Do a review in a year and decide.

Vote on the Substitute Motion: The motion carried 5-1 with Councilmember Paulson voting in opposition.

Ordinance No. 2010-12-57

- d) An Ordinance to Create Chapter 54, Article V, Sec. 54-117(d) of the Sandy Springs Code of Ordinances Reducing the Rate of Occupation Tax Assessments

Motion and Second: Councilmember Jenkins moved to approve Agenda Item No. 10-327(d), An Ordinance to Create Chapter 54, Article V, Sec. 54-117(d) of the Sandy Springs Code of Ordinances Reducing the Rate of Occupation Tax Assessments by 8% across the board. Councilmember Fries seconded the motion.

Mayor Eva Galambos asked for confirmation that with the eight percent reduction the total cost to the City would be \$1.2 million.

City Manager John McDonough stated with a \$75,000 cap at eight percent, the cost would be an additional \$543,552. The total cost impact of these actions would be \$1,282,000.

Councilmember Tibby DeJulio stated the cap is now set at \$75,000. If a company finds out they owe \$75,000 do they get an eight percent reduction off of the \$75,000?

Councilmember Ashley Jenkins responded yes.

Councilmember DeJulio stated the cap is no longer \$75,000 it is now about \$72,000.

Councilmember Dianne Fries stated the cap comes into play after the eight percent reduction.

Councilmember Chip Collins stated he thinks the language takes care of it. Prior to imposing the cap, the reduction of eight percent will be applied. This is where you get the number and if it is over \$75,000, then you only pay the \$75,000

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2010-12-58

City Attorney Wendell Willard stated he will now go back to paragraph c of the proposed Ordinance and read the suggested amendment. The language should state: "The amount of the maximum occupation tax will be adjusted automatically on an annual basis, January 1 of each year, based upon any increase or decrease of the U.S. Department of Labor adjustment of the cost of living in the Atlanta, Georgia statistical area."

Mayor Galambos stated Council will be reconsidering the motion that made a cap of \$75,000.

Motion and Vote to Reconsider: Councilmember Jenkins moved to amend Agenda Item No. 10-327(c), An Ordinance to Amend Chapter 54, Article V, Sec. 54-117(c) of the Sandy Springs Code of Ordinances Directing the City to Implement a Cap of \$75,000 on the Maximum Occupation Tax which Can Be Paid for Any One Taxable Year, by adding the following language in the second paragraph of c, "The amount of the maximum occupation tax will be adjusted automatically on an annual basis, January 1 of each year, based upon any increase or decrease of the U.S. Department of Labor adjustment of the cost of living in the Atlanta, Georgia statistical area." Councilmember Fries seconded the motion. The motion carried unanimously.

City Manager John McDonough stated he would like to recognize the members from the Perimeter Chamber of Commerce; Debbie Goldman, George Bergmark, and Yvonne Williams. He thanked them for their help in this process.

PCID President Yvonne Williams commended Mayor and Council for having the prudence to turn this around on a short notice. From the reports she is hearing there will be a lot of great activity in this market of new companies that will be happy about the environment. She congratulated them on the teamwork, due diligence, and the prudence on making a very intelligent decision on behalf of all businesses in Sandy Springs.

Perimeter Chamber of Commerce, Debbie Goldman, stated they are proud of the City. She thanked the Mayor, Council and City Manager.

(Agenda Item No. 10-328)

5. Charter Commission Appointment

City Attorney Wendell Willard stated when the City Charter was adopted in 2005, there was a provision for the City to look back and see how they have done the previous five years and if there are items within the ordinance that do not function well for the City. The plan is to have a group of top citizens in the area come together to review the Charter and see if anything needs to be changed. The five years has come as of December 1, 2010. The Mayor and the Council will separately nominate an individual for the Commission.

Councilmember Tibby DeJulio stated he is nominating Rusty Paul. He has agreed to serve.

Mayor Eva Galambos stated she is nominating Carolyn Axt.

Councilmember Karen Meinzen McEnerny asked who is contacting the rest of the senators and house representatives to see who else has been appointed.

City Attorney Willard stated he will be in touch with all of the Commission members before the first meeting in January and will have that list to Mayor and Council.

Councilmember Meinzen McEnerny asked if the Commission will be open to the public.

