

Regular Meeting and Budget Hearing of the Sandy Springs City Council was held Tuesday, June 2, 2009, 6:00 p.m., Mayor Galambos presiding.

Invocation

Rev. Joe B. Martin, Mt. Vernon Presbyterian Church offered the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:04 p.m.

Roll Call and General Announcements

City Clerk Michael Casey reminded everyone to silence their cell phones and pagers at this time. Additionally, those wishing to provide public comments, either during a public hearing or before the conclusion of the meeting under the public comment section, are required to complete a public comment card. They 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

Councilmember's Present: Councilmember Doug MacGinnitie, Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny.

Mayor Galambos welcomed City Page Emma Moses, Sandy Springs Middle School 7th Grader.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember Fries moved to approve the meeting agenda. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

(Agenda Item No. 09-133)

1. Meeting Minutes:
 - a. April 21, 2009 Regular Meeting
(Michael Casey, Interim City Clerk)

(Agenda Item No. 09-134)

2. Adopt Amended 2008 CDBG Action Plan to Reflect \$146,909 in CDBG-R Funds for the 2008 Sidewalk Project
(Nancy Leathers, Community Development Director)

(Agenda Item No. 09-135)

3. Revisions to City Ethics Bylaws
Resolution No. 2009-06-33
(Wendell Willard, City Attorney)

Motion and Vote: Councilmember Fries moved to approve the consent agenda. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Presentations

Amateur Radio Week

Sandy Springs Mayor Eva Galambos presented the North Fulton Amateur Radio League President with a Proclamation honoring Amateur Radio Week. Mack McCormick (WBVMAK) and Field Day Chairman Ian Kahn (AK4IK) accepted the proclamation from the Mayor celebrating June 22-28, 2009 as a week to honor the significance of amateur radio to our citizens and our country. The hobby is focused on emergency preparedness and communications when other systems may fail. The group has assisted the City in numerous ways. Their Field Day exercise will take place at Waller Park Extension in Roswell on June 27-28.

Proclamation – Sandy Springs Garden Club

Sandy Springs Mayor Eva Galambos presented Anna Pfohl with a Proclamation for the Sandy Springs Garden Club. The Proclamation observes National Garden Club Week and the Mayor thanked the Garden Club for all the work they do to beautify the City, especially around Sandy Springs Fire Station Number 3, Williams-Payne House and at the Sandy Springs Library. National Garden Club Week is June 1-6, 2009.

Recognition of Dr. Greenwald by Fire Department

Sandy Springs Medical Director Ian Greenwald, MD, FACEP was honored by Mayor Eva Galambos, Councilmembers, City Manager John McDonough and Sandy Springs Fire Rescue Chief Jack McElfish by being named an Honorary Fire Chief. Dr. Greenwald was instrumental in setting up the Fire Rescue protocol used by the Department. He will be leaving the Department this summer to take a prestigious job with Duke University's Department of Emergency Medicine. During his tenure with the City, Dr. Greenwald was also on staff with Emory University and Grady Hospital. He piloted innovative programs in the City such as induced hypothermia for cardiac patients.

Public Hearings

Sandy Springs Alcoholic Beverage Ordinance (Agenda Item No. 09-136) Ordinance No. 2009-06-29

Deputy Director of Community Development Chris Miller stated the Alcoholic Beverage Ordinance was presented to City Council in May 2009. This is an Ordinance to amend the Alcoholic Beverage Ordinance, to allow for wine tasting in the City of Sandy Springs. In response to the Mayor and City Council's request and the recommendation by the City Attorney, a change was made to the following restriction: *Not more than twice per week for a period or not to exceed two (2) consecutive hours, the holder of an ancillary wine tasting license may conduct educational classes and sampling for classes.* Otherwise, the language remains the same as at the last meeting.

Mayor Galambos called for public comment.

