

Regular Meeting of the Sandy Springs City Council was held on Tuesday, September 7, 2010, at 6:00 p.m., Mayor Eva Galambos presiding.

INVOCATION

Rabbi Brad Levenberg, Temple Sinai, 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 McEnemy present.

PLEDGE OF ALLEGIANCE

Mayor Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-215)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember DeJulio moved to approve the Meeting Agenda for September 7, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-216)

1. Meeting Minutes:
 - a) August 17, 2010 Regular Meeting
 - b) August 17, 2010 Work Session

(Michael Casey, City Clerk)

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for September 7, 2010. Councilmember Jenkins seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Buckled for Life Award – Presented by Police Chief Terry Sult

Police Chief Terry Sult called Lieutenant Cain and Sergeant Nable up to present the Buckled for Life Award.

Lieutenant Benjie Cain stated he worked on creating this award with Sergeant Nable and the assistance of several others. The Police Department tries to educate the public and emphasize the use of wearing a seat belt. They see firsthand how the seat belt saves lives. The Department previously handed out one of these awards. He stated Sergeant Noble will explain the accident which resulted in the receipt of the award.

Sergeant Danny Noble called Mr. Benito Magana to the front. Mr. Magana was involved in a traffic accident a couple of months ago on Mt. Vernon Hwy at Peachtree Dunwoody Road. He had the green light and the other driver failed to stop for the red light on Mt. Vernon Hwy. The accident caused Mr. Magano's vehicle to be overturned. The Sandy Springs Fire Department had to use the Jaws of Life to cut the roof of the vehicle to remove Mr. Magano. The Sandy Springs Police Department learned that he had been wearing his seat belt. Due to him wearing his seat belt, it kept him from being ejected from the car. He suffered only minor injuries that weren't life threatening. The Sandy Springs Police wanted to acknowledge his good decision and encourage everyone in the community to wear their seat belts as well. Chief Sult presented a certificate to Mr. Magano.

Benito Magana stated he would like to thank the Sandy Springs Police Department and Sandy Springs Fire Department for assisting him in a time of need. He is living proof that seat belts do save lives. Buckle up, even if you're driving around the corner.

Sergeant Nable stated the Buckled for Life plaque will be hung in the Sandy Springs Police Headquarters. Each time the award is presented to an individual their name will be added to the plaque. This will be a public recognition that wearing your seat belt is a valuable thing.

2. Save Award – Presented by City Manager John McDonough

City Manager John McDonough asked Chief McElfish to the front. He introduced Dr. Alex Isakov with the Emory Department of Emergency Medicine, who is the new emergency doctor assigned to the Fire Department. He called the following individuals to the front: Nick Azar, Brent Dycus, Leanne Billew Davy Ford, David Light, Jesse Vidrine, Brad Bates, Jillian Higley. He read in detail the description of how the Sandy Springs Fire Rescue Crew and the Rural Metro Ambulance Crew participated in saving a patient's life.

3. Save Award – Presented by City Manager John McDonough

City Manager John McDonough called the following individuals to the front: Greg Campbell, Carl Childree, Joey Kendall, Monty Adams, Wesley Dixon, Tim Sanders, Holly Ingram. He read in detail the description of how the Sandy Spring Fire Rescue Crew and the Rural Metro Ambulance Crew saved a patient's life in June, 2009.

4. Lost Corner Planning Committee Presentation

Director of Recreation and Parks Ronnie Young introduced Committee Chairperson Eric Ross and explained in February, 2010, a Citizens Committee was appointed by Mayor Galambos. This committee has been working for six months to develop a recommendation plan for Council. This evening there are three committee members attending: Gail Ripans, Jodi Hunter, and Eric. After many hours of meetings and hours visiting the Lost Corner Preserve, Committee Chairperson Eric Ross will present the results.

