

Regular Meeting of the Sandy Springs City Council was held on Tuesday, October 5, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Mario Karpuj, Congregation Or Chadash

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:08 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.

PRESENTATION

1. Present Congressman John Lewis Key to the City of Sandy Springs – by Mayor Eva Galambos

Mayor Eva Galambos stated it gives her a tremendous amount of pleasure to present the Key to the City to Congressman John Lewis. She stated Congressman Lewis has always been a supporter of the people of Sandy Springs. When no one else would listen and take the people seriously, Congressman Lewis said “You all are entitled to a vote.” She thanked him for all of his assistance, especially on the Hammond Drive project.

Congressman John Lewis addressed the Mayor, City Council, and the citizens of Sandy Springs. He stated he will take the Key to the City back to Washington, D.C. and place it on the wall in his office. He will always be reminded of the City of Sandy Springs. It is an honor to stand before the City. He recalled how the people of Sandy Springs fought hard to develop and organize the City.

(Agenda Item No. 10-243)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Meeting Agenda for October 5, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-244)

1. Meeting Minutes:
 - a) September 21, 2010 Regular Meeting
(Michael Casey, City Clerk)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda for October 5, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

PRESENTATIONS

2. Award to Cox for Scholarships for Recreation Programs - by Kevin Irlbeck, Friends of Sandy Springs

Kevin Irlbeck, Friends of Sandy Springs, stated he would like to thank Cox Enterprises for their gift to the Friends of Sandy Springs. This gift will benefit the Sandy Springs Parks and Recreation Department.

Dale Hughes, Cox Enterprises, thanked the Friends of Sandy Springs. He previously read through the list of children that were able to attend the recreational programs because of this gift. He saw the great stewardship by the Recreation and Parks Department and the Friends of Sandy Springs. He feels it an honor to be part of this, to serve others in the community that perhaps could not serve themselves.

Mayor Eva Galambos stated this scholarship enables a lot of children to participate in the City of Sandy Springs Recreation Programs whose families do not necessarily have the funds to pay the recreation fees. This gift extends the Recreation Department for the entire community. She thanked Dale Hughes with Cox Enterprises.

3. Presidential Teamwork Award for Sandy Springs Flood Response Team – by Tami Hanlin

Project Director for CH2M HILL, Tami Hanlin, stated everyone remembers the harrowing days of September 2009. CH2M HILL has recognized the outstanding work of the Sandy Springs Public Works Department in response to the flood in 2009. The prestigious teamwork award was presented to the Sandy Spring Public Works Department for demonstrating they were a nimble, adaptable, and responsive partner. The department successfully located State and Federal funding. They responded to the disaster in a timely and efficient manner without interruption of normal routine or service. It is an honor to recognize the Public Works Director, Tom Black, and his entire team for their outstanding work.

Public Works Director Tom Black stated he accepts this award on behalf of his whole team. They appreciate the recognition this awards brings.

Mayor Eva Galambos stated the Public Works Department not only gets the City through emergencies, but Capital Projects as well. Mayor and Council appreciate the tremendous work of the Public Works Department.

Councilmember Ashley Jenkins stated she remembers Public Works Director Black was out in the rain assisting with the flood as well. She appreciates his leadership when the disaster occurred.

Mayor Galambos called on Councilmember Collins to explain when the presentation will be for the Blue Angels.

Councilmember Chip Collins stated the Blue Angels flight demonstration team will be flying at Dobbins ARB on October 16th and 17th. One of the team members is a North Springs High School

graduate and Sandy Springs native and is one of the lead solo pilots. Lieutenant Commander Frank Weisser is the pilot. His mother still lives in the area. His in-laws live in Sandy Springs as well. The City has issued a Proclamation which the Mayor has signed designating October 15, 2010, as Blue Angels Day in Sandy Springs. Lt. Commander Weisser will be speaking to the study body at North Springs High School on that day. Councilmember Collins and Councilmember Paulson will be attending the speaking event to present the Proclamation.

PUBLIC HEARING

Alcoholic Beverage License

(Agenda Item No. 10-245)

- 1 12391 - Approval of Alcoholic Beverage License Application for Gallas Pizza Inc located at 1155 Mt Vernon Hwy, Suite 100, Sandy Springs, GA 30338. Applicant is Robert C Galla for Consumption on Premises of Wine & Malt Beverage

Administrative Services Director Robert Logan stated this is an application for consumption on the premises for wine and malt beverage at the Gallas Pizza located at 1155 Mt Vernon Hwy. This application has been recommended for approval by staff.

