

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, November 16, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.**

### **INVOCATION**

Pastor Nate Bednar from Metropolitan Baptist 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 Ashley Jenkins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery present.

### **PLEDGE OF ALLEGIANCE**

City Council Page Imani N. Phillips led the Pledge of Allegiance.

**(Agenda Item No. 10-278)**

### **APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Fries moved to approve the Meeting Agenda for November 16, 2010. Councilmember DeJulio seconded the motion. The motion carried unanimously.

### **CONSENT AGENDA**

**(Agenda Item No. 10-279)**

1. Meeting Minutes:
  - a) November 2, 2010 Regular Meeting
  - b) November 2, 2010 Work Session*(Michael Casey, City Clerk)*

**(Agenda Item No. 10-280)**

2. A Resolution to Adopt the City of Sandy Springs 2011 Planning and Zoning Schedules  
*(Blake Dettwiler, Director of Community Development)*  
**Resolution No. 2010-11-91**

**Motion and Vote:** Councilmember Fries moved to approve the Consent Agenda for November 16, 2010. Councilmember DeJulio seconded the motion. The motion carried unanimously.

## **PRESENTATIONS**

### 1. Proclamation - Katie Stanwick and Girls Who Make a Difference

**Mayor Eva Galambos** called Katie Stanwick to the front. The Mayor then read the Proclamation which stated Katie Stanwick has volunteered more than one hundred hours of community service in Sandy Springs in less than four months. She attends Ridgeview Middle School and leads the organization Girls Who Make a Difference. She and twenty of her friends have provided volunteers for more than seven local non-profit organizations. Because of her dedication to Sandy Springs community groups and local non-profits, Katie Stanwick has earned the President's Volunteer Service Award. The Mayor recognized these individuals for their valuable service.

**Councilmember Dianne Fries** stated the Girls Who Make a Difference assisted the City with the City birthday party and the Overlook Park opening.

### 2. Proclamation - GIS Day 2010

**Mayor Eva Galambos** called Community Development Director Blake Dettwiler to the front to accept the Proclamation. The Mayor then read the Proclamation which stated Geography Awareness Week is November 14-20, 2010. National Geographic Information System (GIS) Day is November 17, 2010. Geography Awareness Week promotes geographic literacy in schools and GIS is an important part of geography awareness. This will be the City's fourth year of participation in GIS Day at a school in Sandy Springs.

**Councilmember Tibby DeJulio** stated the Greenfield Hebrew Academy School located in his district participated in a national contest called Microsoft Bing. There were over seven hundred different schools that participated. The Greenfield Hebrew Academy won the first place prize of \$100,000. The school decided to use some of their winning money to "pay it forward". They chose to help two schools in the United States. One of the schools, located in Utah, is so underfunded that they do not have a library. The Academy is going to put together a library for that school. The Academy chose another school in New Orleans that lost all of its musical instruments in Hurricane Katrina. They are buying and collecting musical instruments and will take them to the school in New Orleans. For the contest, the Academy submitted a video stating their school needs a new roof. The plan is to bring the school in for a presentation at a City Council Meeting in December or January.

## **PUBLIC HEARINGS**

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

### **(Agenda Item No. 10-281)**

1. 12662 - Approval of Alcoholic Beverage License Application for Genghis Grill located at 1165 Perimeter Center West, Sandy Springs, GA 30338. Applicant is Franklin Barnard for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits

**Administrative Services Director Robert Logan** stated the City has received an application for consumption on premises of wine, malt beverage and distilled spirits at Genghis Grill located at 1165 Perimeter Center West in Sandy Springs. Staff has reviewed the application and recommends approval.

**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. 10-281, Approval of Alcoholic Beverage License Application for Genghis Grill located at 1165 Perimeter Center West, Sandy

Springs, GA 30338. Applicant is Franklin Barnard for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Paulson seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-282)**

2. 12008 - Approval of Alcoholic Beverage License Application for R Rice at 1140 Hammond Dr., Bldg K, Ste. 120, Sandy Springs, GA 30328. Applicant is Liang Cin for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits

**Administrative Services Director Robert Logan** stated the City has received an application for consumption on the premises of wine, malt beverage and distilled spirits at R Rice located at 1140 Hammond Dr., Bldg K, Ste. 120, in Sandy Springs. Staff has reviewed the application and recommends approval.