Lost Corner Planning Committee Chairman Eric Ross thanked Mayor and Council for the opportunity to work on this project. He listed the other appointees on the steering committee: Linda Bain, Pam and

Denny Betz, Albert Cohen, Judy Hiles, Jodi Hunter, Gail Ripans, Lucy Smethurst, Trisha Thompson, Betty Voyles, Councilmember Karen Meinzen McEnerny, and Councilmember Dianne Fries. The Committee convened in March, 2010, and was given the task to come up with ways on how the property can be used as a park. The land is approximately 22 acres and is located at the intersection of Dalrymple and Brandon Mill Road. For the scope of work, Mayor Galambos charged the Committee to familiarize themselves with the preserve by visiting the area. The Mayor wanted the Miles family, who own this property and their vision for it as a City preserve to be respected. They discussed the deed restrictions and possible use of the site. Ms. Miles expressed her wishes that the site be a place of enjoyment for area residents and to be as active as allowed. The Committee should be the primary source for project deliverables. The Mayor reminded the Committee that City Council has the final say so. The Committee developed their mission: to develop a set of recommendations for City Council consideration of uses and amenities within the scope of restrictions that are termed passive in the conveyance deed for the Lost Corner Preserve. He read part of the conveyance deed because it affects the Committee's recommendations for the property. "In addition to the restrictions and codes and the forgoing provisions of this paragraph, the "passive park property restriction" to which the property is hereby subjected shall restrict the use of the property solely to one or more of the following park uses as appropriate given site conditions, the location of the property, and other attributes considered in sound park planning practice: passive recreation such as walking, hiking, bicycling on designated trails, picnicking, nature appreciation, and education alike; together with such associated auxiliary improvements, such as parking, facilities, and restrooms as may be desirable to enhance the public's use and enjoyment of the property as a park. No other uses like dog parks, active recreation such as ball fields, tennis courts, basketball courts, playgrounds, swimming pools, gyms, etc., or buildings that are commercial, residential, or municipal shall be permitted on the property." The Committee wants to respect what the Miles had in mind for the property and create unique opportunities for the citizens of Sandy Springs to enjoy this beautiful piece of land.

Mr. Ross continued stating the City contracted with McFarland-Dyer and Associates to complete a tree survey of the site. The Committee asked McFarland-Dyer and Associates to go a step further and layout a preliminary trail. The Committee wanted to get as much perspective from citizens as possible in order to have input when they conceptualized on how the property will be used. Most of the notes on the map from McFarland-Dyer and Associates were made by the Committee. They took all the suggestions they had, which was about 80-90, narrowed them down to 30-40, then broke them into groups. Infrastructure was ranked the highest priority. The next group, trails and gardens, relates to trails or perennial gardens. The third ranked item was the house. Halfway through the summer they decided the house isn't something they can deal with, due to their lack of expertise, so their focus was to figure out what to do with the land and the trail system. They overlaid the rankings on the map. For infrastructure requirements it needs to be determined where the access point will be and where parking will be located. The Committee detailed areas on the north east part of the property where they think parking would be feasible. There is a driveway to the house from the intersection of Riverside and Brandon Mill. A security fence needs to be added as well as a bathroom facility. Nothing can be done on the property until the invasives are cleared out. These are items that the Committee believes are mandatory before the park is open for use. There are eleven uses the Committee believes are a priority and should be integrated into the park as quickly as possible. There are a lot of great native plants that should be actively restored and placed where they are visually appealing. There is a lot of interest in farming and community gardens. He believes that should be integrated into the property, but be cognizant of how it's going to be maintained and utilized by the community. There is neat topography to the property that lends itself to having a natural amphitheatre in a couple of spots. The Committee suggests creating a small boat pond somewhere near the house.

Mayor Eva Galambos asked if the boats are for people to ride in.

Mr. Ross stated no. He is referring to toy remote control boats. He said look at the bottom of the plan and see the blue stripe going across the property labeled Colonial Pipeline. Due to the easement back there, the City is limited on what they can do. This piece of land backs up to residences and is an

accessible part of the preserve. This would be an ideal spot to install bluebird houses, butterfly houses, and an apiary. In the front part of the property, once it's been cleared out, it would be a nice natural area for picnicking and setting up a community garden. The yellow dot on the map is the trail system that McFarland-Dyer and Associates laid out. Following the trail around there is an area for a vine swing. Throughout the property the committee identified places for bridges to allow access across the creeks. Moving south on the trail they would like to add a short trail that would be ADA accessible. Throughout the property they have highlighted areas with a great line of sight that would be great areas to sit in. Along the creek that runs through the property there are large local native stones. In the southwest corner of the property there are beautiful views for bird watching areas. There is an old springhouse by the creek the Committee would like to restore and have a plaque to explain what it used to be. This summarizes the suggestions and thoughts of the Committee.