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. 10-245, Alcoholic Beverage License Application for Gallas Pizza Inc located at 1155 Mt Vernon Hwy, Suite 100, Sandy Springs, GA 30338. Applicant is Robert C Galla for Consumption on Premises of Wine & Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

PUBLIC COMMENT

Mayor Eva Galambos stated Deputy Chief DeSimone has three young men that need to be recognized.

Deputy Chief DeSimone stated before he came into the meeting tonight, he saw three young men outside skate boarding. City employees wanted to run them off. The young men stated they would like a skate board park. Deputy Chief DeSimone stated he cannot help them, but he knows some people who can. They asked to speak to the City Council.

Sherif Grady asked Council if they are tired of the young people skating in the office complex where City Hall is located. He suggested the City should build a skate park.

Councilmember Chip Collins asked if there is a skate park nearby that would be a good example for the City.

Sherif Grady stated there is a skate park in Dunwoody, GA. He stated if the City were to build a skate park, a good place to build it would be the old Chevy dealership by North Springs High School.

Mayor Galambos asked who will pay for this. She then asked for the names of the other young men. Devon Key and Tanner Ashcraft stated their names. The Mayor asked if they have anything they would like to say.

Tanner Ashcraft stated they like skateboarding.

Councilmember Collins asked what school the young men attend and what grade are they in.

Sherif Grady stated Sandy Springs Middle School and eighth grade.

Devon Key stated he attends Ison Springs Elementary.

Mayor Galambos thanked the young men for their suggestions. She stated the City has thought about this idea. When the City builds something, tax money is needed. Tax money is what their parents pay and sometimes they do not want to pay more. If the City can find the money someday, we will build a skate park.

PUBLIC HEARINGS

(Agenda Item No. 10-246)

2. 12358 - Approval of Alcoholic Beverage License Application for Tilted Kilt at 1155 Mt. Vernon Hwy Ste 1010, Sandy Springs, GA 30338. Applicant is Justin Chong for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits

Administrative Services Director Robert Logan stated this is an application for retail consumption on premises for wine, malt beverages, and distilled spirits for Tilted Kilt at 1155 Mt. Vernon Hwy. 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. 10-246, Alcoholic Beverage License Application for Tilted Kilt at 1155 Mt. Vernon Hwy Ste 1010, Sandy Springs, GA 30338. Applicant is Justin Chong for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-247)

3. 10965 - Approval of Alcoholic Beverage License Application for Walgreen's #11102 located at 6425 Roswell Rd, Sandy Springs, GA 30328. Applicant is Supensri Lackey for Retail/Package of Wine & Malt Beverage

Administrative Services Director Robert Logan stated this is an application for retail package sale of wine and malt beverage from Walgreens located at 6425 Roswell Rd. 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.

Councilmember Dianne Fries asked if this particular Walgreens has been issued an alcohol license in the past.

Administrative Services Director Logan stated this is a new application. He stated this Walgreens is located south of Abernathy Road.

Councilmember Tibby DeJulio asked if staff is receiving alcohol license applications from every drugstore. It seems like drugstores are where gas stations used to be and every drugstore wants a liquor

license. If the City issues a liquor license to the CVS on Roswell Road that is open 24/7, does this mean they can sell alcohol 24/7?

City Attorney Wendell Willard stated no. There are limits in the City Ordinance.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-247, Approval of Alcoholic Beverage License Application for Walgreen's #11102 located at 6425 Roswell Rd, Sandy Springs, GA 30328. Applicant is Supensri Lackey for Retail/Package of Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS *(none)*

NEW BUSINESS

(Agenda Item No. 10-248)

1. Consideration of Approval of a Contract to Perform the FY 2011 Intersection Improvement Program Subject to Validation and Approval by the Legal and Finance Departments

Manager of Traffic Services Chris Waters stated staff recommends approval of the contract for the FY 2011 Intersection Improvement Program with Roadworx. On Thursday, September 30, 2010, staff received and opened bids on this project. There were three bidders and Roadworx was the lowest bid at a total of \$956,512.

