

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

INVOCATION

Pastor Henry Bush with Sharon Community UMC offered the invocation.

CALL TO ORDER

Mayor Eva Galambos called the meeting to order at 6:00 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, either during a public hearing or during 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 Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Eva Galambos was present.

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Tibby DeJulio and Councilmember Karen Meinzen McEnery were present. Councilmember Ashley Jenkins was absent.

PLEDGE OF ALLEGIANCE

Mayor Galambos led the Pledge of Allegiance.

(Agenda Item No. 10-070)

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember DeJulio moved to approve the Meeting Agenda. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 10-071)

1. Meeting Minutes:
 - a) March 16, 2010 Regular Meeting
 - b) March 16, 2010 Work Session
 - c) September 28, 2009 Special Called Meeting
 - d) October 16, 2009 7:30 am Special Called Meeting
 - e) October 16, 2009 6:00 pm Special Called Meeting

(Michael Casey, City Clerk)

(Agenda Item No. 10-072)

2. Extension of the Land Disturbance Permit for the Atlanta Grand Bohemian Hotel Project (LDP2007-00031)
(Nancy Leathers, Director of Community Development)

(Agenda Item No. 10-073)

3. Sidewalk Policy Revision
(Tom Black, Director of Public Works)

Motion and Vote: Councilmember Fries moved to approve the Consent Agenda. Councilmember DeJulio seconded the motion. The motion carried unanimously.

PRESENTATIONS

1. Proclamation for Georgia Cities Week

Councilmember Tibby DeJulio presented the Georgia Cities Week Proclamation to Mayor Galambos.

2. Sandy Springs Cycling Challenge

Councilmember Dianne Fries announced the third annual Sandy Springs Cycling Challenge. The event will be held on May 2, 2010, at City Walk. The commercial advertisement for the event was played.

PUBLIC HEARINGS

City Clerk Michael Casey read the zoning rules.

Alcoholic Beverage License

(Agenda Item No. 10-074)

1. 11351 - Approval of Alcoholic Beverage License Application for Foxy's Sports Bar & Chop House at 8540 Roswell Rd, Suite 100, Sandy Springs, GA 30350. Applicant is Jennifer Benefield for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits.

Director of Operations Wayne Wright stated the application for Foxy's Sports Bar & Chop House is a new application for consumption on premises of wine, malt beverage and distilled spirits. The staff has reviewed the application and found all the administrative requirements have been met and it has been properly advertised for the public hearing. The staff recommends approval.

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

Motion and Vote: Councilmember Fries moved to approve agenda item no. 10-074, Approval of Alcoholic Beverage License Application for Foxy's Sports Bar & Chop House at 8540 Roswell Rd, Suite 100, Sandy Springs, GA 30350. Applicant is Jennifer Benefield for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-075)

2. 11471- Approval of Alcoholic Beverage License Application for John's Sports Bar & Grill at 7285 Roswell Rd, Sandy Springs, GA 30328. Applicant is Jalal Noorani for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits.

Director of Operations Wayne Wright stated the application for John's Sports Bar & Grill reflects a change in ownership. The application is for consumption on premises of wine, malt beverage and

distilled spirits. The staff has reviewed the application and found all the administrative requirements have been met and it has been properly advertised for the public hearing. The staff recommends approval.

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

Councilmember Dianne Fries asked if this is the same owner who has the liquor store next door.

Director of Operations Wright answered yes.

Motion and Vote: Councilmember Fries moved to approve agenda item no. 10-075, Approval of Alcoholic Beverage License Application for John's Sports Bar & Grill at 7285 Roswell Rd, Sandy Springs, GA 30328. Applicant is Jalal Noorani for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-076)

3. 11536- Approval of Alcoholic Beverage License Application for Three Sheets, LLC at 6017 Sandy Springs Circle, Sandy Springs, GA 30328. Applicant is Jonathan Akly for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits.

Director of Operations Wayne Wright stated the application for Three Sheets, LLC, is a new application for consumption on premises of wine, malt beverage and distilled spirits. The staff has reviewed the application and found all the administrative requirements have been met and it has been properly advertised for the public hearing. The staff recommends approval.

Councilmember Dianne Fries stated this is the old Fish Monger.

Councilmember Chip Collins announced that he was asked to cut the ribbon at the opening of Three Sheets.

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

Motion and Vote: Councilmember Collins moved to approve agenda item no. 10-076, Approval of Alcoholic Beverage License Application for Three Sheets, LLC at 6017 Sandy Springs Circle, Sandy Springs, GA 30328. Applicant is Jonathan Akly for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 10-077)

4. 11613- Approval of Alcoholic Beverage License Application for Tower News and Market at 795 Hammond Dr. NE Cu2 Sandy Springs, GA 30328. Applicant is Bruce McIntosh for Retail Package Wine and Malt Beverage.

