Regular Meeting of the Sandy Springs City Council was held on Tuesday, August 3, 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 6:07 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 comments, 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 Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny present. Councilmember Chip Collins arrived late.

PLEDGE OF ALLEGIANCE

Mayor Galambos led the Pledge of Allegiance.

Councilmember Tibby DeJulio stated he noticed that all the Councilmembers received Sandy Springs flags. He asked who they received the flags from.

Director of Media and Communications Judy Parker stated the City.

(Agenda Item No. 10-179)
APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember DeJulio moved to approve the Meeting Agenda for August 3, 2010. Councilmember Fries seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-180)

1. Meeting Minutes:
   a) March 2, 2010 Regular Meeting
   b) March 2, 2010 Work Session
   c) April 20, 2010 Regular Meeting
   d) May 4, 2010 Budget Workshop
   e) May 11, 2010 Budget Workshop
   f) May 25, 2010 Budget Presentation

g) May 4, 2010 Regular Meeting
h) May 4, 2010 Work Session
i) May 18, 2010 Regular Meeting
j) May 18, 2010 Work Session
k) June 1, 2010 Regular Meeting
l) June 1, 2010 Work Session
m) June 15, 2010 Regular Meeting
n) June 15, 2010 Work Session
o) June 16, 2010 Work Session
(Michael Casey, City Clerk)

(Agenda Item No. 10-181)

2. Approval of the Acceptance of the Permanent Drainage Easements for Storm Water
(Tom Black, Director of Public Works)
Resolution No. 2010-08-54

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for August 3, 2010. Councilmember Fries seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Trail at Overlook Park – by Sandy Springs Conservancy

Vice Chair of Sandy Springs Conservancy John Sherrill stated he's standing in for the Chair, Joey Mayson. His purpose is to officially present to the City the Bluff Trail at the new Overlook Park at Morgan Falls that was designed and built with Sandy Springs Conservancy funds to supplement the park. Overlook Park was opened and dedicated by the Mayor and Council on Wednesday, July 28, 2010. The Sandy Springs Conservancy would like to thank and congratulate the City on Overlook Park. It is the most usable and has the best view of any park he knows of along the Chattahoochee River. He thinks it will be a great asset to the City of Sandy Springs. In 1999, Sandy Springs Revitalization and Sandy Springs Conservancy identified this twenty-seven acres owned by Fulton County as a unique opportunity for a park. In 2003, the Sandy Springs Conservancy produced a master plan and feasibility study for a park and a pedestrian bridge. As people are aware, the pedestrian bridge is in the plan somewhere down the road. It is still an active project and hopefully, will be implemented to add to the park. In 2006, the City was able to acquire the property from Fulton County as part of the City's parks purchase and within a year the City moved forward with an enlarged plan. Today, Sandy Springs Conservancy is proud to see this plan implemented. They have a plaque to present and turn over the trail and canoe/kayak dock. Sandy Springs Conservancy has put up the funds for the canoe/kayak dock and will contribute additional funds to extend the dock when the permitting process is complete. They requested to take on the task of designing and building the trail that goes up the hill behind the pavilion. They also contributed the funds for the historical and archeological study that documented the value of preserving the Power family chimney. Mr. Sherrill presented the plaque to the City and read "The Sandy Springs Conservancy is pleased to present the Bluff Trail at Morgan Falls and the canoe/kayak dock at Overlook Park to the City of Sandy Springs for the recreation and enjoyment of all visitors to the park, August of 2010". Mr. Sherrill thanked Mayor Galambos on behalf of Sandy Springs Conservancy and all of the citizens of Sandy Springs for this great park.

Mayor Eva Galambos stated the City wishes to thank the Sandy Springs Conservancy for all the leadership it has shown in helping the City get to this point. We hope to continue to work together and accomplish more great things.

Executive Director of Sandy Springs Conservancy Linda Bain stated it's been a pleasure to work with the City of Sandy Springs. She acknowledged Councilmember Fries as the adjunct advisor on Morgan

Falls and said it's been a pleasure working with her. It has also been a pleasure working with City Manager John McDonough, Parks and Recreation Director Ronnie Young, Assistant Director Building and Development Blake Dettwiler, Director of Media and Communications Judy Parker, and Communications Coordinator Katina Lear.

Mayor Galambos stated the City looks forward to more and better things. We have another park to construct below the dam. She then called the City Attorney, Wendell Willard, to make a presentation.

Councilmember Chip Collins joined the meeting at this time.