Robb Dillon, 4969 Roswell Road, owner of New York Butcher Shoppe, contacted the City earlier this year about his interest in obtaining a license to hold occasional wine tasting events. He has been in business for one year in the city of Sandy Springs. He thanked the Mayor and City Council for considering this amendment to the ordinance. He thanked Chris Miller and the City Attorney's office for their support in getting through this process. They were very receptive to his needs, desires, input, and how this could work for everybody. He thanked Sherian Wilburn of the Sandy Springs Chamber of Commerce for providing a letter of support for his business. The Wine

and Beer retailers have an inherent responsibility to make this something that is safe and beneficial to the Sandy Springs residents. This is a social and business resource for all of the citizens to take advantage of. He respectfully requests City Council's approval of this amendment to the City's Alcoholic Beverage Ordinance.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 09-136, Sandy Springs Alcoholic Beverage Ordinance. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Sandy Springs Water Conservation Permit Incentive Program Resolution
(Agenda Item No. 09-137)
Resolution No. 2009-06-34**

Deputy Director of Community Development Chris Miller stated this work is a combination of research work done by both staff and the Water Conservation Stakeholders Group, at the direction of Lee Duncan, to voluntarily reduce water usage in the City of Sandy Springs. Based on input from the Mayor and City Council at the May Work Session regarding incentives, staff has included a fourth category in the Incentive Program, platinum, which is 100% waiving of all building permit fees if an applicant meets all the requirements of the Water Conservation Program.

Mr. Miller reviewed the Land Disturbance Permit and Commercial Building Site Incentives.

Strategy 1, Bronze – Water Conservation Planning Techniques

No fee waiver - A Bronze Sandy Springs Conservation Turtle will be awarded recognizing the work done by the developer and builder.

Strategy 2, Silver – Design grading and plan layout to capture and slow runoff

A 30% fee reduction - A Silver Sandy Springs Conservation Turtle will be awarded recognizing the work done by the developer and builder.

Strategy 3, Gold – Eliminate Potable Water Use in the Landscape

A 50% fee reduction - A Gold Sandy Springs Conservation Turtle will be awarded recognizing the work done by the developer and builder.

Strategy 4, Platinum – Maximize Water Conservation Practices

A 100% fee reduction - A Platinum Sandy Springs Conservation Turtle will be awarded recognizing the work done by the developer and builder.

Mr. Miller stated this Resolution, if approved, would establish a Water Conservation Permit Incentive Program in the City. This program is to encourage developers, builders and homeowners within the City of Sandy Springs to conserve water by offering incentives based on a waiver of fees, if certain criteria are met on four different levels of conservation. Requirements for each category differ and as the applicant goes through the Program from Bronze to Platinum it becomes more expensive and more difficult to achieve.

If the City adopts an incentive based Resolution, as opposed to having requirements placed upon people, this will be a unique program in the Metro region. Staff is hopeful that this will encourage much more water conservation within the City.

Mayor Galambos called for public comment.

Joe Padilla, 110 Susobell Place, Greater Atlanta Home Builders Association, thanked the Mayor and City Council for allowing staff to present this program. The Greater Atlanta Builders Association has been involved

from the beginning, almost one year. The Association appreciates the opportunity to be involved, because this is an issue that hits home for their members, in terms of being able to have an incentive program that is market based as opposed to a mandate that may or may not be effective for everybody. This program is something the Association believes will be a model for the rest of the region. There has been dialogue in the past with ARC, and other cities in North Fulton and around the region, that want to be able to take a model like this and adopt it. In the following months, the Association, along with City staff, will hold a Work Shop to educate others about the program. The goal is to get everyone comfortable with how to meet most of the criteria, which are very financially achievable, especially with the incentives in place. He hopes the City will have a lot of platinum and gold turtles floating around Sandy Springs so that everyone can be proud.

Mayor Galambos thanked Mr. Padilla for being involved with City staff in making sure this Resolution will stand the test of time.

Jason O'Rourke, 6500 Sugarloaf Parkway, Duluth, Counsel of Quality Growth, spoke in support of the incentive program. He thanked the Mayor and City Council for supporting this program. He also thanked the staff and the volunteers on the committee that worked through this. The Counsel of Quality Growth supports a voluntary incentive program. Within the past few years, water conservation has received a new focus in Georgia, and the Counsel feels confident that programs such as this, that reward both the builders and homeowners for going the extra mile in conservation, are going to provide a great example for neighboring jurisdictions.