Director of Operations Wayne Wright stated the application for Tower News and Market is a new application for retail package sales of wine and malt beverage. The staff has reviewed the application and found all the administrative requirements have been met and it has been properly advertised for the public hearing. The staff recommends approval. The location is inside the Park Towers Condominium building.

Mayor Eva Galambos asked where the building is located.

Director of Operations Wright stated it is the condominiums on the corner of Hammond Drive and Barfield.

Councilmember Dianne Fries asked if it is a restaurant.

Director of Operations Wright answered no, it is a newsstand.

Councilmember Fries stated she is still not sure where this building is located. She asked if it is in an office building.

Mayor Galambos stated it is near where the 911 center is located.

Councilmember Karen Meinzen McEnery stated it is in the high rise east of Hammond Park.

Councilmember John Paulson asked if it is on the first floor of the condo complex.

Director of Operations Wright answered yes, the hotel is on the front and it is behind it in the lobby.

Councilmember Fries asked if there is a conflict with the zoning rules.

Director of Operations Wright stated it is zoned mixed use.

Councilmember Fries asked Mrs. Leathers if the application was reviewed by her department.

Director of Community Development Nancy Leathers answered yes.

Councilmember Tibby DeJulio stated he would hate the City to set a precedent to have bars in residential buildings.

Councilmember Fires stated with mixed use, they can live, work, and play.

Councilmember DeJulio stated this has been a problem area for many years.

Councilmember Fries asked City Attorney Willard if the Council has options with the decision.

City Attorney Wendell Willard answered they do not have too many options. It is package sales, not bar sales, where the beverage is served on the premises.

Councilmember Paulson asked if this is the first of this type of application.

City Attorney Willard stated this application is the first to his knowledge. It is just like a convenient store selling packaged items. If the applicant meets all the requirements of the state law and local ordinances, the business is entitled to their license.

Councilmember Fries stated in true mixed use, especially in the high rises, you want people to walk instead of getting in their cars to run every little errand. There should be something to service the residents.

Councilmember DeJulio stated if it was a restaurant he would have no problem with it, but he does not agree with having a package store onsite so you can party all night and run downstairs and get another six-pack.

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

Motion and Vote: Councilmember Fries moved to approve agenda item no. 10-077, Approval of Alcoholic Beverage License Application for Tower News and Market at 795 Hammond Dr. NE Cu2 Sandy Springs, GA 30328. Applicant is Bruce McIntosh for Retail Package Wine and Malt Beverage. Councilmember Collins seconded the motion. The motion carried 4 -1with Councilmember DeJulio voting in opposition.

Economic Development

(Agenda Item No. 10-078)

5. Application for Department of Community Affairs Opportunity Zone Program

Community Development Block Grant Manager Vann McNeill stated the application for the Department of Community Affairs Opportunity Zone Program includes the South Roswell Road, I-285 corridor. The Department of Community Affairs administers the Opportunity Zone Job Tax Credit Program as specified in the code in Title 48. The code tries to target areas in need of redevelopment that display basic poverty, underdevelopment, basic distress, and blight. The benefit to the program is businesses within the zone can take a \$3,500 maximum job tax credit. It is a 100% credit for state income tax liability and withholding. It must be a lawful business and the business must create two or more new jobs in that zone. The credit is available for five years, once the zone has been qualified and the jobs have been verified, as long as the business maintains the jobs. The Opportunity Zone status remains in place for ten years after Council adopts the redevelopment plan.

The Opportunity Zones are qualified when the state looks at the census block groups or the adjacent block groups that are in a local government area, with a poverty rate of 15% or greater along with block groups that touch the 15% block group. The red area on the map displays the only census block group in Sandy Springs that meets the 15% poverty requirement. The yellow areas are the other block groups that touch the red areas. Staff has looked at the area and is recommending the redevelopment area include part of the census block group and the adjacent block group along the Roswell Road corridor, shown in blue. Another requirement for the program is the opportunity zones must be in a state designated enterprise zone or a locally adopted redevelopment area. The Department of Community Affairs must find the redevelopment area meets the criteria of pervasive poverty, underdevelopment, general distress and blight. Once the area has been looked at, the necessary parcels or areas are qualified individually or collectively as opportunity zones. The purple zones on the map meet the criteria of pervasive poverty, underdevelopment, general distress and blight. In addition, staff went out with a representative from the Department of Community Affairs and looked at each of the parcels in the redevelopment area and these are the ones that he concurred would likely qualify. If an area is not in a state designated enterprise zone, it must be in a redevelopment area to qualify for the program. In addition to the redevelopment area, there has to be a redevelopment plan, which is very clearly guided by Title 36 of the code, commonly known as the Georgia Redevelopment Law. There is a statement within the code that states a municipality or county shall not approve or permit the redevelopment plan for an urban redevelopment area unless the governing body, by resolution, has determined such an area to be a slum, as appropriate for an urban redevelopment project. This law was passed in 1955, so it reflects what was going on in urban areas at the time related to urban renewal. The highlights of the actual definition in redevelopment law under Title 36 state a slum area means a preponderance of residential or nonresidential buildings; dilapidation, deterioration, age or obsolescence; deteriorated or deteriorating structures; and defective or inadequate street layout. A lot of the areas had some evidence of the criteria defined under the statute, as well as a combination of factors that constitutes economic or social liability. He wanted to make Council aware of the definition that is being applied under the redevelopment law. The parcels that have been

