

Regular Meeting of the Sandy Springs City Council was held Tuesday, May 19, 2009, 6:00 p.m., Mayor Galambos presiding.

Invocation

Rev. Chris Barbieri, SSUMC offered the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:00 p.m.

Roll Call and General Announcements

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.

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 DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Consent Agenda

(Agenda Item No. 09-122)

1. Amend 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. 09-123)

2. Ratification of Revised Memorandum of Agreement (MOA) between the State Soil and Water Conservation District-Fulton County and the City of Sandy Springs.
(Nancy Leathers, Community Development Director)

(Agenda Item No. 09-124)

3. Approval of the Permanent and Construction Easement for the PCID Peachtree Dunwoody Sidewalk Project (CSSTP No 006-00(267)).

Resolution No. 2009-05-30

(Angelia Parham, Public Works Director)

(Agenda Item No. 09-125)

4. Approval of the Permanent Easement for the Dunwoody Club at Spalding Drive Project (T-0016).

Resolution No. 2009-05-31

(Angelia Parham, Public Works Director)

(Agenda Item No. 09-126)

5. Consideration of Approval of the Right-of-Way for the Sandy Springs Circle and Hammond Drive Pedestrian Enhancements, Phase 1 Project (T-0006).

Resolution No. 2009-05-32

(Angelia Parham, Public Works Director)

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

Presentations

Robert Amota - Painting from the Global BMW Sandy Springs Cycling Challenge to City

Sandy Springs Mayor Eva Galambos and Councilmember Dianne Fries accepted an original piece of art from Robert Amota. Amota, a Sandy Springs artist, did the artwork for The Second Annual Global BMW Sandy Springs Cycling Challenge Race to the Arts, which was held May 3, 2009. The piece of art was the perfect bridge between the bicycle race and the art festival. Amota's art is featured at the Decatur Market and Gallery.

Presentation of the Fire vs. Police Bike Race Trophy to Fire Fighter Kirk Corello

Councilmember Fries stated that this is the second year the Fire Department has won the Bike Race. Chief McElfish accepted the Race Trophy for Fire Fighter Kirk Corello.

Public Hearings

Abandonment of the Access Road from Baroque Circle to Ridgeview Middle School

City Attorney Wendell Willard stated that one of the legal requirements the City has is to run an ad for two consecutive weeks in the City's legal organ, the Fulton County Daily Report, as part of the public hearing process. He was informed this afternoon that both ads ran on the same day, May 15, 2009, as opposed to two consecutive weeks. He recommended that City Council defer action on this until the next meeting of Council, June 2, 2009. The public hearing was held at this time.

Director of Public Works Angelia Parham stated the school has requested that this right-of-way be donated to them. This property was originally owned by the Georgia Department of Transportation and in order to transfer it to the school, it needs to be transferred first to the City and then to the school.

Mayor Galambos called for public comments.

Kevin Cieply, 5100 Northland Drive, asked the school's intent for using the property and the effects the change of ownership would have.

Director of Public Works Angelia Parham explained that the school wants to use it to improve the access to Ridgeview Middle School, possibly by building a sidewalk along the road connecting to the school.

Patrick Burke, 5720 Northfield Blvd, College Park stated that it is not the intent of the school board to change anything. Currently they access the school through the right-of-way. However, the board would like to make improvements to the right-of-way and are considering constructing a sidewalk or a walkway of some sort along the side of the path to increase pedestrian access.

Mayor Galambos asked if there were any changes, in terms of how the road access will be used to and from the school.

Mr. Burke stated there are no changes or any intention of changing the path of the road. It is only to provide a walkway along the side of the road, which will require some construction activity.

City Attorney Wendell Willard stated that the school board desires to make improvements. The problem is the school is restricted by law as to the use of funds outside of contiguous property they own and use as part of the school. The school is not able to go onto the right-of-way that is owned by the City and make improvements. Therefore, the school is working with the City on receiving the property from the Georgia Department of Transportation. Through abandonment we will have easements as part of the transfer title. If there comes a time when the City needs to get some of the right-of-way back, as part of making improvements to the intersection, it can be accomplished as part of the reservation in the deed of conveyance.

Bill Gannon asked how much money the school board would be spending on this walkway and how much money is being put into the middle school for the overall improvement.

Mr. Burke explained that he does not have the exact figure, but will make it available to City Council. He explained that currently the school is spending roughly \$30,000,000 to improve the school. It is a complete renovation, basically a rebuild of the school. The school has not yet received an estimated cost from the contractor for the sidewalk. There are structural elements that will be required with putting in the sidewalk.

Mayor Galambos stated the City hopes by including this sidewalk, it will facilitate walking and children will safely get to the middle school on foot.

Motion and Vote: Councilmember Jenkins moved to defer (Agenda Item No. 09-127), Abandonment of the Access Road from Baroque Circle to Ridgeview Middle School, to the June 2, 2009 meeting. Councilmember Meinzen McEnery seconded the motion. There was no Council discussion. The motion carried unanimously.