Mayor Galambos thanked Mr. O'Rourke for his support.

Councilmember Jenkins stated a magazine published southeast wide wants to feature Sandy Springs Water Conservation Incentive Program.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 09-137, Sandy Springs Water Conservation Permit Incentive Program Resolution. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Mayor Galambos announced Forbes Magazine has judged Sandy Springs to be the 15th most desirable City in the United States in which to live.

**Abandonment of the Access Road from Baroque Circle to Ridgeview Middle School
(Agenda Item No. 09-138)
Resolution No. 2009-06-35**

City Attorney Wendell Willard stated as a part of Sandy Springs being incorporated, the City received all of the right-of-ways from Fulton County. This is a portion of roadway that went to Fulton County by virtue of the acquisition of properties for GA 400. He explained that this is a roadway that is next to GA 400 and is used as an access road to the Ridgeview Middle School. Over the last several months there have been discussions and negotiations between the Fulton County School Board and the City regarding this right-of-way. The school wants to make improvements at this location for access to the school. The problem with this is that the School Board cannot expend monies except on their own property. What the City and Board have worked out is a means of having this property go through the abandonment process. The property will then go to the adjoining property owner, which is the school board. The following conditions have been agreed upon by both parties: (1) in the next 36 months the school will start building the access walkway along the right-of-way area. The school may start earlier than said time. (2) To recognize there is a drainage easement involved that has to be continued as a part of this conveyance. (3) To make sure there is an access for vehicular traffic as well as pedestrians through the right-of-way going to the property. This is set as an assurance to make sure the access can not be closed except for an emergency where there is a need for temporary closure. (4) Recognizing if at some point in the future there is a

need for Baroque Circle at the intersection with Northland Drive to be improved, the school will allow that parcel to be conveyed back to the City or give the City access to it for that purpose. Staff recommends that the Mayor and City Council approve the abandonment of this property to the Fulton County Board of Education.

Patrick Burke, 5720 Northfield Blvd, Chief of Operations, Fulton County School Board, reported the Board of Education, at their May meeting, approved a change order in anticipation of this abandonment. Therefore, they have the Board's approval on the budget to move ahead. The schools anticipate taking advantage of the existing contractor on the site by moving immediately. They have some finalizing of the design work still left to do, but otherwise, they are ready to begin.

Mr. Burke thanked Ms. Parham and staff, Ms. Leathers and the City Attorneys office for making this proposal possible and also thanked the Mayor and City Council for consideration of this proposal.

Mayor Galambos called for public comment. There was no public comment.

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 09-138, Abandonment of the Access Road from Baroque Circle to Ridgeview Middle School. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

1st Public Budget Hearing (Agenda Item No. 09-139)

City Manager John McDonough stated that last Tuesday evening staff presented for the Mayor and City Council's consideration a balanced general fund and a balanced budget for numerous City funds for the FY 2010. Tonight is the first opportunity for the public to comment on the proposed FY2010 budget. He recommended that Mayor Galambos open the public hearing and take public comment at this time.

Mayor Galambos called for public comment.

Andrew Heyward, 6730 Castleton Drive, supports using surplus money for fixing roads.

Councilmember DeJulio stated Mr. Heyward is one of the original supporters of the City of Sandy Springs. Mr. Heyward worked long and hard, and City Council should take Mr. Heyward's counsel wisely, because he is one of the backbones of the City. City Council thanked Mr. Heyward for his hard work.

Sherian Wilburn, 10 Allen Road, President of Sandy Springs Perimeter Chamber, spoke in support of the completion of the final phase of the Heritage Bluestone Master Plan. Heritage Bluestone will provide a much needed event facility within the community and expand opportunities for the Sandy Springs area.

Jeff Silberberg, 1655 Red Bourne Drive, spoke on fire service experience in District 1, and suggested expanding coverage in District 1 to improve the response time and to consider adding a rescue unit.

Unfinished Business

Resurfacing Operations on Streets with Granite Curbing (Agenda Item No. 09-140)

Public Works Director Angelia Parham stated this item was discussed in the Work Session and is on the agenda tonight for further discussion. This policy is geared toward a street with existing granite curbs that are somewhat irregular, making it difficult to do paving operations on these streets. We have three different versions of the policy in your packet and I believe the Council members have some amendments they would like to make to those policies.