identified under the redevelopment plan have residential and nonresidential buildings, evidence of dilapidation, deterioration, age, obsolescence and other conditions that have been defined under the law; or a combination of those factors. There are challenges in this corridor that the City has been working to address in terms of code enforcement, ordinance enforcement, and police activity. And there have been a number of capital investments in the area. This redevelopment plan is an appropriate strategy to consider adopting to make the application for the opportunity zone program. There has to be a public hearing and following the hearing the government must make funding available to those families that may be displaced. There is nothing contemplated in the plan that would result in displacement. The plan conforms to the general plan of our municipality, which is the Comp Plan. The policy and the maps for the Comp Plan have been brought forward to insure that they comply with the application process, but nothing has been changed as far as the Comp Plan; it is all the same as Council adopted in 2007. There are efforts to insure private investment is maximized once the plan is adopted. The plan is an established format that is dictated by DCA requirements. In addition, if this is something Council adopts, a template in the area is established so that if Council elects to do other focus redevelopment activities or the government comes up with other programs, the plan is already in place. This is an additional benefit for following through with this. The application itself includes the redevelopment plan. The City Attorney must certify that the resolution for the plan follows the law, the public hearing has been held, and then a transmittal letter is sent to the DCA commissioner from the Mayor.

Mayor Eva Galambos asked for confirmation that nothing in this opportunity zone changes the Comprehensive Land Use Plan.

Community Development Block Grant Manager McNeill stated no, it does not change the Comp Plan.

Mayor Galambos asked if only the troubled areas are eligible for the aid from the state for the tax credits.

Community Development Block Grant Manager McNeill stated that was correct. The purple areas are the potential opportunity zones that would be eligible for the \$3,500 tax credit.

Mayor Galambos stated it is not everything in the blue lines, just in the purple areas.

Community Development Block Grant Manager McNeill answered yes, just the purple areas.

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

Melissa Jays stated she is north of one of the purple properties. She lives in a 1954 brick ranch which she feels is not obsolete or a slum. She lives on a beautiful street. There are areas on Roswell Road, the shopping center with Big Lots, which are more blighted than her area.

Mayor Galambos asked if her property is shown in purple.

Mrs. Jays stated no, but the purple property backs up to her property.

Tom Wells, 302 Beachland Drive, responded residential and non-residential buildings; are there any other kinds? He stated he was asked by heads of community groups to read their comments into the record.

1. Jennifer Steel, Cherokee Park Civic Association, asked Mayor and Council to defer agenda item 10-078. We understand that time waits for no one, but our board members are out of town and this item has the potential to directly impact the neighborhood of

Cherokee Park and we would like to be part of the informational process and open discussion.

2. Susan Yosock, Lake Forest Summit Community Association, stated our subdivision directly abuts one of the properties for redevelopment, Southern Trace. They support a deferral. Thirty-five residents in the neighborhood need more time to attend a public informational session to understand any additional impact on the community.

He is in favor of the deferral. He is a member of the Highpoint Civic Association. He does not like the prospect of putting Beachland in Goggle and it comes up with the words blight and poverty. He asked that the line be drawn at Glenridge. There is no blight south of Glenridge.

Mayor Galambos asked if his property is in purple.

Mr. Wells stated it abuts Green Hill, which is now becoming occupant owned.

Janet Wells, 302 Beachland Drive, stated that she represented HARC, Homeowners Adjacent to the Roswell Road Corridor. Besides this moving too quickly, they have had no time to investigate and understand what is going on. She spoke with Mr. McNeill and he stated it was unlikely for them to be affected. The word unlikely worries her. Her area south of the Prado and particularly south of Glenridge is a very narrow commercial area that needs redevelopment. However, it is too narrow. The land behind it will be needed also. The blight around the neighborhood is left by the squirrels, owls, hawks and falcons. She thinks it would be better if Council concentrated on North of I-285 or the northwest end. If this is such a vast area then it will attract enough concentrated business to use these tax dollars. Please do not endanger our neighborhoods once again.

