

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 19, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Pastor Will Zant from North Springs Methodist Church offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:06 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

Mayor Eva Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-256)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for October 19, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-257)

1. Meeting Minutes:
 - a) April 9, 2010 Special Called Meeting
 - b) October 5, 2010 Regular Meeting
 - c) October 5, 2010 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 10-258)

2. Plats Identified for Ratification since the July 13, 2010 City Council Meeting
(Nancy Leathers, Director of Community Development)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for October 19, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

PRESENTATION

1. Presentation of Flag carried by Sgt. Mark Johnson to SSPD – by Sgt. Mark Johnson

Sergeant Mark Johnson stated he recently returned from a military tour in Iraq. Prior to leaving, Police Chief Terry Sult asked him if he was sent an American Flag, could he do something with it. The flag that Chief Sult shipped to Sgt. Johnson never arrived. Sgt. Johnson was able to find an American Flag that he bought at an Iraqi market. Sgt. Johnson carried the flag on his team's Humvee for fifty combat missions until he decided to retire the flag. He was assigned to the Civil Affairs Team and their job was to rebuild elementary schools for the Iraqi school children. He was honored to carry this flag to approximately twenty-five different schools. He wished his entire team could be here tonight, but they could not. The flag was with the team on a mission when the convoy was hit by an IED as well as when an Iraqi Army Officer was shot on another mission. The flag was good luck for him. On behalf of team Hawkeye of the 314 Civil Affairs Company, he presented the American Flag and the patches they wore to the Sandy Springs Police Department and Chief Sult.

Police Chief Terry Sult stated it is humbling for folks to place themselves in harm's way to protect us. This is a double honor for the soldiers that are police officers to protect us at home as well as abroad. It is not just the soldiers who make sacrifices, but the families that are left at home. It is humbling to receive this flag that has been on so many different missions and to be able to hang it in the Police Department. He thanked Sgt. Johnson.

Mayor Eva Galambos thanked Sgt. Johnson for his service to our Country. She stated we are glad he is safely home and we cannot thank him enough for safeguarding us.

Councilmember John Paulson asked Sgt. Johnson to explain the patches that are in the frame above the flag.

Sgt. Johnson identified the standard Civil Affairs patch and the Color patch for Class A uniforms. While stateside, soldiers wear the American Flag patch, but while overseas they wear the IR Flag, so soldiers are able to recognize each other at night. There is also the 14th IA Special Forces Patch and the IGFC patch, which stands for the Iraqi Ground Forces Command.

PUBLIC HEARINGS

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

(Agenda Item No. 10-259)

1. Resolution for Adoption of the Annual Capital Improvements Element (CIE) Update

Assistant Director of Planning and Zoning Patrice Ruffin stated this is the Resolution to adopt the annual Capital Improvements Element (CIE) update that is related to the Impact Fee Ordinance. Staff has received the approval from DCA related to this item.

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. 10-259, Resolution for Adoption of the Annual Capital Improvements Element (CIE) Update. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2010-10-81

(Agenda Item No. 10-260)

2. Resolution to Amend the City of Sandy Springs Community Development Fee Schedule

Assistant Director of Planning and Zoning Patrice Ruffin stated this item was presented at the City Council Work Session on October 5, 2010. This item is related to the public notice signs required for land use petitions. Staff is recommending approval of the fee adjustment.

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. 10-260, Resolution to Amend the City of Sandy Springs Community Development Fee Schedule. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Resolution No. 2010-10-82

Councilmember Dianne Fries stated the only thing that changed was the signage.

Assistant Director of Planning and Zoning Ruffin stated correct.

(Agenda Item No. 10-261)

3. Approval of an Ordinance to Adopt the International Property Maintenance Code, 2006 Edition as amended

Assistant Director Code Enforcement Marcus Kellum stated this Ordinance is presented to adopt the 2006 Edition of the International Property Maintenance Code. This item was presented at the October 5, 2010, City Council Work Session Meeting.