**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 DeJulio moved to approve Agenda Item No. 10-282, Approval of Alcoholic Beverage License Application for R Rice at 1140 Hammond Dr, Bldg K, Ste. 120, Sandy Springs, GA 30328. Applicant is Liang Cin for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Fries seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-283)**

3. TA10-008 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning, Patrice Ruffin** stated this item was heard by the Planning Commission on October 21<sup>st</sup>. The Planning Commission recommended approval as presented by staff. The item was presented at the November 2<sup>nd</sup> Work Session Meeting.

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

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 10-283, TA10-008 - An Ordinance to Amend Article 19, Administrative Permits and Use Permits, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. The motion carried unanimously.

**Ordinance No. 2010-11-43**

**(Agenda Item No. 10-284)**

4. TA10-010 - An Ordinance to Amend Article 5, Agricultural District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated this item was heard at the October 21<sup>st</sup> Planning Commission Meeting. The Commission recommended approval.

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

**Motion and Second:** Councilmember Jenkins moved to approve Agenda Item No. 10-284, TA10-010 - An Ordinance to Amend Article 5, Agricultural District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion.

**Councilmember Tibby DeJulio** stated he did not know the City had agricultural regulations. He asked if this zoning is used for tax purposes, so owners can pay taxes at an agricultural rate. He knows of a property in his district that is zoned agricultural and the only thing that grows there is grass. The owner pays almost no taxes due to the property being zoning agricultural. The owner had a for sale sign up for years trying to sell it as a subdivided piece of property. It is unfair to the rest of the Sandy Springs residents if he is paying lower taxes.

Assistant Director Planning and Zoning Ruffin stated most of the agriculturally zoned properties in Sandy Springs are single family properties. Her understanding is these properties are taxed as a single family property.

Councilmember DeJulio stated this particular homeowner complained about his taxes a couple of years ago. Councilmember DeJulio looked at the homeowner's tax bill and it was approximately ninety-six dollars for a two to three acre property. The property was zoned agricultural and yet there is no agriculture there. He wonders how many properties in Sandy Springs are zoned agricultural that are really just single family homes.

**City Attorney Wendell Willard** stated he lives on one of these properties. They are one acre lots and most of the time they have septic tanks instead of sewage lines. This goes back to the zoning categories Fulton County had. With the AG-1 Zoning, the lots had to be at least one acre in size. There is no tax benefit in having the property zoned for agricultural use.

Councilmember DeJulio stated for the particular piece of property he looked at there was a tax benefit.

Mayor Galambos stated the tax assessor needs to be called on this issue.

Councilmember DeJulio stated it needs to be determined how many properties in Sandy Springs are like this one.

Mayor Galambos stated there are quite a few agricultural properties that have homes on them. There are not many agricultural properties that have just grass on them.

**Community Development Director Blake Dettwiler** stated that is correct. Quite a few agricultural properties have been developed over the years as detached single family subdivisions. There are only a handful of parcels that are zoned AG-1 that have yet to be developed.

Mayor Galambos asked if an inquiry can be placed with the tax assessor's office on how they value those properties.

Community Development Director Dettwiler responded absolutely.

Councilmember DeJulio stated that is great. He would like all residents to be treated equally.

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

**Ordinance No. 2010-11-44**

**(Agenda Item No. 10-285)**

5. **TA10-011** - An Ordinance to Amend Article 6, Single Family Dwelling District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated this item was presented at the November 2<sup>nd</sup> City Council Work Session. It was recommended for approval by the Planning Commission on October 21<sup>st</sup>.

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

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 10-285, TA10-011 - An Ordinance to Amend Article 6, Single Family Dwelling District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember DeJulio seconded the motion. The motion carried unanimously.  
**Ordinance No. 2010-11-45**

**(Agenda Item No. 10-286)**

6. **TA10-012** - An Ordinance to Amend Article 7, Two Family and Multifamily District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated the Planning Commission recommended approval of this item on October 21<sup>st</sup>.

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

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 10-286, TA10-012 - An Ordinance to Amend Article 7, Two Family and Multifamily District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.  
**Ordinance No. 2010-11-46**

**(Agenda Item No. 10-287)**

7. **TA10-013** - An Ordinance to Amend Article 8, Multiple Use District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated this item was heard by the Planning Commission on October 21<sup>st</sup> and was recommended for approval as presented.