City Attorney Wendell Willard asked for donations to the newly created Sandy Springs Police Benevolent Fund. This fund will support Police Officers, Firefighters, EMS and their families when in need. He presented stickers that read SSG with the City colors of green and blue that can be placed on the rear window of a vehicle.

Mayor Eva Galambos thanked City Attorney Willard and Chief of Police Sult for giving the City the opportunity to embark on what she believes will be a wonderful initiative for Sandy Springs.

PUBLIC HEARINGS

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

(Agenda Item No. 10-182)

1. 12315- Approval of Alcoholic Beverage License Application for Mt. Vernon Food Mart at 295 Mt. Vernon Hwy, Sandy Springs, GA 30328. Applicant is Saleem A. Sundrani for Retail/Package of Wine & Malt Beverage

Accounting Manager Robert Logan stated this agenda item is for retail/package of wine & malt beverage for Mt. Vernon Food Mart at 295 Mt. Vernon Hwy. Staff has reviewed the application and recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-182, Alcoholic Beverage License Application for Mt. Vernon Food Mart at 295 Mt. Vernon Hwy, Sandy Springs, GA, 30328. Applicant is Saleem A. Sundrani for Retail/Package of Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-183)

2. 12239- Approval of Alcoholic Beverage License Application for Quick Shop at 156 Northwood Dr., Sandy Springs, GA 30342. Applicant is Naseem Vasaya for Retail/Package of Wine & Malt Beverage

Accounting Manager Robert Logan stated this agenda item is for retail/package of wine & malt beverage at the Quick Shop at 156 Northwood Dr. Staff has reviewed the application and recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 10-183, Alcoholic Beverage License Application for Quick Shop at 156 Northwood Dr., Sandy Springs, GA 30342. Applicant is Naseem Vasaya for Retail/Package of Wine & Malt Beverage. Councilmember Paulson seconded the motion. The motion carried unanimously.

Councilmember Dianne Fries stated she noticed that both of the Alcoholic Beverage License Applications are new owners.

Accounting Manager Robert Logan stated they are a change of ownership.

Councilmember Fries asked if staff watches to make sure the owners aren't switching ownership back and forth between each other.

Accounting Manger Logan answered yes.

I) UNFINISHED BUSINESS *(none at this time)*

J) NEW BUSINESS

(Agenda Item No. 10-184)

1. Budget Amendment for City Local Match on the $1.6M earmark for the I-285 Bridge and additional $2M DOT funding for this project.

Finance Director Amy Davis stated this agenda item was initially accepted by Council in September of 2009. The award was of $1.6M and there was a local match of $400,500. Although the City accepted the local match then, the City never included that in the budget. She would like to amend the budget for that portion. As of August 3, 2010, the City received a supplement from the DOT of $2M and staff would like to amend the budget for the $2M as well.

Mayor Eva Galambos stated very nice.

Motion and Second: Councilmember Meinzen McEnerny moved to approve Agenda Item No. 10-184, Budget Amendment for City Local Match on the $1.6M earmark for the I-285 Bridge and accept the additional $2M DOT funding for this project. Councilmember DeJulio seconded the motion.

Councilmember Dianne Fries asked the exact amount that the City needs to add. Is it $400,500?

Finance Director Davis stated the 20% match is the $400,500, and the DOT supplement is $2M.

Vote on Motion: The motion carried unanimously.

Councilmember John Paulson asked if the $628,000 shortfall is still going to be there, or will it disappear with the $2M coming in?

Finance Director Davis stated the shortfall is still there. It represents the shortfall between the construction estimated cost and what would be left after the design cost.

(Agenda Item No. 10-185)

2. Policy Change to Purchasing Policy Manual

Finance Director Amy Davis stated the level of spending a department head can make without going out for quotes is $500. This limits the ability for the City to use the purchasing cards for travel. The Finance Director feels that $500 is somewhat low and would like to increase the level to $2500. All purchasing policies would continue as they are now.

Councilmember Dianne Fries asked if that excludes Parks and Recreation Director Ronnie Young.

Finance Director Davis stated Parks and Recreation Director Young's purchasing card is currently at the $2500 level. The policy change will increase the single purchase limit to $2500 and a maximum per month limit of $5000.

Councilmember Ashley Jenkins asked if that will solve City Clerk Michael Casey's issue. When he was booking rooms for her, Councilmember Fries, and City Manager John McDonough, he wasn't able to complete the transaction.

Finance Director Davis stated it would cover most of the cost. The Finance Department can do one time exceptions to this or, if Council would like, except him from the policy and increase his limit even more.