Mayor Eva Galambos asked for an explanation of what this Ordinance is about.

Assistant Director Code Enforcement Kellum stated in 2005, the City adopted the 2003 Edition of the International Property Maintenance Code. In an attempt to stay current with State adoptions, the 2006 edition is presented with the amendments that were agreed upon for the 2003 Edition. The language for stormwater that was presented by Public Works is also included.

Councilmember Ashley Jenkins asked if the stormwater language could be read to Mayor and Council.

Assistant Director Code Enforcement Kellum stated the following language is located in Section 3 of the Ordinance:

Section 507 Storm Drainage

Section 507.1 *General*. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

Section 507.2 *Existing Stormwater Management Facilities*. Where no maintenance covenant or agreement has been recorded to define maintenance responsibility, it shall be the responsibility of the property owner to maintain the operational characteristics of any stormwater management facility (including ditches, pipes, or detention basins) located on their property pursuant to city requirements and as designed, to keep the access easements free of obstructions, and to maintain the facility free of obstruction, silt, or debris.

Section 507.3 *Detention Facilities*. Detention facilities shall be maintained such that the storage capacity and/ or function of any stormwater basin, pond or other impoundment, whether natural or manmade, shall not be removed or diminished without written approval of the City.

Section 507.4 *Maintain*. The term maintain shall include removal of sediment, vegetative growth, debris, or trash that reduces or hinders the facility from performing as intended.

Section 507.5 *Inspection*. Inspection programs by the city may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws.

SECTION 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Sandy Springs hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections or subsections, sentences, clauses and phrases be declared unconstitutional.

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

Robert Nadolski, 265 Underwood Drive N.W., stated the citizens have not had adequate time to review this Ordinance. They do not know what the implication may be. He would like more time to review this with his City Council representative and asked this not be voted on today.

Richard Farmer, 6080 Glenridge Drive, Watershed Alliance of Sandy Springs, stated approximately two weeks ago Councilmember Collins had a meeting with the homeowners in the Colewood Creek area. Quite a few of those homeowners are experiencing significant flooding. The flooding may be attributable to old legacy stormwater facilities, perhaps the retention ponds in Arlington Park. The homeowners are experiencing additional flooding due to what may be current construction of the Abernathy Greenway. During the course of the meeting, the homeowners found out that the City would not be responsible for these flooding episodes. The City cannot get Fulton County to take responsibility for the flooding, either. Meanwhile, there are homeowners in fear of experiencing significant damage to their property due to flooding. One of the functions of government is to protect the citizens. Adopting this Ordinance at this time, without the homeowners having time to review it to understand how they will be responsible, instead of the City or County, is unfair to them. The Watershed Alliance recommends deferral of this Ordinance.

Patty Berkovitz, 800 Crest Valley Drive, Watershed Alliance of Sandy Springs, stated that Mr. Ron Lee was not able to attend the meeting this evening. He asked Ms. Berkovitz to read a short letter addressed to Mayor and Council. "Dear Mayor and City Council, We respectfully request that the "Storm water" portion be removed from item 10-261. This will provide all interested parties the opportunity to review and submit comments. Thank you for your consideration of this request."

Mayor Galambos closed the public hearing.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 10-261, Approval of an Ordinance to Adopt the International Property Maintenance Code, 2006 Edition as amended with the exception of Section 507, which will be deferred to the November 2, 2010, City Council Meeting. Councilmember Collins seconded the motion.

Councilmember Tibby DeJulio stated he just returned home at 4:00 p.m. this afternoon. He has not had a chance to study Section 507 of the agenda item. He did notice there were quite a few emails regarding this. He needs to learn more about this before he votes on it.

Councilmember Karen Meinzen McEnerny stated the language as presented describes existing elements on private property. Take, for example, a stretch of road like Davis Drive where there are driveways that cross a State stream. If the pipes that were originally constructed are now not large enough, would the City, in adopting this Ordinance, be requiring all the property owners, when replacing the pipes, to replace with larger pipes or just as originally designed in 1957?