Mayor Galambos thanked the Committee. She stated as the year progresses Council will figure out how to phase and fund this project.

Councilmember Tibby DeJulio asked if the Committee knows what funding will be required.

Mr. Ross stated no. The two Councilmembers on the Committee told them to not worry about cost; just come up with ideas.

PUBLIC HEARINGS

(Agenda Item No. 10-217)

1. 12451- Approval of Alcoholic Beverage License Application for Phillips 66 located at 5345 Roswell Rd, Sandy Springs, GA 30342. Applicant is Sharon Patterson for Retail/Package of Wine & Malt Beverage

Director of Administrative Services Robert Logan stated this is an application for alcoholic beverage license for the Phillips 66 store located at 5345 Roswell Rd, Sandy Springs, GA 30342. 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. 10-217, Alcoholic Beverage License Application for Phillips 66 located at 5345 Roswell Rd, Sandy Springs, GA 30342. Applicant is Sharon Patterson for Retail/Package of Wine & Malt Beverage. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-218)

2. Consideration of Approval of the Appropriation of the Property Located at Dalrymple Road through the Use of Eminent Domain

Capital Program Director Marty Martin stated staff is asking Council for support for use of eminent domain on the subject property for the FY10 sidewalk program project. This project will construct sidewalk across Dalrymple Road from the North Springs High School in front of the Sutton Pines community. The Sutton Pines Condo Association, in communication with City legal and right-of-way staff, recommended eminent domain as the most expeditious manner to acquire right-of-way to build the sidewalk. The project is out for bids. The bid opening should occur in two weeks. Staff has coordinated with utilities and will have one utility relocation at this site. This relocation is expected to occur within the next month.

Councilmember Ashley Jenkins asked if Sutton Pines Condo Association is in favor of this. Capital Program Director Martin responded yes.

Councilmember Tibby DeJulio asked if there will be a cost to the City for the eminent domain.

Capital Program Director Martin stated yes. There is an appraisal. The appraised amount is below \$3,000 for the amount of property the City will obtain. There potentially will be costs, even with a friendly condemnation like this.

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

John Knight, 725 Dalrymple Road, stated he's one of the residents that live in the Sutton Pines community. He is in favor of sidewalk through the Sutton Pines area along Dalrymple Road towards Roswell Road. He believes by installing the sidewalk it will be much safer for citizens when walking and bike riding. He has been hit by a car twice on the corner of Roswell Road and Dalrymple. He would appreciate it if the City can construct a sidewalk at this location.

The public hearing was closed.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 10-218, Appropriation of the Property Located at Dalrymple Road through the Use of Eminent Domain. Councilmember Fries seconded the motion. The motion carried unanimously.

UNFINISHED BUSINESS

(Agenda Item No. 10-219)

1. **TA10-006** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance

Assistant Director Planning and Zoning Patrice Ruffin stated this item was deferred from the August 17, 2010, Council Meeting to allow staff to make additional changes that were requested at the meeting. Those changes have been made.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-219, TA10-006 - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance. Councilmember Jenkins seconded the motion. The motion carried unanimously.

NEW BUSINESS

(Agenda Item No. 10-220)

1. Consideration of Approval of a Project Framework Agreement with the Georgia Department of Transportation for the Hammond Drive Widening Project (T-0024)

Deputy Director of Public Works Jon Drysdale stated this item is the standard GDOT project framework agreement for the Hammond Drive Widening Project which allows the City to utilize the John Lewis earmark from last year. There is no extra cost or match required on this earmark.

Mayor Eva Galambos asked if this is to complete the design work.

Deputy Director of Public Works Drysdale stated it can be used for design work.

Councilmember Tibby DeJulio received confirmation from staff this is from Roswell Road to GA400.