Councilmember Ashley Jenkins stated Council does not have a copy of this. They have a copy of the LARP.

Councilmember Dianne Fries asked if a copy is in Council's packet.

Manager of Traffic Services Waters responded no.

Councilmember John Paulson stated on the authorization form a lot of the information was blanked out on the disk. He asked if there is updated information.

Manager of Traffic Services Waters stated he can get the updated information to Council. This information from Public Works was submitted for the Council Meeting before the bids were opened. He is before Council tonight to present the bids and all that is included.

Councilmember Jenkins asked what intersection improvements are included in this project.

Manager of Traffic Services Waters stated there are eleven total.

Councilmember Fries stated Council had a CIP briefing on this information.

Manager of Traffic Services Waters stated he can go over the list of the eleven intersections. The intersections include: Peachtree Dunwoody Road at Mt. Vernon Hwy.; Riverside Drive at River Valley Road; Abernathy Road at Peachtree Dunwoody Road; Mt. Vernon Hwy. from Boylston Drive to the library; Roswell Road at Dalrymple Road; Windsor Parkway at Northland Drive; Riverside Drive at Heard's Ferry Road; Roswell Road between Abernathy Road and Sandy Springs Circle; Riverside Drive near Johnson Ferry; Roswell Road at Dunwoody Place; and Spalding Drive at Roberts Drive and Dunwoody Club. This is a combination of survey, design, construction, and traffic studies. With the \$959,000, the budget is only for \$500,000 this year. Since the bids have been received, staff has picked

eight of the eleven projects that can be completed for approximately \$466,000. Public Works is asking approval from Council to move forward with this contract.

Mayor Eva Galambos asked if staff will complete the top eight projects and leave off the bottom three.

Manager of Traffic Services Waters stated the projects being removed are the Mt. Vernon Hwy. from Boylston Drive to around the library area. The main project there is staff would like to install a flashing yellow arrow. The current software has not been updated by the State and will not be in the near future, so this project has been removed from the list. Staff has also removed the Windsor Parkway at Northland Drive project for just this year. It would be a traffic study to give staff a few different options on things that could be done at that location. The Roswell Road between Abernathy Road and Sandy Springs Circle project has been removed as well. Staff will be moving forward with the rest of the projects.

Councilmember Jenkins stated if Manager of Traffic Services Waters would place this information in a document and email it to Mayor and Council.

Councilmember Tibby DeJulio asked since the Windsor Parkway at Northland Drive project has been removed, does it mean repairing the bridge has also been removed.

Manager of Traffic Services Waters responded no.

Councilmember Fries asked to be reminded of what is going to be done at Dunwoody Place and Roswell Road.

Manager of Traffic Services Waters stated there have been video detection issues. Staff is going to upgrade the video detection. There will also be striping reconfiguration to allow for the intersection to have one left turn off of Dunwoody Place. Currently there are two left turns, but only one is truly utilized as far as volume. This would allow staff to make the intersection more efficient.

Councilmember Jenkins asked if this is allowed since it is a GDOT road.

Manager of Traffic Services Waters stated staff has sent in for a permit revision for this. Staff anticipates GDOT will have no issues with this revision.

Mayor Galambos asked what bid was received.

Manager of Traffic Services Waters stated the bid is from Roadworx for \$956,512. Staff would like to give Roadworx notice to proceed on approximately \$466,000, which is under the City's budget of \$500,000.

Councilmember Fries asked what the rest of the amount is for.

Manager of Traffic Services Waters stated there are options and other items such as construction pricing. If staff went from survey and design to construction, they would already have those prices. Those prices were not asked for in the bid.

Mayor Galambos stated this somewhat confusing, because Council does not have the list in front of them. She asked if there is a rush to make a decision.

Manager of Traffic Services Waters stated if Council would like to put this off until the next meeting, that is fine.

Councilmember Paulson asked for clarification on \$956,512 versus the \$466,000. Is Council approving the \$956,512 or the \$466,000?

Manager of Traffic Services Waters stated staff is asking for approval of the \$466,000.

Councilmember Chip Collins asked where he can view details of each intersection improvement.

Manager of Traffic Services Waters stated he can send that information to Council.

Councilmember Jenkins asked if the information could be sent to Council by email this evening. All of Council has their computers and this item could be moved to the end of the agenda.

Manager of Traffic Services Waters stated he can do that.