Councilmember Fries stated that's what the City did when they went to buy tents. Parks and Recreation Director Young received a one time increase to purchase these items.

Councilmember Jenkins asked if in this policy they need to give the City Clerk a one time purchasing increase for the Georgia Municipal Association Conference. She stated she'd like to add this into the policy change.

Councilmember Fries stated she thinks adding the purchasing increase for the City Clerk isn't needed. She thinks that's a decision the Finance Director can make once she's told the Councilmembers are going to attend GMA.

Finance Director Davis stated we can add to the policy that Council gives the Finance Director the discretion to make those decisions as needed.

Councilmember Jenkins suggested including the Finance Director has the authority to give the City Clerk an exception for travel for Councilmembers to GMA.

City Manager John McDonough suggested travel and training.

Councilmember Fries asked if that needs to be in this policy.

City Manager McDonough stated with the approval of the City Manager. Exceptions are at the approval of the City Manager for one time. If it's more than one time, it will go back to Council for policy change.

Councilmember Jenkins stated she thought the issue was worked out when they registered for GMA conference three months before the conference. Once the Councilmembers got down there, none of the purchasing cards were accepted.

Mayor Eva Galambos stated she thinks the City can anticipate this in the future and make sure the limits are increased.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 10-185, Policy Change to Purchasing Policy Manual with the addition that any exceptions for travel and training charges be approved by the City Manager. Councilmember Paulson seconded the motion.

Councilmember John Paulson asked if this discretion is limited to travel, training, necessary supplies and equipment. Can this be used for sole source contracts and purchases for other things? What about anything above $2500?

Finance Director Davis stated staff would have to obtain quotes.

Mayor Galambos stated she likes the idea that when they have an exception, it would be approved by the City Manager. The more controls Council puts on it, the better.

Councilmember Jenkins stated in this case it's just for the time Council travels to Savannah for GMA training.

Mayor Galambos stated Council didn't specify that it's just for the GMA training to Savannah. Council agreed it was for training as approved by the City Manager. That training could be anywhere.

City Manager McDonough stated this has been an ongoing challenge, especially in the Police and Fire Departments, when they send staff off to week long conferences. The City has to cut hard checks when we could simply use credit cards. The department has to go through the purchase order process, cut the checks, mail the checks, or have the individuals take the checks with them. The new process would save a lot of paperwork.

Mayor Galambos stated as long as the control is in place that exceptions are approved by the City Manager.

Vote on Motion: The motion carried unanimously.

K) REPORTS AND PRESENTATIONS

1. Mayor and Council Reports
   a) Resolution on Sales Tax for Regional Transportation

Mayor Eva Galambos stated this is an item that all the Mayors of north Fulton County have been working on together. They also have the consent of the south Fulton Mayors that they all want to go in the direction of this Resolution. The Resolution states that Fulton County cities don't want to pay the $.02 sales tax for that new transportation bill, unless the surrounding counties that haven't been part of MARTA join a regional transportation system and help fund such system. Sandy Springs pays for MARTA $.01, then we pass a Resolution for another $.01, and the other counties get off scot-free. The Mayors aren't willing to see that happen. The idea of this Resolution is an attempt would be made first for the surrounding counties to voluntarily join the regional transit system. Failing voluntary compliance by the surrounding counties to join the regional transit system, then the cities would look to the legislature to pass legislation requiring the surrounding counties to form and fund a regional transit system.

Councilmember Karen Meinzen McEnerny asked if any of the other north Fulton cities and south Fulton cities have signed this Resolution.

Mayor Galambos stated it's on the Agenda in Alpharetta tonight. Mayor of Roswell Jere Wood wrote a Resolution that's even stronger. She's not sure if it was on Roswell's agenda last night, but Mayor Jere Wood initiated the whole thing.

Councilmember Meinzen McEnerny thinks it's a great idea. She would like to know if there is any potential impact that could derail the $.01 transportation effort if Sandy Spring does agree to this Resolution. She believes Council needs to receive more information on this item.

Mayor Galambos stated all Mayors from north and south Fulton County met together about the middle of July, 2010, in Chairman John Eaves's office. The Mayors passed a unanimous resolution to the effect that they would take this issue to each of their City Councils. It isn't fair for Fulton County to be asked to pay $.02, when the surrounding counties will be paying $.01 and they will get to ride MARTA free.

Councilmember Meinzen McEnerny stated she totally agrees about the fairness and equity. She would like to know if the Resolution could derail the hard won one percent transportation tax.