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 10-220, Approval of a Project Framework Agreement with the Georgia Department of Transportation for the Hammond Drive Widening Project (T-0024). Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-221)

2. Consideration of Approval of a contract to construct Dunwoody Place Improvements, Project T-0025, Subject to Validation and Approval by the Legal and Finance Departments

Capital Program Director Marty Martin stated the item summarizes the most recent bid results on August 16, 2010, for the project. The low bidder was Baldwin Paving at approximately \$1.1 million. Staff previously had a bid opening on this project and the low bid at that time was \$1.3 million, well over the City's original budget for the project. Public Works staff at that time reviewed the components of the bid, paired back the requirements to what they felt was the absolute minimum to satisfy the City's requirements in constructing this improvement, and re-bid. The resulting bids before Council tonight are from August 16, 2010. There was an original budget figure that was inflated or escalated in January, 2010. This was based on sampling of the existing pavement along Dunwoody Place and a determination that the existing roadway was unsatisfactory and needed to be reconstructed. The original plan for this project was to add new pavement and leave the existing pavement in place. The determination that the existing pavement was unsatisfactory required more extensive pavement reconstruction as a part of this project, thus the increase in price. The total projected cost was approximately \$1.5 million, with a current programmed amount of \$1.2 million. There is a shortfall of about \$340,000 now. Given the additional pavement burden the project carries, the recommendation is to increase the budget in the amount of \$375,000.

Councilmember John Paulson asked if the money that is being put towards the Dunwoody Place Improvements is earmarked for something else.

Capital Program Director Martin stated nothing that is not currently identified and scheduled within the active pavement management programs.

Mayor Eva Galambos asked if it's in contingency or is it money that the City isn't ready to spend, because the work hasn't been done yet.

Capital Program Director Martin stated it's contingency.

Councilmember Dianne Fries stated this is a project she has been looking forward to. She is disappointed to hear it's running a little over budget, because that is unusual for the City. However, this is the first time the City has seen the road sampling come back so poor. She feels there may be other expenditures, because the right-of-way hasn't been acquired yet. She would like to make a motion to approve additional funding for this agenda item 10-221 and add that Council authorizes the City Manager to approve any costs over the additional funding and place a cap of \$600,000, including the \$375,000.

Councilmember Ashley Jenkins asked what is in the contingency pot this year, \$1 million?

City Manager John McDonough stated the staff recommendation is to make the shortfall up with the FY11 paving fund, not to go to the contingency. Staff believes there may be savings from other projects, but they don't know, yet.

Mayor Galambos stated then the amount is not coming out of contingency.

City Manager McDonough stated no.

Councilmember Jenkins stated it's coming out of the FY11 paving fund.

City Manager McDonough stated right, projects that haven't already been bid and been before Council at this point. Council has the list of projects that will be paved that work has started on and will be completed this fall. There is a balance left in that account.

Capital Program Director Martin stated the balance is in excess of the amount that staff is asking for.

Councilmember Jenkins asked how much is in the paving fund that hasn't been spent yet, as a result of savings.

Capital Program Director Martin stated he doesn't have that figure in front of him.

Director of Public Works Tom Black stated over \$900,000

Deputy Director of Public Works Jon Drysdale stated left over from FY10.

Mayor Galambos asked if that much is left over because paving was not so expensive.

City Manager McDonough stated remember, we still have Morgan Falls Road, too. The City allocated \$1 million from FY10 for Morgan Falls Road. It looks like there is \$900,000 left. That amount is not available. This is the first he has heard about the \$600,00. He is not comfortable with it at this point. He requested Council withdraw the item until staff is prepared and the figures are ready.

Councilmember Fries stated she just picked a number regarding the \$600,000. When the right-of-way hasn't been acquired, she doesn't want an item to come to Council for something the City Manager can approve.

Councilmember Jenkins stated she needs to know where the money is coming from, from which account, and how much money is left over in savings.

City Manager McDonough stated what is before Council tonight is a recommendation for an additional \$375,000 to move this project forward to come out of the FY11 Capital Paving Program.

Mayor Galambos asked if that would come out of the money the City would use for the Morgan Falls Road.

City Manager McDonough responded no. That money has already been set aside in the FY10 program.

Mayor Galambos asked if it's from the \$900,000.

City Manager McDonough stated this is from projects that have not been before Council. Council has already seen the list of FY11 projects that have been approved. Those projects are now underway. His recommendation is to use those funds in anticipation of the City finding savings from other projects that have not yet been closed out. Staff can update Council within the next few days.

Councilmember Karen Meinzen McEnerny asked if we know what projects would have been next in line, had we not had this situation. If this information isn't prepared today, she would entertain a deferral.