Director of Public Works Tom Black stated this Ordinance change would not require homeowners to upsize the pipe. Staff is looking at it from a maintenance standpoint. If the pipe is enlarged, additional easements would be required for the additional water that would flow downstream. If any drainage is to be corrected, staff would have to start at the Chattahoochee River and work their way up the basin. Changes cannot be made to the middle or upper end of the basin without damaging someone else's property.

Councilmember Meinzen McEnerny summarized this would not burden the homeowners with additional requirements. This will improve the flow rate or drainage capacity of the property as originally designed.

Director of Public Works Black stated the primary emphasis is on maintenance of existing detention ponds. Staff has to inspect all the ponds as part of the NPDES permit. Some of the ponds are overgrown and full of sediment. These ponds will be taken through the City's process to see who is supposed to be maintaining them. When tracking the original recording, if it was part of the homeowner's responsibility to take care of the pond, then it will be up to the homeowner. If the pond has taken road water that is part of the City's maintenance, then the City would be responsible for the pond. There are other issues where things have been changed. A homeowner may not have liked a pond in their yard, because the weir was part of the detention off the development, so they took a sledgehammer and beat the weir down. They do this so they can expand the use of their yard into the detention pond. Staff would research what was originally constructed there and the homeowner would have to replace the weir. Unfortunately, in this process, the person that did this could have sold the house and moved on and someone else bought the house. The new homeowner is not aware of the situation and will be surprised. Staff will work with the new homeowner to work out the problems. It is very important to be flexible and work with the citizens.

Councilmember Dianne Fries stated she would like to reiterate that this Ordinance is not declaring ownership of anything. It is purely maintenance of the stormwater system. She is sorry there is a motion to defer this item to the next meeting.

Councilmember Chip Collins stated he is not sorry there is a motion to defer this item. These are the City's laws and he believes the residents have a right to feel they are informed. He has been assured there is no rush to vote on this item. He is fine with letting people study the Ordinance. This Ordinance is meant to clarify the position the City is already taking. This is not really changing anything, it is codifying the policies.

Director of Public Works Black stated that is exactly right. The purpose is to make the policies in place enforceable. If homeowners are cutting trees down in their yard and dumping them in the creek behind their yard, staff will have an issue with that. Staff is not concerned with anything occurring naturally on the creek banks. Staff is primarily concerned with the facilities. There have been numerous meetings regarding how citizens may be negatively affected downstream when a facility is not functioning properly. If there is a reasonably sized detention pond that was designed correctly above your property, the two and five year storms should not impact you. The detention pond should catch the water and meter

it out the way it is supposed to work. If there is not a weir in the pond or the dam has been breached; that is where the problems are.

Mayor Galambos stated we have lived through decades of Fulton County not having any Code Enforcement. People got away with all kinds of things. Those days are over. The Code is now to be enforced and that protects all the residents.

Vote on the Motion: The motion carried unanimously.
Ordinance No. 2010-10-41

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 10-262)

1. Consideration of the extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs

Assistant Director Building Development Blake Dettwiler stated this item is consideration of the extension of the Land Disturbance Permit for the Atlanta Grand Bohemian Hotel located at 1115 Abernathy Road. The project was originally approved on June 11, 2008. This is the third request for extension of the Land Disturbance Permit.

Motion and Second: Councilmember Jenkins moved to approve Agenda Item No. 10-262, the extension of the Atlanta Grand Bohemian Hotel Land Disturbance Permit under Chapter 103, Article 6, Section 103-27(b)(4) Development Regulations Ordinance of the Code of the City of Sandy Springs. Councilmember Fries seconded the motion.

Councilmember Ashley Jenkins stated Bryan Baer is here, who represents the Atlanta Grand Bohemian Hotel. She is glad they are still considering constructing a hotel in Sandy Springs. She thinks the hotel is the best thing for that location. She hopes the market turns around and they are able to obtain financing for it.