Mayor Galambos responded yes.

City Attorney Willard stated the idea is to see if the Commission finds things that do not function well with the Charter. There have been questions on how the City would operate as individual districts as opposed to going City wide. That is the kind of thing the Commission will be looking at.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-328, Charter Commission Appointment, with the Mayor nominating Carolyn Axt and the City Council nominating Rusty Paul to the Commission. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-12-108

Mayor Eva Galambos stated there will be a vacancy on the Design Review Board. Van Westmoreland's term is up. She nominated Katherine Anderson.

Councilmember Ashley Jenkins asked about her background.

Mayor Galambos stated she is a lawyer. She is invested in everything that has ever happened in Sandy Springs and is very active in the community and Heritage.

Councilmember Karen Meinzen McEnerny stated she would like to look at candidates that have professional experience in construction or building design. She does not object to Katherine Anderson being appointed.

Mayor Galambos stated this is a difficult appointment, because it has to be someone who runs a business or is a property owner in Sandy Springs.

Councilmember Jenkins asked if this nomination has to be done tonight. She asked if this can be postponed until January.

Council decided to return to this item at the first meeting in January, 2011.

K) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
 - a) "Shoot Sandy Springs" Film Permit – Councilmember Fries

Councilmember Dianne Fries stated that Councilmember Meinzen McEnerny thinks the City is not charging enough for the daily permit and would like to charge \$500 as the daily permit fee. Some of the other cities are charging \$100 and that influenced Sandy Springs with setting the fee at \$100.

Councilmember Karen Meinzen McEnerny stated she would like to applaud Councilmember Fries, the Hospitality Board for putting together the film guidelines. She has a problem with the filming that

occurred in her neighborhood. There were five eighteen wheelers parked on a small neighborhood street with cables that people had to drive over. The cost to the City for that inconvenience was \$50. A couple of days later the film crew closed down Long Island Drive at Lake Forest Road for four hours. It caused considerable rerouting. When they filmed at the Capital City Club each homeowner was paid \$2,500. She suggests the daily permit fee be \$500 to compensate for the major inconvenience to our citizens.

Councilmember Fries stated this is not policy, so it does not need to be voted on. She is not going to support a \$500 daily permit fee. Sandy Springs is not in the business of making money off of these folks. We want to encourage them to come to Sandy Springs and let the surrounding businesses make the money.

Motion and Second: Councilmember Fries moved to approve a \$100 per day permit fee for film, television and movie permits. Councilmember Jenkins seconded the motion.

Substitute Motion: Councilmember Meinzen McEnery moved to approve the film, television, and movie permit guidelines and change the permit fee to \$500 per day. The substitute motion failed for a lack of second.

Vote on the Original Motion: The motion carried 5-1 with Councilmember Meinzen McEnery voting in opposition.

Councilmember Chip Collins stated he would like to commend former Councilmember Doug MacGinnitie for his appointment as the Georgia Department of Revenue Commissioner.

L) PUBLIC COMMENT

There were no public comments.

(Agenda Item No. 10-329)

M) EXECUTIVE SESSION – Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential acquisition of real estate with Charlie Roberts and Director of Community Development Blake Dettwiler included. Councilmember Fries seconded the motion. The motion carried 4-2 with Councilmember Paulson, Councilmember Fries, Councilmember Collins, and Councilmember DeJulio voting in favor of the motion. Councilmember Jenkins and Councilmember Meinzen McEnery voted in opposition to the motion. Executive Session began at 8:05 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive Session adjourned at 8:26 p.m.

(Agenda Item No. 10-330)

N) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 8:26 p.m.

Regular Meeting of the City of Sandy Springs City Council

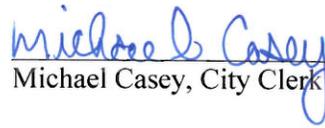
Tuesday, December 21, 2010

Page 22 of 22

Date Approved: January 13, 2011



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

December 21, 2010

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 21st day of December, 2010 in the city aforesaid, a meeting of the Council was closed to the public for the following reasons:

Future acquisition of real estate pursuant to O.C.G.A, 50-14-3(4);

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



Eva Galambos, Mayor

Sworn to and subscribed before me,

this 21ST day of DECEMBER, 2010.

Michael D. Casey
Notary public