Councilmember Fries stated she discussed the policy this afternoon with Councilmember Meinzen McEnerny and they came up with two changes to the policy. She provided City Council with a revised copy of the policy that was handed out at the last meeting, dated June 2, 2009. Councilmember Fries read the next to last paragraph that has

the changes: Section, *Granite Curb Analysis*, originally the Policy read as: upon consent of 100%; *change to 75%* of the adjacent property owners, the property owners can elect on a project wide basis to upgrade the city standard concrete curb and gutter with granite curb. The property owners shall pay 100% of the additional cost of materials and labor for the granite curbing, *adding*, "...*such cost to be obtained through the City's Procurement Policy.*" Any granite curbing installed hereunder shall meet all appropriate roadway and stormwater conveyance standards.

Councilmember Jenkins asked for clarification on the standard being concrete, and if the neighborhood wants to upgrade to granite, they can get the money and the support from their neighbors, and buy the granite upgrade.

Councilmember Fries explained this policy has staff deciding on whether or not they pave the road and retain the granite, or if they need to repave the road and rework the curb and gutter. If they need to rework the curb and gutter, staff will go through the normal procurement process. The neighborhood can decide if they want to pay 100% of the overage for labor and materials to put in the granite. The City standard is concrete.

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 09-140, Resurfacing Operations on Streets with Granite Curbing Policy revised June 2, 2009 with the following two changes to the section titled *Granite Curb Analysis*: (1) upon consent of 75% of the adjacent property owners, (2) The property owners shall pay 100% of the additional cost of materials and labor for the granite curbing, such cost to be obtained through the City's Procurement Policy. Councilmember Meinzen McEnerny seconded the motion.

Discussion on the Motion: Councilmember Meinzen McEnerny explained that the City's Procurement Policy provides for alternatives and this is the reason the policy does not specify what the alternative bids will be; *upgrade to granite curbing, reset the curb or to use granite pieces*. When staff decides there is an issue with an existing City street regarding repaving, they will alert the community that they have a choice to go with either concrete, which is the least cost but not as durable, or upgrade to granite curbstones with 75% of the affected owners agreeing to pay 100% of the overage cost to upgrade to granite curbstones. The neighborhood will have real time free market competitive pricing for granite curbstone pieces and concrete because the Procurement Policy will take care of this part.

Vote: The motion carried unanimously.

Reports and Presentations

Councilmember Jenkins stated during the summer a lot of the kids who normally rely on the schools for their nutrition can't get it, so the Community Action Center is doing a food drive to get the CAC pantry stocked for them. The items needed are: canned meat, canned fruit, beans, rice, cereal, fruit bars, snacks, peanut butter, jelly, pasta, sauce, toilet paper and diapers. These items can be dropped off at the Community Action Center.

Mayor Galambos Appointment of Ethics Board Alternate

Mayor Galambos stated there is an Alternate vacancy on the Ethics Board. She asked Attorney Ted Sandler to serve as an alternate. Mr. Sandler has agreed to serve.

Motion and Vote: Councilmember Paul moved to approve appointment of Ted Sandler as an Alternate to the Ethics Board. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Mayor Galambos Appointments to Stormwater Advisory Committee

Mayor Galambos stated staff advised City Council at the last meeting that they need to activate another special Stormwater Advisory Committee to work with the State. Staff has contacted these various people who constitute a

very qualified group. Appointments: Mike Chavez - UPS; Lawrence Frank - ERS; Lonnie Mimms; William Jones - retired professional engineer; and Derek North - Apartment Owners Association.

Motion and Vote: Councilmember Jenkins moved to approve the appointment of Mike Chavez, Robert Donner, Lawrence Frank, Lonnie Mimms, William Jones and Derek Norton to the Stormwater Advisory Committee. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

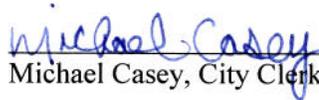
Adjournment

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 6:48 p.m.

Date Approved: September 1, 2009



Eva Galambos, Mayor



Michael Casey, City Clerk