Mayor Eva Galambos stated the City's Hospitality Director gives monthly reports of occupancy rates for the hotels located within Sandy Springs. Our hotel's occupancy rates are higher than any jurisdictions nearby, including Atlanta. The market is there for the Atlanta Grand Bohemian Hotel.

Councilmember Tibby DeJulio asked if there is any idea of when construction may begin on this project. He asked if the lenders have indicated when their ability to lend will loosen up a little bit.

Bryan Baer, Representative of the Atlanta Grand Bohemian Hotel, stated not at this time.

Councilmember DeJulio asked how long the LDP is going to be extended.

Assistant Director Building Development Dettwiler stated it will be extended 180 days.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 10-263)

2. North Fulton Comprehensive Transportation Plan (NFCTP) Adoption

Presented by Transportation Planner Cedric Clark stated the North Fulton Comprehensive Transportation Plan (NFCTP) was presented to Council in August, 2010. At that time staff asked for Mayor and Council's comments and feedback on the draft recommendations. Those comments have been included in the final version of the plan. James Fowler with Kimley-Horn will go over those changes and answer any additional questions.

James Fowler, Representative of Kimley-Horn, stated he has been part of the team that has worked on the North Fulton Comprehensive Transportation Plan. There were two projects on the draft list that were removed and four projects that were added. The two projects removed were the widening of Abernathy Road and the new four lane vehicular crossing of the Chattahoochee River. At the North Fulton Mayors Meeting, Mayor Wood with the City of Roswell suggesting instead of removing the four lane crossing over the Chattahoochee River, to leave it on the list as strictly a bicycle and pedestrian project in the lowest level priority tier. The projects that were added at Council's request are capacity improvements to a section of Glendridge Drive; a capacity improvement to a section of Spalding Drive; operational improvements to Riverside Drive and I-285 at that intersection; and also operational improvements at the intersection of Northridge Road and GA400. Tonight is the second of a series of six City Council meetings where this plan will be proposed for adoption. Last night the City of Milton City Council unanimously approved the plan. Next week the Cities of Roswell, Johns Creek, and Mountain Park will consider the plan. The following week the plan will be presented at the City of Alpharetta's Council Meeting.

Councilmember Karen Meinzen McEnerny stated it has been brought to her attention that some people feel there was not adequate public involvement. A memo she received indicates that the project management team has completed the data collection, needs analysis, public involvement and final recommendations. What type of public involvement was included specifically in Sandy Springs, besides the presentations made before City Council?

Mr. Fowler stated there was a significant public involvement piece to this project. There were two rounds of public charrettes. There was a charrette held in each City in January as part of the needs assessment charrette. At this charrette they allowed for public input and comments on identified needs within the City. Following that, there was another round of charrettes in each City where the consultants presented the final list of recommendations for review and comment from the public. They quantified those and included them in the reports.

Councilmember Meinzen McEnerny asked if the charrettes were well attended in Sandy Springs.

Mr. Fowler stated he was not at those meetings, but his colleague stated they were.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-263, North Fulton Comprehensive Transportation Plan (NFCTP) Adoption. Councilmember Jenkins seconded the motion. The motion carried unanimously.

Resolution No. 2010-10-83

Councilmember Chip Collins stated his comment deals with the Hammond Drive project. Is there someone that can tell him how the City got to where we are on the Hammond project? Is this something that has already been voted on and passed by the Council?

Mayor Eva Galambos stated it is part of the transportation plan that was adopted by Council in 2008.

Councilmember Tibby DeJulio stated the part that is going on right now is a study of alternatives. It will include public hearings and input from residents in the area. Nothing has been set in concrete at this point, except the study.