Mayor Galambos asked Council how they feel about looking at in on the computer.

Councilmember Fries stated Council has been briefed on the information. She does not have a problem with that.

Manager of Traffic Services Waters stated he will email the scope to Mayor and Council. He will not necessarily have all the other documentation.

(Agenda Item No. 10-249)

2. Approval for the Riverside Drive Drainage Improvement Project

Deputy Director of Public Works Jon Drysdale stated this is a project that started around the time of the flood of 2009. It has taken FEMA this long to approve the funds and start the bid process. This is for Riverside Drive near the lake. The downstream slope was washed out in this area. It is very dangerous and staff has been watching this area every time a storm occurs. This project is to improve the area and pipe the water underneath the road and rebuild the downstream shoulder. The Dickerson Group was the low bid and they are GDOT qualified. The City will only pay 25% of this project and FEMA will pay for 75%. Staff is requesting approval of the contract with The Dickerson Group.

Mayor Eva Galambos asked the amount of the contract.

Deputy Director of Public Works Drysdale stated \$250,823.

Councilmember John Paulson asked how much the City pays.

Deputy Director of Public Works Drysdale stated \$62,705.94.

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 10-249, Approval for the Riverside Drive Drainage Improvement Project and contracting with The Dickerson Group. Councilmember Fries seconded the motion. The motion carried unanimously.

Councilmember Ashley Jenkins asked where the \$62,705.94 comes from. Does this amount come from the contingency fund?

Deputy Director of Public Works Drysdale stated the money will come from the Stormwater fund.

Councilmember Chip Collins asked how much notice can be expected for the three week road closure.

Deputy Director of Public Works Drysdale stated there will probably be about a two week notice. Staff will be meeting with the contractor and will try to do this project between now and Thanksgiving. Staff will place the information on the City website and notify Cobb County.

Councilmember Karen Meinzen McEnerny stated she would like to see the City require the contractor to place door hangers for notices of road closures. Door hangers on the affected homes within a certain area are a good idea. This could be added into the bidding process.

Councilmember Chip Collins stated with the recent closing of Brandon Mill Road, the biggest issue was the lack of notice. The public suddenly saw a sign stating the road would be closed in four days. The more notice given to the public, the better.

Mayor Galambos stated the City of Roswell had a sign notice up about roadwork on Highway 9 approximately a month before the work started.

Councilmember Dianne Fries stated it was an electronic sign.

Councilmember Tibby DeJulio stated the electronic signs are good. A lot of people do not like the door hangers because if people do not remove them right away, it lets others know they are not home.

Councilmember Fries stated some people do not like strangers walking up to their door.

City Manager John McDonough stated the City has four of the electronic message boards. Public Works staff will coordinate with the Communications Department and utilize these boards.

(Agenda Item No. 10-250)

3. Consideration of Approval of an Intergovernmental Agreement (IGA) between the City of Sandy Springs and the City of Dunwoody for the Dunwoody Club Drive LARP Paving

Field Services Manager Ron Adderley stated staff received bids to perform the LARP award as part of the FY 2011 Capital Paving Project. This project is from east of Spalding Drive to just past the intersection of Mt. Vernon Road on Dunwoody Club Drive. Staff received eight bids for this work. The low bid was \$387,858.31. Baldwin Paving is the contractor who is performing the City's reconstruction work currently. Staff recommends approval of Baldwin Paving to continue their work. The IGA is not in place, yet. It is supposed to be approved at the City of Dunwoody on October 11, 2010, in order for them to approve paying for their part of the job.

Mayor Eva Galambos asked if conditional approval can be given on this item, to move forward pending the IGA.

City Attorney Wendell Willard stated subject to the approval of the IGA by the City of Dunwoody.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 10-250, Approval of an Intergovernmental Agreement (IGA) between the City of Sandy Springs and the City of Dunwoody for the Dunwoody Club Drive LARP Paving, subject to approval of the IGA by the City Council of the City of Dunwoody. Councilmember Paulson seconded the motion. The motion carried unanimously.

Mayor Galambos thanked Field Services Manager Adderley for his help in locating the sculptures at the library.