Mark Sampl, 130 Stewart Drive, spoke on behalf of the Sandy Springs Council of Neighborhoods. The primary concern is the lack of communication that was put out in regards to the program. His neighbors don't know much about it. They are asking for deferral, but more importantly going through the process of explaining it to the community. To hear the words blight, pervasive poverty, distress and dilapidation and they don't believe that's the case for many areas, specifically south of Glenridge. Regardless of the decision, they do not want this the program to impact areas south of Glenridge. They do not feel their neighborhood fits the adjectives of blight, poverty, or dilapidation. The great community involvement in the LCI study shows what type of things would be important in the area and this doesn't match up with the LCI study. There is a great concern that the Comp Plan is set aside as a guideline and they want to be sure that doesn't happen. Their protected neighborhood is very close to some of these commercial areas that are in purple and abuts some of those areas.

Mayor Galambos asked does the Sandy Springs Council of Neighborhoods support the revitalization of any of these business areas shown in purple.

Mr. Sampl answered yes, but he would have to go back to the Council of Neighborhoods and ask them. Certainly they want some clean up of those buildings.

Mayor Galambos asked if he felt having a tax credit would give some of the owners an incentive to improve their businesses.

Mr. Sampl stated he could not speak on their behalf. The Midas building is pretty dilapidated and probably should be knocked down by the City and redeveloped.

Mrs. Hirsch stated she is a member of HARC and the Highpoint Civic Association. There are a couple of things she does not understand. First, when does age go with undeveloped? She likes undeveloped property. It may not bring taxes, but it has other advantages. Let the squirrels go there. If you want more tax dollars and want to make Sandy Springs better, there is enough to keep busy with Roswell Road, north and south of 285. She asked for deferral, because her neighbors don't know what's really going on.

Robin Beechey, 20 Willow Glen NE, stated he did not want to discuss the merits of this tonight. He thinks it is being rushed and people don't know what it is all about; therefore, they will be fearful of it. A one or two month delay will not do much harm. Willow Glen immediately abuts one of the purple areas. It has all come up very quickly, as far as most of the public is concerned, and will do a good bit of goodwill if Council will defer the item. It will create and continue to create a bit of fear, misunderstanding, and dissatisfaction if a decision is made tonight in light of the lack of information. He does not disagree with doing something about Roswell Road South of I-285. This particular proposal and the way it has been presented tonight should not go forward until more is known about it and there is more of a commitment from citizens. Council may get that commitment, but not at the moment, because there is not enough information.

Motion: Councilmember Meinzen McEnerny moved to approve agenda item no. 10-078, approval of an application for Department of Community Affairs Opportunity Zone Program, excluding properties south of Glenridge and south of the Prado.

Councilmember Dianne Fries asked if the motion is to approve it with the changes to the map.

Councilmember Karen Meinzen McEnerny answered yes.

Second to Motion: Councilmember Fries seconded the motion.

Councilmember Chip Collins asked does the provision for displaced persons kick in for a privately initiated redevelopment of one of the properties in the purple area.

Community Development Block Grant Manager McNeill answered no, it would not.

Councilmember Collins stated he was concerned when reading the material that Sandy Springs would have to take care of the displaced people and build new units or find them accommodations.

Community Development Block Grant Manager McNeill stated if the City were to use federal funds, like CDBG, the Urban Relocation Act requirements would be triggered. According to law, the City would be required to insure that the individuals that were displaced were appropriately relocated. If the City were to use federal funds and partner with a non-profit or a developer, then the City would be required to pay relocation benefits and find housing for everyone that was displaced. That also applies if you don't use federal funds.

Councilmember Collins asked if the relocation requirements apply regardless of who initiates it.

Community Development Block Grant Manager McNeill stated it appears that under the redevelopment law, that is the case.

Councilmember Collins stated that is how he read the code. He also directed the question to Mrs. Leathers and her answer was similar. His concern is if the City has no control over the redevelopment of an apartment complex, but all of a sudden has some financial obligation.

Director of Community Development Nancy Leathers stated she would defer the question to the attorneys, but it is her understanding that if there is a governmental action involved which is federal funds, state funds, or City initiated, then the City would be required to meet the relocation requirements that the federal government requires. It doesn't matter whether it is state or federal. If it is a privately initiated project, which the City does not take part in monetarily, then the City has an obligation.

Councilmember Collins stated the City is facilitating the redevelopment.

Director of Community Development Leathers stated the City is encouraging this item. The City is not designating that any specific area be redeveloped. Staff is suggesting that private action should occur.

Councilmember Collins asked if Council is in agreement with Mrs. Leather's explanation.

Councilmember John Paulson asked what the time constraints are on the application.

Director of Community Development Leathers stated the current regulations will be modified May 5, 2010. If the City wishes to move forward with the application, the application needs to be submitted by May 5, 2010. If not, new rules and requirements come into play.

Councilmember Paulson stated the potential for a deferral is two weeks.

Director of Community Development Leathers responded that is correct.