Councilmember Fries stated it sounds like none of the projects are getting bumped. Council has approved and already started the projects on the list.

City Manager McDonough stated, correct.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-221, Approval of a contract to construct Dunwoody Place Improvements, Project T-0025 Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Paulson seconded the motion. The motion carried unanimously.

Councilmember Jenkins asked if \$375,000 is used on the Dunwoody Place Project, what will be held back?

City Manager McDonough stated nothing as of now. The City hasn't bid out the rest of the list and probably won't do that until this fall. That work won't begin until the spring. The staff anticipates there will be savings from other CIP projects between now and the spring. A funding source for this project has to be identified in order for it to move forward.

Mayor Galambos asked are you saying we still have paving projects that haven't been added to the list and if we use the money for Dunwoody Place, then we won't have the money for those paving projects?

City Manager McDonough stated there's an infinite list of projects that have been ranked. The City works from the top of the list and may not get to every road on that list.

Mayor Galambos stated we allocated a particular amount for paving in the City's budget. Is this coming out of that amount allocated for paving?

City Manager McDonough stated yes, that is the recommendation, because of the fact this project requires a significant amount of paving. Staff believes there is an excess there to utilize funds out of the FY11 paving budget.

Councilmember Fries stated the confusion is from when it was stated the City saved money on projects.

City Manager McDonough stated we estimate, based on what Director of Public Works Black and staff have advised, the City will have savings on other projects, but those projects have not yet been closed out. He can't give an exact amount that has been saved at this point.

Councilmember Fries stated the City is working down the list of projects by priority. The City has a certain amount of money to spend and the City spends the money going down through the list. What doesn't get completed this year will be first on the list for next year.

Councilmember Jenkins stated when Council approved \$2 million for roads and the list of roads was given to Council, there were roads that were to be repaved and reconstructed. Have those already been sent out to bid?

Deputy Director of Public Works Drysdale stated they are under construction.

Councilmember Jenkins stated she wants to make sure the roads the City stated would be paved with this year's budget are going to get paved before the \$375,000 gets pulled out.

Deputy Director of Public Works Drysdale stated the projects are under contract now and on the Sandy Springs website.

Councilmember Meinzen McEnemy stated she doesn't deny this is a heavily utilized road.

Councilmember Fries stated for clarification, this project on Dunwoody Place isn't resurfacing, it's widening the road.

Councilmember Meinzen McEnemy stated she hasn't heard the information she is looking for. What is the percentage of the budget the City is going to utilize for the overrun? Can you tell Council what roads are to be paved next and which ones of those will have to get delayed.

Director of Public Works Black stated they won't get delayed. There is typically one letting right after the budget is adopted. He expects there to be savings of money from a couple of other projects, which will more than cover what is being requested tonight on Dunwoody Place. There won't be a long delay in the projects.

Councilmember Meinzen McEnemy asked about the scope of the \$375,000 to the budget. Is the budget \$2 million?

Deputy Director of Public Works Drysdale answered \$2.5 million, so you are talking about 12%.

Councilmember Meinzen McEnemy asked what are the next roads that would have been paved sooner.

Director of Public Works Black stated they have all been rated. He would have to review the list.

Councilmember Fries asked if it makes a difference if it's a widening versus a paving project. Does the money come out of a different fund?

Director of Public Works Black stated it's all CIP money.

Councilmember Fries stated she doesn't want everyone to get hung up on this being a resurfacing project. It's not resurfacing, it's widening the road.

Councilmember Chip Collins stated the only thing for certain is that if Council doesn't approve the \$375,000, Dunwoody Place won't get paved. The decision is whether the City is going to pave this road, and if so, Council has to approve the \$375,000.

Vote on the Motion: The motion carried unanimously.

REPORTS AND PRESENTATIONS

There were no reports from Council or staff.

PUBLIC COMMENT

There were no public comments.

EXECUTIVE SESSION

There was no executive session.

(Agenda Item No. 10-222)

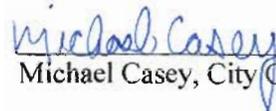
ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:00 p.m.

Date Approved: September 21, 2010



Eva Galambos, Mayor



Michael Casey, City Clerk