Rezoning

U09-003 - 1140 & 1150 Hammond Drive, Request for a use permit to increase the ten (10) story maximum building height to eleven (11) stories for the hotel building Ordinance No. 2009-05-28

Community Development Planner Doug Trettin stated that this application is for Rezoning Petition U09-003, located at 1140 & 1150 Hammond Drive. The applicant is Peachtree Hotel Group, LLC, seeking a use permit to increase the maximum building height to eleven (11) stories for the hotel building to allow for the addition of a roof top amenity area.

In 2008, a use permit was granted to permit a maximum building height of 10 stories for the hotel where the MIX zoning district allows a maximum height of 60 feet or four (4) stories. Additionally, a condition limiting the hotel to 160 rooms was imposed. The applicant is requesting a use permit to increase the ten (10) story maximum building height to eleven (11) stories for the hotel building to allow for the additional roof top amenities area. However, the intent is not to exceed the 160 room limitation.

The Planning Commission recommended approval with staff recommended conditions, and adding an additional condition that the proposed amenities area located on the eleventh floor shall be limited to a total of 7,000 square feet.

If more detailed information is needed, the applicant would request the rezoning petition be deferred to the June 16, 2009 meeting.

Jeremy Pettit, Ingenium Design Group and the Project Manager for the Peachtree Hotel Group stated the Ingenium Design Group is trying to get the amenities area for the hotel proposed at this site with a building height of eleven (11) stories, an increase from the previously approved ten (10) stories.

Mayor Galambos asked if the condition, as read, is acceptable to the applicant.

Mr. Pettit stated that the 7,000 square feet is acceptable.

Mayor Galambos called for public comment. There were no comments from the public.

Motion: Councilmember DeJulio moved to approve (Agenda Item No. 09-128), use permit petition U09-003 - for property at 1140 & 1150 Hammond Drive, with the following staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. The maximum building height shall be eleven (11) stories for the hotel building (U9-003).
2. To the owner's agreement to abide by the following:
 - a. To the site plan submitted to the Department of Community Development dated received February 3, 2009. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions of this case and all conditions of case RZ08-32 shall be in place prior to the issuance of a Certificate of Occupancy.
3. The amenities area located on the eleventh floor shall be limited to a total of 7,000 square feet.

Second and Vote: Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

New Business

Resurfacing Operations on Streets with Granite Curbing

Director of Public Works Angelia Parham stated Council had discussion on this item at the previous Work Session, particularly for Mystic Drive. In Council's packet tonight is a suggested policy for handling streets that have granite curb, depending on the condition of the curb that's already there.

The funding issue was discussed last week. The City will replace the curb with a standard concrete curb or an option to upgrade to granite curb.

Councilmember Fries explained that the policy in Council's packet is unclear in some areas, and she wants to make sure there are no gray areas, if Council approves the policy.

Councilmember Fries presented her version of the proposed policy. If there is a project where the City needs to replace the curb and gutter, because it is not in working order or has granite rocks preventing the street from being paved properly, Public Works staff would not have to make a decision. The City's standard would be concrete curb and gutter. There is an extra item in this policy that states "if a neighborhood chooses to upgrade to granite curbing they can do so, but they would incur the cost overage for materials and labor." Everybody must agree (100 percent) that this is what is wanted and agree to pay for the overage above what it would cost the City to install the standard concrete curb and gutter.

Councilmember DeJulio stated he would like to add that the upgrade costs be paid to the City in advance, before work is started.

Councilmember Fries stated Councilmember DeJulio makes a good point, and she added that to her motion.

Patty Berkovitz, 800 Crest Valley Drive spoke on behalf of the Long Island Creek Watershed Preservation Association, soon to be known as the Watershed Alliance of Sandy Springs. She is representing all of the watersheds in Sandy Springs. The Association is in support of granite curbing. Not only is it attractive, but granite curbing can take the everyday pounding of large vehicles, salt, chemicals, scraping, heavy traffic and remain functional. Unlike concrete, granite curbing can be taken up and reused if the street or landscaping changes. It will last through hundreds of years of daily use. It is the Association's opinion that the initial additional cost to put in the granite gives the City something it will not have to go back and maintain. It would be good government for the City to do it right the first time. She would like to ask City Council to reconsider what is being proposed. It sounds good, but it is short sighted and does not take into account the long term good that Council could do by putting something in right the first time. This would benefit the taxpayers in the long run.

Terrell Davis, 4585 Mystic Drive, stated his house is one of the homes under consideration for new curbing. Everyone in his neighborhood, including him, likes the granite curbing and wants to keep it. He does not understand whether or not the City is going ahead with curb and gutter on Mystic Drive. Is this just a proposal, or is the City actually going ahead with construction?

Director of Public Works Angelia Parham stated it depends on the decision of the Mayor and City Council.