Mayor Galambos stated she was hoping to move quickly on the item due to the application deadline. The state is looking for all kinds of savings and not to have to give any tax credits because of budgetary problems. They will be reducing the funds for this program and she wants to get in before it is reduced.

Councilmember Paulson stated he agrees with the Mayor. Everyone who spoke today spoke against the item. However, they are not in the purple area. Those that are going to benefit from this did not come in to support the item. If this is delayed two weeks, it will give those that will benefit from this a chance to voice their comments.

Councilmember Tibby DeJulio stated there is a government program that could benefit businesses in Sandy Springs. There are a lot of businesses in Sandy Springs that are closed, empty, or in a state of disarray. Several are seen driving up and down Roswell Road. There are places both above and below I-285. The one that comes to mind is at the corner where the Chinese restaurant used to be, a block above Belle Isle. It has been vacant for a couple of years. The person who owned the property tried to redevelop the property and found that it wasn't economically feasible. We are living in an economy where people need jobs and businesses need jobs. As a public servant, we need to help people where we can. He asked what the absolute worst is that can happen to the City if this item is approved. Does it force or prevent the City from doing anything? Does it make the Council do anything or does it take powers away from the Council? If the item is approved, does the entire zoning process still apply along with all the hearings?

Community Development Block Grant Manager McNeill stated nothing changes. All the processes stay the same. All it is doing is designating certain areas. For example, if the Chinese restaurant decided to reopen and the owner hired ten people, then he would get a tax credit of \$3,500 for each new job for five years, as long as he maintains those jobs for those people that he hired.

Councilmember DeJulio asked if that property is in the purple area.

Community Development Block Grant Manager McNeill answered yes.

Mayor Galambos asked Mrs. Leathers if the tax credit is enough incentive to improve the properties in the purple area. Would it have a beneficial affect or an injurious affect on the properties?

Director of Community Development Leathers stated it should improve them, if they are actually doing renovations on the buildings and making them more modern. All of the purple properties were ones that were identified as very old fashioned and difficult to use, which is one of the reasons why the tax credit becomes a way to renovate. We are seeing a lot more renovations then new construction.

Councilmember Karen Meinzen McEnery stated she echoed the sentiment from the public, what's the rush. The Planning Commission is qualified to view these types of planning issues. For the May 5th deadline, to be able to qualify for these funds, she supports a deferral, so it can go through the entire process for community involvement. The first point is to target the program on where the real needs are, which is where the City has the highest density approved in the Comp Plan, north of Glenridge and in Live Work Community and Live Work Regional. That was already done and signed on to by the community. By truncating the area and eliminating south of I-285, the redevelopment focus will be on highly needed areas which many would say would be the Northwoods area. The infrastructure and density are there. Council needs to consider the community member's statements tonight, which are predominately from those who live south of Glenridge. This community does not want any additional pressure on their neighborhood. The commercial sector is very narrow and therefore, the strong, vital, expensive, and engaged neighborhoods that surround the purple area are worried that this type of extra incentive is going to cause a bull's eye effect for further rezoning in their neighborhood. For that reason, she supports moving forward with the program, but truncating the area in order to enjoy the benefits of the opportunity zone.

Councilmember Collins asked Mrs. Leathers if there were any risk to deferring the item for two weeks to give the neighborhoods time to study it more and provide input.

Director of Community Development Leathers stated there would be time as long as there are no significant changes to the document in the two week period.

Councilmember Collins stated based on what he has read, he thinks it will be a positive thing. There is a lot of improvement that can be made on Roswell Road and the incentives will be good. There is no opposition from the neighbors to the concept. There is opposition to the process, because there have only been a few days to digest it. Clearly, there are some terms that are scary. No one wants their neighborhood designated as a slum or associated with blight. He would be interested to hear from a real estate specialist between now and two weeks that this designation would not have any sort of adverse impact on neighboring property values. Is this something that appraisers look at? He supports a two week deferral.

Councilmember Fries stated she wants to applaud staff for finding these opportunities and bringing them to Council. Staff is looking out to make the City better. This doesn't have anything to do with construction, zoning, or the Comp Plan. It is jobs. The areas that are here opposing this are the areas that are going to be cut off. I would like to support Councilmember Meinzen McEnery, but the neighborhoods are only hurting themselves. This is really a good thing. The City misses out on having an opportunity to fill that office building that is down the street, south of Mt. Vernon. It hurts the City to not have an opportunity for someone to come in and fill the building and have a tax credit. It is better to have someone in the building rather than it being empty. She would like some of the old properties to be fixed up. It is understandable that the neighborhoods don't like this grant being tagged to their area. She wishes it was in her area. She asked if her area met the qualifications.

Director of Community Development Leathers answered no, there has to be an extensive block that meets the 15% poverty requirement in order to qualify and that sets the basis for the area.