(Agenda Item No. 10-251)

4. Consideration of Approval of the execution of a Supplemental Agreement to the original Design Services Contract with Arcadis, Inc

Transportation Planning Manager Garrin Coleman stated this item is for a supplemental agreement with Arcadis, Inc for T-0031, the Roswell Road Bridge widening project. The western parapet wall was eliminated through the process and this will save the City approximately \$600,000 to \$800,000. However, Arcadis was pushed to submit plans to get the process moving. The amount of the supplemental agreement is \$43,092.96. Of that amount, there is the 80/20 split with the Federal earmark. The City will be responsible for approximately \$8,600 for the design modification.

Councilmember Ashley Jenkins stated she is glad staff was able to get this done.

Councilmember John Paulson asked if it is costing the City \$43,000 to eliminate the west parapet wall.

Transportation Planning Manager Coleman stated unfortunately, when the project was staged, Arcadis had to do a two or three foot shift. When they go to the other side of the road, they would have to remove sign brackets and everything else. It was going to cost the City quite a bit of money to do this. There will probably be two to three months eliminated from the project by not having to do the staging and the construction.

Mayor Eva Galambos stated Council understands money is being saved by not having to do that particular part. They do not quite understand why Arcadis is charging the City for doing less.

Transportation Planning Manager Coleman stated Arcadis was pushed through to submit preliminary plans. They had completed final bridge plans and the bridge office did a preliminary review showing the abutment being removed. There were some alignment revisions that had to be performed on the bridge and on the horizontal part as well.

Mayor Galambos asked about the letting of the contract.

Transportation Planning Manager Coleman stated GDOT is trying to push the date back to April, 2011, because of the abutment wall. Staff is trying to push the date to sooner than April.

Mayor Galambos stated the City was promised December, 2010. Why are they saying April, 2011, when they stated December before?

Transportation Planning Manager Coleman stated it is based upon the letting schedule. The documents have to go through the Contract Business Administration (CBA) offices. It takes twenty-two weeks at this office for review and approval.

Councilmember Paulson stated it has been in the process from the beginning.

Transportation Planning Manager Coleman stated everything does not go to the CBA offices until final approval. Staff is working with GDOT management to see if any of these timelines can be compressed.

Councilmember Karen Meinzen McEnery stated this is all on the oldest intersection that has never had one bit of improvement.

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item No. 10-251, Approval of the execution of a Supplemental Agreement to the original Design Services Contract with

Arcadis, Inc. relative to the Roswell Road Bridge Design Work. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-252)

5. Acceptance of Lease

City Manager John McDonough stated this is an item that he briefed Mayor and Council on as part of the FY 2011 budget process. This begins the process of replenishing the Police Department car fleet. Staff had recommended and Council approved the issuance of \$1.5 million for a lease purchase agreement for a thirty-six month term. Staff placed this out for bid and very favorable rates were received. The lowest responsive rate was provided by Wells-Fargo Bank in the amount of 1.4 % for a thirty-six month term on \$1.4 million. The plan is to utilize those funds for the purchase of approximately thirty-four police vehicles, including in-vehicle cameras, and an e-ticketing software program that should streamline the reporting process between the Police Department and the Municipal Court. The breakdown is approximately \$800,000 for the vehicles. The e-ticket software will cost approximately \$128,000. A new server and twenty-five units and consoles will cost \$400,735. Thirty-five additional video systems will be installed in other vehicles in the police fleet. The recommendation is Council approve this lease purchase agreement based on the terms and conditions in the Resolution.

Councilmember Karen Meinzen McEnerny asked to be reminded of the average useful life of a police vehicle.

City Manager McDonough stated mileage has a lot to do with it. Typically, with a car that is utilized twenty-four hours a day, you will be lucky to get a year or eighteen months of use out of it. Staff's expectation of the average use of patrol vehicles is approximately four years due to the take home vehicle program. This is the first large replenishment of the police car fleet since the Department began operating. The vehicles that have less than 100,000 miles would be moved for administrative purposes.

Police Chief Terry Sult stated the Police Department looks at the cars that are not utilized as much and places them in high utilization areas, as they get older with less mileage. They budget after four years, but the reality is it takes three to nine months to get the vehicles after the budget process. The vehicles are actually almost five years old before they are rotated out. They are looking at rotating the vehicles when they have approximately 80,000-90,000 miles.

Councilmember Chip Collins asked what is done with the old police cars.