Mayor Galambos stated that if people agree with the Resolution and agree it is meritorious and go to the polls, it could derail the whole regional sales tax. This is an effort to put a little push behind, so that Fulton County receives some action by these other counties. The surrounding counties aren't going to get their money for local transportation unless they start joining MARTA.

Councilmember Ashley Jenkins stated Fran Millar has introduced or will introduce legislation to that effect. There is no immediacy for Council to pass this Resolution. It wasn't on the posted Agenda and it wasn't on their disk. She didn't see this item until she walked in here. This is a huge deal. Council likes these items to go on the work session first. She would certainly like the public to know this is going to be on the agenda. She thinks that a lot of people would like to weigh in on this, on both sides. Like Councilmember Meinzen McEnerny was saying, this was a hard fought battle to get any transportation bill through for the regional transportation tax. She doesn't want to see all the cities rushing to judgment at this point and passing Resolutions like this that could in fact derail the transportation tax. She thinks it is helpful to say to the surrounding counties they should join and that the legislature will be doing so in this session. This bill has already been introduced or is about to be introduced.

City Attorney Wendell Willard stated he'd like to give a little history regarding this issue. As the bill was coming forward, as a means of getting the bill passed in Fulton and DeKalb County, a number of the legislators were battling to get a regional transportation system set up to consolidate all the various bus systems Atlanta has with MARTA, and make it a regional transportation. Support from the cities is a way of getting attention from the other counties such as Gwinnett and Cobb County, which are part of the ten county metro area. DeKalb and Fulton County are saying the other counties need to join in and be a part of the mass transit in order to have one that will be successful.

Mayor Galambos stated this is the only leverage Fulton and DeKalb County have to get these other counties to come on board. We have been saying pretty please for years and nothing has happened. Fulton County finally has the leverage through this.

Councilmember Tibby DeJulio asked aren't we paying an additional 1% sales tax for MARTA in Fulton and DeKalb County that the other counties aren't paying?

City Attorney Willard stated correct. That's the MARTA tax.

Councilmember DeJulio asked how many years have we been paying this.

Mayor Galambos stated forty years.

Councilmember DeJulio stated since 1970, forty years. We've been paying it and they've been using MARTA, but not paying for MARTA, and so now they want us to go from $.01 to $.02 extra, and they still won't pay anything. That sounds ridiculous.

City Attorney Willard stated there's nothing that mandates consolidating and building a true regional transportation. That is a part of what's coming out of the plan.

Councilmember Dianne Fries asked when the original forty-year-old MARTA $.01 ends.

City Attorney Willard stated he believes it's 2040. MARTA keeps pushing the date out. The last time it was reviewed was in 2000, and choosing 2040 was a way to get bonds sold to ensure they have a revenue stream.

Mayor Galambos stated when this issue was brought up by the Mayors of north Fulton to the Mayors of south Fulton, the south Fulton Mayors immediately came on board. It was unanimous. She said that Chairman Eaves at that point even seemed motivated to go to ARC and push in this direction. It was a concerted move of using Fulton County's power to get the other counties on board.

Councilmember Meinzen McEnerny stated it seems to her since this item wasn't on the work session and that all the other cities are voting on it, it wouldn't hurt Sandy Springs to defer it and discuss it more in detail in work session tonight. She would like to defer it and find out the results from the other cities.

Councilmember Chip Collins asked if there is a timing issue; if the Mayors are trying to have a coordinated effort to have all the cities vote tonight.

Mayor Galambos stated no. They can bring it back up at another Council Meeting to give Council a chance to think about it.

L) PUBLIC COMMENT

There were no public comments.

(Agenda Item No. 10-186)

M) EXECUTIVE SESSION – Potential Litigation

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss potential litigation with the Director of Public Works, Manager of Storm Water Services, and Attorney Laurel Henderson included. Councilmember Jenkins seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 6:42 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 McEnerny voting in favor of the motion. Executive session adjourned at 7:30 p.m.

(Agenda Item No. 10-187)

N) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 7:31 p.m.

Date Approved: August 17, 2010

Eva Galambos, Mayor

Michael Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

August 3, 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 3rd day of August, 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 3RD day of AUGUST, 2010.

Michael D Casey

Notary public (SEAL)

MICHAEL D. CASEY
MY COMMISSION EXPIRES
NOTARY
PUBLIC
JANUARY 11, 2013
CHEROKEE COUNTY, GEORGIA