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

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-287, TA10-013 - An Ordinance to Amend Article 8, Multiple Use District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. The motion carried unanimously.  
**Ordinance No. 2010-11-47**

**(Agenda Item No. 10-288)**

8. **TA10-014** - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated the Planning Commission recommended approval of this item on October 21<sup>st</sup> as presented by staff.

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

**Motion and Vote:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-288, TA10-014 - An Ordinance to Amend Article 9, Commercial District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Ordinance No. 2010-11-48**

**(Agenda Item No. 10-289)**

9. **TA10-015** - An Ordinance to Amend Article 10, Industrial District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated the Planning Commission heard this amendment at the October 21<sup>st</sup> meeting and recommended approval as presented by staff.

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

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 10-289, TA10-015 - An Ordinance to Amend Article 10, Industrial District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Ordinance No. 2010-11-49**

**(Agenda Item No. 10-290)**

10. **TA10-016** - An Ordinance to Amend Article 11, Planned Unit District Regulations, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated the Planning Commission heard this item on October 21<sup>st</sup> and recommended approval as presented by staff.

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

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 10-290, TA10-016 - An Ordinance to Amend Article 11, Planned Unit District Regulations, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Ordinance No. 2010-11-50**

**(Agenda Item No. 10-291)**

11. **TA10-018** - An Ordinance to Amend Section 4.11, Fences and Walls, of the Sandy Springs Zoning Ordinance

**Assistant Director Planning and Zoning Patrice Ruffin** stated this item was heard by the Planning Commission on October 21<sup>st</sup>. The Commission recommended approval as presented by staff.

**Mayor Eva Galambos** called for public comments in support of or opposition to this item.

**Bill Gannon, 505 Taunton Way,** stated he and Harriet Mills have been working with staff regarding the fence issue. There is a gap in the fence ordinance. There was one objectionable fence that was constructed quite a few weeks ago at the corner of Clementstone Drive and Peachtree Dunwoody Road. No one knew if the homeowner would stain or paint the fence. The homeowner then planted trees near the fence. That is too much fence for that particular corner. Staff has been working on what is the front of a house, back of a house, and the side of a house. Staff also addressed the issue of when barbed wire

fence can be used. This will be a growing ordinance and he would like City staff to be able to use discretion in making decisions regarding the approval of fences.

Mayor Galambos closed the public hearing.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 10-291, TA10-018 - An Ordinance to Amend Section 4.11, Fences and Walls, of the Sandy Springs Zoning Ordinance. Councilmember DeJulio seconded the motion.

**Councilmember Dianne Fries** stated she would like to commend staff on this Ordinance. She worked with staff on what is actually the front of a house.

**Vote on the Motion:** The motion carried unanimously.  
**Ordinance No. 2010-11-51**

(Agenda Item No. 10-292)

12. **ZM10-008** - 5620 Glenridge Drive, Applicant: BTIC Glenridge, LLC, To modify condition 3.i. of RZ06-055 to reduce the number of specimen trees required to be saved from five (5) to four (4)

**Assistant Director Planning and Zoning Patrice Ruffin** stated this is a zoning modification to a 2006 rezoning. The developer was conditioned to maintain five specimen trees on the property as part of the development. During land disturbance the developer impacted one of the trees and it had to be removed. This modification is to allow four specimen trees to remain. The applicant has provided a landscape plan that has been reviewed by the City arborist. Staff recommends approval conditional of the modification.

**Mayor Eva Galambos** stated there were penalties involved and they have been paid.

**Chief Arborist Michael Barnett** stated the contractor was cited with encroachment into the critical root zone of a landmark tree. The contractor was fined one thousand dollars and was required to replant to mitigate the canopy for that tree.

**Mayor Eva Galambos** called for public comments in support of or opposition to this application.

**Jon Howard, Representative of Planners and Engineers Collaborative**, stated he represents the client. He was ready to answer any questions regarding the trees. The tree removed was equivalent to 4,400 square feet of canopy cover and 6,000 square feet of canopy cover was added. The canopy cover was equivalent to eight trees and eleven trees were planted.