Police Chief Sult stated they are auctioned. He has a request from the Georgia Public Safety Training Center (GPSTC) driving facility to exchange some cars for the cost of training Sandy Springs Police. It would help our Police in regards to safety and hopefully reduce the accident rate.

Councilmember Meinzen McEnerny stated the Police vehicles were leased in the past. When the lease was over, there was no residual value for the vehicles. The residual value of the cars under this plan is an asset to the City.

Police Chief Sult stated a revenue return of approximately \$75,000 is expected from the sale of vehicles.

Councilmember Ashley Jenkins asked if that would cover the training.

Police Chief Sult stated if it is worked out, with the approval of the manager, the State training facility would have to meet at least what the City expects to get from revenue.

Mayor Eva Galambos stated there was \$1.5 million placed in the budget for this.

City Manager McDonough stated the City did not place \$1.5 million in the budget for this. In the Police Department's budget there is approximately \$700,000 for principal and another \$75,000-\$80,000 for interest due. In the budget process enough money was placed in there for debt service to cover the cost. This is actually a three year term. There is enough money in debt service to cover the cost of any debt that the City still has to pay in FY 2011 as well as paying for this agreement. The City will have approximately seven months to pay on this agreement in FY 2011.

Mayor Galambos stated she was looking to see what the payout is for FY2010. It is \$493,000.

City Manager McDonough stated there is approximately \$800,000 for the Police Department, but there are other obligations the City has to pay as well.

Councilmember Tibby DeJulio stated he is an employee of Wells-Fargo Advisors. Should he abstain from voting?

City Attorney Wendell Willard stated he is not required to. As long as he is not receiving a financial interest from any source regarding this contract, he is not prohibited from voting.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-252, Acceptance of Lease pertaining to the Police Department cars, cameras and e-ticketing. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-253)

6. Resolution to Approve Filing of an Action in the Superior Court of Fulton County Against Fulton County Regarding Lack of Care and Maintenance of the Arlington Cemetery Detention Ponds

City Attorney Wendell Willard stated this item has been pending for some time. There has been an attempt to contact the management of Fulton County about this matter. The dedication of the easements was done in recorded documents quite a number of years ago. In those documents it stated Fulton County was accepting the responsibility for the maintenance of the facility.

City Manager John McDonough stated the City has not been able to meet and speak with Fulton County. There were two meetings scheduled, but both of them fell through. Attempts will continue to be made to contact Fulton County to take care of this responsibility until this matter is resolved in court. There is imminent concern to public health and welfare downstream from this failed detention pond.

City Attorney Willard stated when it rained a few weeks ago; there were several properties that experienced severe flooding.

Councilmember Karen Meinzen McEnerny stated an upgradient of that is the cemetery spoil area where they place their dirt, which is not vegetated. There is no detention on the eastern side, nothing. It goes into the constituent's yards in Councilmember Collins' neighborhood.

Councilmember John Paulson asked if the City just files the paperwork or calls Fulton County to let them know the City is proceeding with court proceedings.

City Attorney Willard stated there have been conversations with the Fulton County Manager to inform them of our concerns. The City let the County know there is the potential of future litigation that may

come forward. City Attorney Willard stated he will make contact with the Fulton County Attorney to advise them this is forthcoming.

Councilmember Chip Collins asked if Fulton County is ignoring the City's requests.

City Manager McDonough stated there were meetings scheduled, but both were cancelled. He is in the process of trying to schedule a third meeting.

Councilmember Collins asked if this is something that the City's representative on the Fulton County Commission should be helping with.

Motion and Second: Councilmember Collins moved to approve Agenda Item No. 10-253, Resolution to Approve Filing of an Action in the Superior Court of Fulton County Against Fulton County Regarding Lack of Care and Maintenance of the Arlington Cemetery Detention Ponds. Councilmember Fries seconded the motion.

Councilmember Collins stated the area downstream from this has had severe problems. The Public Works Department has told Council that if these detention ponds were maintained correctly, that would go a long way toward alleviating the problems. He hopes the City pushes hard and Fulton County takes care of the maintenance for these ponds.

Vote on the Motion: The motion carried unanimously.

REPORTS AND PRESENTATIONS

City Manager John McDonough stated he would like to recognize City Clerk Michael Casey. He was awarded the Georgia Certified Municipal Clerk Designation.