Councilmember Fires stated this is a wonderful thing for the City. She understands the citizens feeling like they did not get enough information, but there has to be some trust that Council is doing the right thing to better some of these empty areas that really are blighted. She supports the motion by Councilmember Meinzen McEnerny, but she really disagrees.

Councilmember Paulson stated a two week deferral wouldn't hurt the item. It allows more public comment. He is not in favor of Council arbitrarily truncating a part of this. This whole thing is worth a two week delay. In two weeks, Council has public comments from everyone, discussion, and then Council can vote. Council should make a decision in some form before May 5, 2010, so as to not lose this opportunity.

Call the Question: Councilmember Fries called the question.

Vote on the Question: The vote on the call carried unanimously.

Substitute Motion: Councilmember Paulson moved to defer agenda item no. 10-078, Approval of an Application for Department of Community Affairs Opportunity Zone Program for two weeks until the City Council meeting on April 20, 2010. Councilmember Collins seconded the motion.

Councilmember Meinzen McEnerny stated she likes the substitute motion, because it echoes what the citizens here have been saying. She hopes there is enough information on the website and perhaps the City can have a community information meeting for this item to get some of the affected people involved.

Councilmember Collins asked if the entire presentation is on the website.

Community Development Block Grant Manager McNeill stated the agenda item is on the website.

Director of Community Development Leathers stated the map is on the website, but when you close in, it is very hard to read. We need to find ways to distribute maps to people so they can see specific parcels.

Vote on Substitute Motion: The motion carried 4-1 with Councilmember Fries voting in opposition.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

(Agenda Item No. 10-079)

1. An Ordinance to Amend Chapter 2, Article I, Section 2-2 of the Code of the City of Sandy Springs to allow Approval of Variances for Capital Improvement Projects (CIP) undertaken by the City or its Designee by the Sandy Springs City Council

Assistant Director Building and Development Blake Dettwiler stated this item is from the February 2, 2010, Work Session. The item is an amendment to chapter two of the Code of the City of Sandy Springs to allow for approval of variances undertaken by the City or its Designee by the City of Sandy Springs Council. It is important to understand that any application that comes before Council will be required to follow all notice and public hearing criteria currently required by the City Code.

Motion and Vote: Councilmember DeJulio moved to approve agenda item no. 10-079, An Ordinance to Amend Chapter 2, Article I, Section 2-2 of the Code of the City of Sandy Springs to allow Approval of Variances for Capital Improvement Projects (CIP) undertaken by the City or its Designee by the Sandy Springs City Council. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2010-04-08

(Agenda Item No. 10-080)

2. A Resolution Recognizing the Creation of the Sandy Springs Police Benevolent Fund, Inc.

Police Chief Terry Sult stated this is a happy day for the Sandy Springs Police Department. A long time ago the Sandy Springs Spouse Auxiliary was formed to help support the families of the Police Department. His wife took a big lead in that and has been encouraging him for a year to get moving on a project to start up a Police Benevolent Fund. The purpose behind the fund is to support families of the members of the Sandy Springs Police Department, which include officers, civilian employees, and volunteers that average more than four hours a month, in situations that are unforeseen; crisis situations, and particularly line of duty deaths. The fund gives the Police Department a vehicle in which to do that. The easier the Department can make it for the families, the better. One of the things the fund will do is give them a check right off the bat that can help them get through the unforeseen couple of weeks. They can handle these situations without the pressure of where the money for the next bill is coming from. We have a lot of issues that are facing us and that we have already faced in the last two years. The Police Department already has an officer who lost his wife to cancer; an officer's 14 year old son who is struggling with a rare form of arthritis and has to go through special treatment not covered by medical insurance; and other issues within the department. This fund helps the department in a lot of ways in that area. He introduced three of the board members, David Johns, Lieutenant David Roskind, and Rhonda Sult.

Lieutenant David Roskind stated this is a very exciting opportunity. Police agencies across America have similar funds or associations. It helps officers and families in cases of need or hardship. The Board is excited about this endeavor, and Sandy Springs businesses and residents can help with the fund. He thanked Rhonda Sult, Lieutenant David Roskind, Chief Sult, all the board members and Judy Parker for helping to get this started.

Police Chief Sult specially recognized Judy Parker for helping them put this together. It was not intended to be a fund that would duplicate or compete with the Friends of Sandy Springs. It is really focused on a specific purpose but broad enough to focus on the quality of life of the City of Sandy Springs by and through focusing on the quality of life for our police family. He thanked Wendell Willard and his office for the legal support and thanked the Friends of Sandy Springs. He also thanked CH2MHILL for already providing a donation to the Fund.

Mayor Eva Galambos stated everyone is solidly behind the Sandy Springs Police Benevolent Fund. She thinks it is wonderful that this is being organized and all of the Council is solidly behind it.