**Councilmember Ashley Jenkins** asked if the damaged specimen tree was a pine tree.

Mr. Howard responded yes. The trees that replaced the removed tree are Zelkovas, Magnolias, Virginia Pines, and Cryptomerias.

**Councilmember Karen Meinzen McEnerny** asked if there was any way the original pine tree could have remained on site after it was damaged.

Chief Arborist Barnett stated due to the grading into the critical root zone and the other trees being removed near the pine tree, which made it more susceptible to the wind, he determined it would probably be an unsafe tree to leave standing.

Councilmember Meinzen McEnery stated that is because the large equipment dug under the roots and raised them.

Chief Arborist Barnett stated he thinks what happened was the teeth of the equipment damaged the roots in the top twelve inches of soil.

Mayor Galambos closed the public hearing.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 10-292, ZM10-008 - 5620 Glenridge Drive, Applicant: BTIC Glenridge, LLC, To modify condition 3.i. of RZ06-055 to reduce the number of specimen trees required to be saved from five (5) to four (4). Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Ordinance No. 2010-11-52**

### UNFINISHED BUSINESS

There was no unfinished business.

### NEW BUSINESS

**(Agenda Item No. 10-293)**

1. Consideration of Approval of a Contract to perform Hot in Place Recycling on selected streets with the selected contractor

**Field Services Manager Ron Adderley** stated there was money set aside in the 2011 budget to have an intermediate program to promote pavement preservation as part of Operation Pave On. The City Manager asked staff to find innovative projects to stretch our funds. Staff was introduced to this technique approximately a year and a half ago. There was research done and staff believes this is a good thing for Sandy Springs. A bid was put out as a test project and staff looked at several streets that were suitable for the process. Selecting the streets is not as cut and dry as the other two paving processes. The stress factors for the streets need to be analyzed extensively, but there are quite a few streets that this process is applicable to. Staff received bids for the work that were under budget. There was \$500,000 set aside and the winning bid was approximately \$417,000.

**Councilmember Ashley Jenkins** asked if the top three inches of the road will be pulled up.

Field Services Manager Adderley stated the process heats the asphalt in place in two stages. The process scarifies it at an inch and half and uses the asphalt that is already on the ground. A rejuvenating agent will be applied and the asphalt will be rolled back in place.

**Councilmember Dianne Fries** asked if the street will be scraped up.

Field Services Manager Adderley stated the street is not actually scraped up. The asphalt will be stirred in place.

**Mayor Eva Galambos** asked if there is anything new added to the asphalt.

Field Services Manager Adderley stated a rejuvenating agent will be added to the asphalt and then it is rolled back into place and cured. A surface treatment called micro surface is applied. The result is a prolonging of the life of the road for seven to nine years.

Councilmember Fries asked if the resurfacing the City is currently performing on streets extends the life of the streets approximately seven years.

Field Services Manager Adderley stated with the current resurfacing projects staff hopes to get about ten years of life for the streets.

Councilmember Fries stated then the Hot in Place process is comparable.

Councilmember Jenkins asked if the street will look like it has been resurfaced.

Field Services Manager Adderley stated from what he has seen, when the micro surface cures, the street looks like it has been resurfaced.

**Councilmember Tibby DeJulio** asked about the narrow field of streets this process can be performed on and what needs to be taken into consideration.

Field Services Manager Adderley stated the roads cannot have too many overlays already on them. They cannot have a lot of subsurface defects to where the road is rutted out or extensive cracking. Streets that are located in older subdivisions that have never been resurfaced are typically applicable for this process.

Councilmember Fries asked if the rating of a street affects the selection decision.

Field Services Manager Adderley responded absolutely.

**Councilmember John Paulson** stated an overlay is a less expensive resurfacing procedure. The street has to be a certain quality for an overlay to be the best use of the dollar. The other end of the extreme is to tear up the whole street and redo it, which is very expensive and done on the bad streets. This process is an intermediate method. What is the price of this compared to regular resurfacing and reconstruction?

Field Services Manager Adderley stated the cost is about three quarters of what resurfacing costs.

Councilmember Jenkins asked when this project is scheduled to begin.

Field Services Manager Adderley stated if there is good weather, staff would like to start this fall. The process moves fast and it is different than regular resurfacing. The project requires the temperature to be at least forty-five degrees and dry weather.