(Agenda Item No. 10-264)

3. Authorization for the Mayor and City Council to Apply for and Accept a Georgia Department of Transportation Gateway Grant

Director of Public Works Tom Black stated this application is for a grant for the Perimeter CID. The Perimeter CID has applied for one grant already and they can only apply for one per year. They asked the City to be a sponsor at no cost to the City. Staff would also like the authorization to accept the grant, if successful with the application.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-264, Authorization for the Mayor and City Council to apply for and accept, if granted, a Georgia Department of Transportation Gateway Grant. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-10-84

(Agenda Item No. 10-265)

4. Amendment of the 2010 Budget

Finance Director Amy Davis stated this amendment is a result of the 2010 audit. The City has a loan to ChattComm 911 that is deemed an expense to the City, because it did not require a repayment plan at the time. Staff now has to establish a repayment plan. That is the bulk of the adjustment and it will come from the contingency fund.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-265, Amendment of the 2010 Budget. Councilmember Paulson seconded the motion.

Councilmember Tibby DeJulio asked how much the amendment is for.

Finance Director Davis stated the largest portion of it is two million fifty-seven thousand dollars. It was a loan to ChattComm 911 to purchase additional equipment. The City opted to finance the equipment ourselves rather than entering a loan agreement.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2010-10-85

REPORTS AND PRESENTATIONS

There were no Council or staff reports.

PUBLIC COMMENT

Kevin Farmer, 355 W. Spalding Drive, stated he attended a few of the meetings regarding Hammond Drive. He has heard from other residents that they do not want Hammond Drive widened. Now it appears in the North Fulton Comprehensive Transportation Plan (NFCTP) as a Tier 1 project. The cost to widen the road will be approximately \$29 million for half a mile of road. He is not sure how it benefits the citizens of Sandy Springs to widen Hammond Drive. It will help Cobb and DeKalb County if the road is widened. If Mayor and Council want to promote a pedestrian friendly downtown, they should look at other cities like Marietta and Decatur, which have taken their four lane roads down to two lane

roads. There are two large projects within the City of Sandy Springs, Abernathy Road and the half diamond at GA400. No one knows how they will affect traffic once complete. If we want a comfortable, personable City that attracts people to walk around downtown, we cannot have them crossing five lane highways. There was a four page questionnaire sent out to the residents of Sandy Springs. The last question on the last page of the questionnaire was should Hammond Drive be widened. This should have been the first question. It makes the rest of the questionnaire superfluous. Have you looked at I-85 and the access roads? Does that promote a neighborhood feel? No, it does not. Before the City votes for the North Fulton Comprehensive Transportation Plan, stop and think of what the effects will be. Will it benefit the people that actually live here? The answer is not to make it easier for others to flow through Sandy Springs. You encourage people to stop by narrowing the roads.

Richard Farmer, 6080 Glenridge Drive, stated he is also opposed to the Hammond Drive widening. His concern is this draft of the report was released on Friday and the citizens have not seen a hard copy, yet. Page 10 talks about the charrettes that were held to discuss the projects. He attended both of those meetings. The citizens that attended the meetings did not place the Hammond Drive project as a priority. The only time it came up in conversation was when a consultant or representative of the City brought the topic up. When it came time to vote, the Hammond Drive project was voted down. Page 10 of the draft describes the charrettes and implies that the Hammond Drive project received sufficient votes to be placed as a Tier 1 project. This is misleading and perhaps worse, fraudulent. If this was the justification to make Hammond Drive a Tier 1 project, someone is deceiving Mayor and Council and misleading the City.

Mayor Eva Galambos stated the transportation plan for Sandy Springs, which received enumerable public meetings, has been on the Sandy Springs website and available to the public. It has included the widening of Hammond Drive since 2008.

EXECUTIVE SESSION – Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential litigation with Director of Public Works Tom Black, Director of Community Development Nancy Leathers, and Assistant Director Building Development Blake Dettwiler included. 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 6:59 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 7:10 p.m.

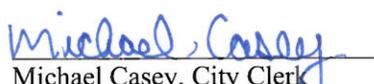
(Agenda Item No. 10-266)

ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:11 p.m.

Date Approved: November 2, 2010


Eva Galambos, Mayor


Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

October 19, 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 19th day of October, 2010, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

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 19TH day of OCTOBER, 2010.

Michael D. Casey
Notary public (SEAL)