Motion and Second: Councilmember DeJulio moved to approve agenda item no. 10-080, A Resolution Recognizing the Creation of the Sandy Springs Police Benevolent Fund, Inc with the complete irrevocable support of the City of Sandy Springs. The Council unanimously seconded the motion.

Councilmember Dianne Fries stated the Sandy Springs Cycling Challenge will make a donation to the fund.

Vote on Motion: The motion carried unanimously.

Resolution No. 2010-04-23

(Agenda Item No. 10-081)

3. Consideration of Approval of the 2010 Capital Paving Phase II Contract

Deputy Director of Public Works Jon Drysdale stated this is the fourth phase of the Capital Paving Program for this year with the first two completed in the fall. Last month Council approved the LARP 2009 program and in January approved the list of streets. The item was put out to bid with bids received from Blount Construction, C.W. Matthews, and ER Snell. C.W. Matthews had the low bid and staff is recommending approval of their contract.

Councilmember Tibby DeJulio asked which project this is.

Deputy Director of Public Works Drysdale stated the project included Ison Road, Spalding Stables Subdivision, Long Island Way, Powers Ferry Road, Windsor Parkway, Hammond Drive, and Northland Drive.

Councilmember John Paulson asked what the amount of the project is.

Deputy Director of Public Works Drysdale stated the amount of C.W. Matthews bid is \$964,669.10.

Mayor Eva Galambos stated she thought the school board was paying for the work on Ison Road.

Councilmember Dianne Fries stated the school board has given money to use towards this project to pave the part in front of the school that they damaged. This project is a portion of the paving from the school to Roswell Road and a little bit from the school to Grogans Ferry.

Deputy Director of Public Works Drysdale stated the amount of money from the school is \$30,490.

Mayor Galambos stated she comes out of that street everyday and she does not think it needs paving.

Councilmember Fries stated some of the street is being paved because of the intersection improvement.

Motion and Vote: Councilmember Fries moved to approve agenda item no. 10-081, Consideration of Approval of the 2010 Capital Paving Phase II Contract to be awarded to CW Matthews. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Resolution No. 2010-04-24

(Agenda Item No. 10-082)

4. Consideration of Approval of a Contract to Construct the Sandy Springs Circle and Hammond Drive Pedestrian Enhancements Project, Phase 1 (T-0006), Subject to Validation and Approval by the Legal and Finance Departments

Manager of Transportation Planning Division Garrin Coleman stated this item is for consideration to award a bid for the Sandy Springs Circle and Hammond Drive Pedestrian Enhancement Project. A total of ten bids were received on March 25, 2010, and the lowest bidder was Tri-Scapes in the amount of \$383,265.

Councilmember Dianne Fries asked if the lowest bid was always chosen.

Manager of Transportation Planning Division Coleman answered no, not always.

Councilmember Fries stated she thought when the City was first started it was agreed that the most qualified bid be chosen.

Councilmember John Paulson stated there is a major price leap between the first and second bidder. He asked if staff is satisfied with all of the items covered by Tri-Scapes and comfortable with the bid.

Manager of Transportation Planning Division Coleman stated the purchasing department and the CM/PM is reviewing those items and they have not found anything at this point that would lead us to believe that anything is off.

Councilmember Paulson stated it is a big difference. He is concerned with the price difference between the first and second bidder. Unfortunately, it has been his experience that when a contract has this much of a difference, the bidder that wins the bid tries to figure out what they forgot.

Manager of Transportation Planning Division Coleman stated a contractor recently withdrew their bid on another project for that reason.

Councilmember Fries asked what the policy is if a contractor withdraws their bid. Does it come back to Council or does staff choose the next option?

Manager of Transportation Planning Division Coleman stated staff chooses the next qualified bidder.

Councilmember Paulson asked if there is a budget for this item and what the cost is.

Manager of Transportation Planning Division Coleman stated the current cost estimate is one million dollars.

Councilmember Karen Meinzen McEnery stated there is a line item for testing the asphalt in the paving contract to be sure it complies with the City's standards. That information is not listed for this contract. She asked if the testing was necessary and if it is included in this contract.

Manager of Transportation Planning Division Coleman stated it is not included in the bid documents.

Councilmember Meinzen McEnery asked if he feels it is necessary.

Manager of Transportation Planning Division Coleman answered no, not with a project of this size. This project is mostly concrete and sidewalks. Since it is not a driving surface, the wear and tear on a sidewalk would not be as great as on a road.

City Attorney Wendell Willard stated the City does have a GEO Tech contract that would do some inspection onsite, but it would be minor.

Motion and Vote: Councilmember Paulson moved to approve agenda item no. 10-082, Consideration of Approval of a Contract to Construct the Sandy Springs Circle and Hammond Drive Pedestrian Enhancements Project, Phase 1 (T-0006), Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Fries seconded the motion. The motion carried unanimously.