Councilmember Fries stated this is not a fix for the rebuilding of roads. There will still be the list of roads that need to be rebuilt.

Field Services Manager Adderley stated correct. The Hot in Place Recycling is another option. There will still be resurfacing projects and reconstruction.

Councilmember DeJulio asked if more roads will be added to the list since this project came in under budget.

**City Manager John McDonough** stated a mid-year budget review needs to be completed before committing to spending that money.

Councilmember Collins asked if \$417,000 covers the seventeen roads on the list and if the process will be started on each road by the end of the year.

Field Services Manager Adderley stated staff would like to start the process on the roads. The project will be evaluated as it progresses and work will continue as long as there is good weather.

Councilmember Collins asked if he can tell the citizens in his district they are going to have their road resurfaced.

Field Services Manager Adderley stated he would tell them they are on the list for a program the City is starting. A treatment will be performed on their road that is new in this area.

City Manager McDonough asked about the length of the contract.

Field Services Manager Adderley stated the contract is four months long.

Councilmember Collins stated the City may begin the contract, decide we do not like the result, stop the project and not spend the whole \$417,000.

City Manager McDonough stated that is possible. An update will be provided to Council once work begins on a couple of roads.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 10-293, Approval of a Contract to perform Hot in Place Recycling on selected streets with the selected contractor. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**Resolution No. 2010-11-92**

**(Agenda Item No. 10-294)**

2. Consideration of Approval of Street Lights for the PCID Peachtree Dunwoody Project and the Fulton Phase 1 Project

**Director of Public Works Tom Black** stated this is for the streetscapes to move forward with State, Federal and local funding by the Perimeter CID. PCID has to sign an agreement with the City to furnish the energy cost of the pedestrian and street lights on the projects.

**Councilmember Ashley Jenkins** asked PCID President Yvonne Williams where this is located.

**PCID President Yvonne Williams** stated all up and down Peachtree Dunwoody Road. PCID received 100% stimulus funds. These will be signature lights with the standard crosswalk and brick pavers as seen on Perimeter Parkway and Perimeter Center West.

**Councilmember Tibby DeJulio** asked if the City is paying for the lights or the upkeep of the lights or just the power.

Director of Public Works Black stated just the power.

**Councilmember Dianne Fries** stated the cost is \$5,000 a month.

**Mayor Eva Galambos** stated while at the GMA Policy Council Meeting there was a discussion about the cost of street lighting. There needs to be pressure placed on GMA to pursue a rate reduction for off-peak rates from the Public Service Commission for street lights. At one time the Public Service Commission did render such a decision, but it has gone by the wayside. Staff needs to check to see if the City is being charged the same rate as commercial. If the City is, that is wrong, because we are using power off-peak. The City needs to push GMA to pursue this.

Director of Public Works Black stated the City is currently paying a rate per each light. It is unregulated power, which is part of the problem.

**Councilmember John Paulson** asked if the street lights are metered.

Director of Public Works Black stated no, they are not. The City is being charged a dollar amount per light on a monthly basis.

Mayor Galambos stated this needs to be looked into with other cities as well.

**City Manager John McDonough** stated there is a regional effort underway right now to review this very thing. There is also an energy audit underway internally at the City.

Mayor Galambos stated it is probably something that affects PCID, too.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 10-294, Approval of Street Lights for the PCID Peachtree Dunwoody Project and the Fulton Phase 1 Project. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2010-11-93**

**(Agenda Item No. 10-295)**

3. Acceptance of one Permanent Drainage Easement and five Temporary Driveway Easements for the Pitts Road Sidewalk Improvement Project No. T-6010-2

**Capital Program Director Marty Martin** stated this item accepts the donation of driveway easements and a drainage easement at the intersection of Pitts Road and Roswell Road. These are for the future construction of sidewalks on both sides of Pitts Road from Roswell Road to Colquitt Road. This project is in the final stages of design with construction to begin in early spring.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 10-295, Acceptance of one Permanent Drainage Easement and five Temporary Driveway Easements for the Pitts Road Sidewalk Improvement Project No. T-6010-2. Councilmember Fries seconded the motion. The motion carried unanimously.