At this time City Council returned to the discussion on Agenda Item No. 10-248, Consideration of Approval of a Contract to Perform the FY 2011 Intersection Improvement Program Subject to Validation and Approval by the Legal and Finance Departments.

Councilmember Ashley Jenkins stated the information that Council requested is in the email inbox.

Councilmember John Paulson asked which document is the summary.

Manager of Traffic Services Chris Waters stated there are individual summaries for each intersection.

Councilmember Paulson asked if staff is asking Council to approve \$467,000.

Manager of Traffic Services Waters stated correct. If Council would like to defer this agenda item until the next meeting, then he can get the extra documentation to Council.

Councilmember Jenkins asked if that would delay the letting of the contracts.

Manager of Traffic Services Waters stated no.

Councilmember Karen Meinzen McEnery stated she is ready to approve this item.

Councilmember Dianne Fries stated she is also ready to approve this item. This is not something new that Council has not seen.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-248, Approval of a Contract to Perform the FY 2011 Intersection Improvement Program Subject to Validation and Approval by the Legal and Finance Departments, and to authorize the City Manager to execute a contract in the amount of \$466,712 with the selected contractor, Roadworx. Councilmember Jenkins seconded the motion.

Councilmember Jenkins stated in this list there is the Mt. Vernon Hwy. intersection between Boylston Drive and the library, but it was said this will be removed because GDOT has not upgraded their system, yet.

Manager of Traffic Services Waters stated the main part of the project staff wanted to complete was to provide the flashing yellow arrow. Since this cannot be done, this item will be removed from the list. He will send Mayor and Council the actual bid tabulation sheets. He will place notes on what was removed and why.

Vote on the Motion: The motion carried unanimously.

Councilmember Chip Collins stated on Monday, October 11, 2010, from 6:30 p.m. to 8:30 p.m., he will be conducting a neighborhood/town hall meeting dealing with stormwater issues. Representatives from the Public Works Department will be at this meeting. The topic will be narrowly focused on issues dealing with the Colewood Creek drainage basin as well as stormwater and runoff issues relating to the Abernathy project. This meeting will take place at the Epstein School in their chapel.

PUBLIC COMMENT

Barbara Malone, Sandy Springs Council of Neighborhoods, 240 Colewood Way, stated she represents the neighbors currently impacted or that may be impacted by stormwater by the detention ponds in Arlington Cemetery, as well as the Abernathy-Johnson Ferry project. She thanked Councilmember Chip Collins and Public Works for working with the neighborhood. She applauds the City as a whole for the work that has been done so far. The City has stormwater Ordinances and the wording is open to interpretation. She would like to be assured the Ordinances are being administered to their fullest extent. At Arlington Cemetery there is the issue of the detentions ponds which are currently inoperable. The ponds cause flooding and hardships to residents. Homeowners from close to the cemetery to as far as the Chattahoochee River suffer when it rains. Over the past few years, parts of the cemetery have been clear cut. Once these trees have been cut, the water run-off is greater. If the City is going to allow an increase in impervious surfaces, they must make the facility off-set it by capturing any increase in runoff. We all know the Abernathy Johnson Ferry road widening project will help traffic congestion in the area. The neighborhoods adjacent to the project fear there will be an increase in the stormwater that will affect their homes. The Sandy Springs Council of Neighborhoods would like the City to be proactive on this stormwater issue.

Patty Berkovitz, Watershed Alliance of Sandy Springs, stated the Alliance has been contacted by several neighborhoods within the past few weeks. Their concerns are the stormwater runoff on Abernathy Road. Councilmember Collins and the City staff have been wonderful in meeting with the Alliance to discuss the stormwater issues to help the Alliance explain to the neighbors. She knows Council's job is to protect the City as a whole. The Alliance wants to make sure the neighbors to this project are taken care of as well.

(Agenda Item No. 10-254)

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential litigation and real estate with real estate Appraiser Dennis Carr, Steve Evans 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 7:08 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session and reconvene the Regular Meeting. 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 7:56 p.m.

(Agenda Item No. 10-255)

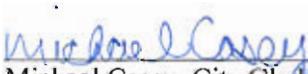
ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:57 p.m.

Date Approved: October 19, 2010



Eva Galambos, Mayor



Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

October 5, 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 5th day of October, 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 5TH day of OCTOBER, 2010.

Michael D Casey
Notary public (SEAL)