Resolution No. 2010-04-25

(Agenda Item No. 10-083)

5. Authorization to Reallocate General Fund Dollars to Supplement 9-1-1 Fee Revenue

Assistant City Manager Noah Reiter stated the revenues received for the first six months of operation for the Chattahoochee 911 Center are less than the projections presented by the contractor in July of 2008, which helped formulate the budget for the outsourced contract for operation of the center. Specifically, thus far, revenues have fallen approximately 35% short. One of the foundations of creating the 911 center was to do it without subsidization from the General Fund. At this point, that is not going to be possible until other opportunities are explored by either additional partnerships or potentially additional services that can be provided through ChatComm. Staff is asking Council to consider a Resolution to fund the Sandy Springs portion of the anticipated short fall through the end of this fiscal year. The anticipated amount is not to exceed \$900,000. The Sandy Springs portion is 65% and Johns Creek's portion is 35%, which is based on population and call volume for that respective City.

Motion and Second: Councilmember Fries moved to approve agenda item no. 10-083, Authorization to Reallocate \$900,000 from the General Fund Dollars to Supplement 9-1-1 Fee Revenue. Councilmember DeJulio seconded the motion.

Councilmember Dianne Fries stated she is really sorry that it came up short. This is ranked in the top three, Police, Fire, and 911, that benefit the citizens the most in their safety and getting the treatment that they need at the time. This is money very well spent.

Councilmember Karen Meinzen McEnerny stated she was reading statistics for Johns Creek this morning stating that the population is about 70,000 and Sandy Springs is about 98,000, which means Johns Creek has approximately 42% of the cost based on population only. She asked how Johns Creek's portion was calculated and what their current percentage is from when we started up ChatComm.

Assistant City Manager Reiter stated before ChatComm was started and the funds were being paid to IXP to perform a consulting engagement to do a business case and feasibility statement for the City, the cost was split with the City of Johns Creek 65/35. That was population based at the time, about two years ago. The current calculation, 65/35, is more based on the call volume that's coming through the center. Those calls are not only 911 calls; they also include officer initiated events. When a police officer makes traffic stops, checks a business, or checks on a citizen who might be lost or in distress, all of that is captured by our computer system, so it is now activity based. Initially, it was expected that the population figures would be used because the City had soft data from Fulton County related to actual call volume projections. Those were more appropriate to use for future funding cost sharing arrangements. It is based primarily on call volume. The other element that winds up almost perfectly 65/35 is the revenue that the two cities have received from the 911 fees; Sandy Springs being 65% and Johns Creek being 35%.

Vote: The motion carried unanimously.

Resolution No. 2010-04-26

(Agenda Item No. 10-084)

6. Red Cross Blood Drive

Mayor Eva Galambos stated the North Springs United Methodist Church came with a proposal that they would like the City to cooperate with them in putting on a citywide blood drive under the auspices of the Red Cross. The church has worked with the Red Cross for many years. They have volunteers who are trained and can help set up everything. They would like to make it bigger than it has been in the past. In order to make it bigger, they need the City's stamp to help with what they are doing. Specifically, what they would like the City to do is send out letters to the employers in Sandy Springs who have at least 100 employees and ask them to encourage their employees to participate in the blood drive if possible. The City would not spend any money, but would spend some staff time in acquainting the large employers with this blood drive. The City would lend out our name in conjunction with the church. She discussed it

in length with the Assistant City Attorney, Cecil McLendon, and he does not see any conflict with this since, the City is not supporting any religious activity.

Councilmember Dianne Fries asked if the City is contributing any financial support to this.

Mayor Galambos answered no. The City is lending their name and writing a letter to the major employers stating we are doing the drive with the church and asking them to acquaint their employees with this blood drive. It is a very worthy purpose and the church has born the responsibility and the work for this all by themselves for many years. They would like to make it bigger. They feel with the City's help they can make it bigger and better.

Motion and Second: Councilmember Collins moved to approve agenda item no. 10-084, Red Cross Blood Drive. Councilmember Meinzen McEnery seconded the motion.

Councilmember John Paulson stated this is a great idea. He feels it is too small and he requests that the City support anyone else in Sandy Springs that does the same thing.

Vote on the Motion: The motion carried unanimously.

REPORTS AND PRESENTATIONS

- a) Mayor and Council Reports
- b) Staff Reports

PUBLIC COMMENT

There were no comments from the public.

EXECUTIVE SESSION

There was no Executive Session called.

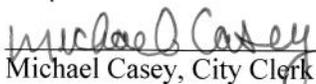
(Agenda Item No. 10-085)

ADJOURNMENT

Motion and Vote: Councilmember Paulson moved to adjourn the meeting. Councilmember DeJulio seconded the motion. The motion carried unanimously. The meeting adjourned at 7:29 p.m.

Date Approved: May 4, 2010


Eva Galambos, Mayor


Michael Casey, City Clerk