**Resolution No. 2010-11-94**

**(Agenda Item No. 10-296)**

4. Acceptance of Grant Award HMGP-1858-0006 from the Federal Emergency Management Agency and the Georgia Emergency Management Agency

**Grant Administrator Eden Freeman** stated that FEMA and GEMA have issued an award to the City for the properties that were flooded in October 2009. The award is for a total of \$2,749,364. Seventy-five percent of that is the Federal share, which is \$2,060,023. The State share is ten percent, which is \$274,936. The local share is fifteen percent, which is \$412,405. Each of the homeowners have agreed to provide the fifteen percent match as part of the conditions for participating. There is a potential that those homeowners may pull out of the deal up to the point the deal goes to the closing table. The City has one year to complete this work from the date of October 19, 2010, pending Fulton County submitting and receiving approval of the Fulton County Hazard Mitigation Plan. Staff has been assured by Fulton County as recently as November 12, 2010, that the Plan will be completed, submitted and approved within the time period, which will extend the City's period of performance through 2013.

**Councilmember Dianne Fries** stated the homeowner could pull out up to the time of closing. If there is a scenario where that happens, can the City pull out of the deal?

**Councilmember John Paulson** asked if that money could be placed towards the next house on the list.

Grant Administrator Freeman responded no. It would have to go back before FEMA and they would have to approve any other homes that are on the list.

Councilmember Fries stated forgetting that part, can the City pull out of the deal?

Grant Administrator Freeman stated not out of the whole project. At that point FEMA would most likely not want to cover the costs the City would have expended to complete the appraisal or the estimate.

Councilmember Fries asked if the City could pay for those upfront costs, but just not close on that house.

Grant Administrator Freeman responded yes.

**Motion and Vote:** Councilmember DeJulio moved to approve Agenda Item No. 10-296, Acceptance of Grant Award HMGP-1858-0006 from the Federal Emergency Management Agency and the Georgia Emergency Management Agency. Councilmember Jenkins seconded the motion. The motion carried unanimously.

**(Agenda Item No. 10-297)**

5. A Resolution Appointing Members to the Sandy Springs Board of Ethics

**Mayor Eva Galambos** stated the Board of Ethics adopted rules that limit their terms of service. There are two members that are leaving the Board. This proposal is to advance two alternate members by moving them up to permanent status and nominating two new members to the alternate positions. The new alternates are David Price and Cindy Johnson.

**Motion and Vote:** Councilmember Jenkins moved to approve Agenda Item No. 10-297, A Resolution Appointing Members to the Sandy Springs Board of Ethics. Councilmember DeJulio seconded the motion. The motion carried unanimously.

**Resolution No. 2010-11-95**

Mayor Galambos recognized Ms. Phillips, the City Council Page, and presented her with a certificate of appreciation.

**REPORTS AND PRESENTATIONS**

There were no reports from Council or staff.

**PUBLIC COMMENT**

**PCID President Yvonne Williams** thanked the Mayor, Council, City Manager John McDonough, and Public Works Director Tom Black. The PCID has a major partnership going with the Hammond ramps project and Peachtree Dunwoody. 2011 will be a fabulous year for the PCID to announce more projects in the multimillion dollar levels. She looks forward to seeing even more pedestrians walking safely and enjoying Sandy Springs.

**Mayor Eva Galambos** thanked PCID President Yvonne Williams and stated the City is glad to be a part of it.

**(Agenda Item No. 10-298)**

**EXECUTIVE SESSION – Litigation and Real Estate**

**Motion and Vote:** Councilmember DeJulio moved to enter into Executive Session to discuss potential litigation and acquisition of real estate. 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 began at 6:58 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 7:18 p.m.

**(Agenda Item No. 10-299)**

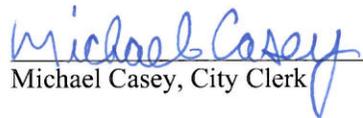
**ADJOURNMENT**

**Motion and Vote:** Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. The motion carried unanimously. The meeting adjourned at 7:19 p.m.

Date Approved: December 7, 2010



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA  
FULTON COUNTY

November 16, 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 16<sup>th</sup> day of November, 2010, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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

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

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

*Eva Galambos*

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

Sworn to and subscribed before me,  
this 16<sup>TH</sup> day of NOVEMBER, 2010.

*Michael D. Casey*  
Notary public

(SEA)