Mayor Galambos stated City Council discussed adopting a policy at the previous meeting. The consensus seemed to be in the direction of the standard concrete curb and gutter and that the City would go ahead and fix the neighborhood.

Mr. Davis stated he does not see any problem with it right now. He does not believe construction is needed at this time, but if the City does replace the curb, he would prefer granite.

Mayor Galambos asked Mr. Davis if he is saying they do not have any storm water runoff problems.

Mr. Davis stated that it is no different now than it has ever been.

Councilmember Meinzen McEnerny asked Mr. Davis if he would characterize the sentiments of the residents he spoke with at the Civic Meeting on Mystic Drive, how they feel about concrete verses granite curbing.

Mr. Davis stated everyone he spoke with said they want granite curb to stay. He did not hear anyone say they have a real complaint with what they have now. He knows of one case, Rob Meinzen, Karen's brother, who has a hole in the curb that is a problem, but that can be fixed for a lot less than \$125,000.

Councilmember DeJulio asked if he was saying that he does not think the curb needs to be fixed on Mystic Drive.

Mr. Davis stated that the one area needs to be fixed, but beyond that, it is okay.

Mayor Galambos asked staff if a spot could be fixed without doing the whole street.

Director of Public Works Parham stated it could be, and in fact the repair has already been made. Staff does not believe that the problem had anything to do with the resurfacing of the road. There was a hole there and it has already been filled and taken care of.

Councilmember Meinzen McEnerny stated that Council is talking about the policy for repaving streets and this has to do with the four (4) inch to eight (8) inch gap in the paving.

Mayor Galambos stated I know, but the neighborhood doesn't seem to care.

Councilmember Meinzen McEnery stated, with due respect, we are talking about the repaving policy and we are talking about concrete curb and gutter. I totally agree that the neighborhood does not want concrete curbing, and the rock pieces that are there have not allowed the repaving to go all the way up to the edge. They do not want to lose their granite pieces.

Mayor Galambos stated they apparently do not feel that there is a real problem. She asked if anyone on Council had driven on this street and actually looked at it.

Councilmember Fries stated she had and that there were odd shape pieces, different levels of granite coming into the yard and the asphalt doesn't come right up to the rocks. It's impossible, because those big machines have to set up and go in a straight line. With these little pieces jutting in and out, they need to pick a spot.

Mayor Galambos stated Council understands why the resurfacing is not able to reach the area. She asked if Councilmember Fries observed problems in terms of the stretch between the paving and the granite curb.

Councilmember Fries stated she did not. There is a gap, but it's fine because the water can go down through it.

Councilmember Meinzen McEnery stated that the gap is 30 year old pavement. What has happened in one instance, on two lots, is that the water undermined the old gutters. The water jumps the granite pieces, goes into and underneath her brother's driveway, and then comes out of his southern neighbor's water meter. This shows the storm water management system isn't working adequately in that spot.

Mayor Galambos stated that is understood, but at this point there is another question on the table which is, does this section need to be fixed?

Councilmember Fries asked Ms. Parham if getting the asphalt up to the rocks would have to be done by hand.

Ms. Parham stated it would.

Councilmember MacGinnitie asked staff to repeat staff's recommendation from last week. His recall is to patch as necessary.

Field Service Manager Ron Adderley stated that staff recommended following the City's Maintenance Program and fix as needed.

Mayor Galambos asked what he meant by "fix as needed".

Mr. Adderley stated if you have a piece of granite that has become dislodged and is causing a problem with the drainage on the street, then the City needs to fix it.

Councilmember MacGinnitie asked what the cost would be.

Mr. Adderley explained that the cost would be minimal as long as there is not a large section of granite disturbed. If you have a section where a moving truck hits it, you may have five (5) to six (6) feet of damage that can be reset in one day.

Jennifer Steele, 4327 Kitty Hawk Drive, Cherokee Park Civic Association stated her neighbors are all over the board on this issue. She knows that Councilmember Meinzen McEnery feels that the majority of the neighbors are in the direction that she is, but that might not be totally accurate. Yes, there is an issue on Mystic Drive, and homeowners who are directly affected. In fact, 50% of her board lives on Mystic Drive and is very aware of the issue. As their leader, she has concerns about this policy. Right now her email is imploding. Different cost

numbers are going through her neighborhood and the questions are coming faster than she can address them. She knows Council is looking city wide, and a lot of the issues here are not just their neighborhood. City Council is looking at a very macro point of view. Because she is a leader in a protected neighborhood, and because this is a sensitive issue, she has been asked by her neighbors to ask Council to table the discussion a short time and defer this to the June 2, 2009 meeting. She believes Council is going in a certain direction and respects that and knows Council is fiscally looking at a lot of different issues here, but she wants to make sure her neighborhood gets the answers they need. The issue of Mystic Drive came up in their meeting on Saturday and she has had a lot of one on one meetings, phone calls and emails. She wants to make sure the neighbors are taken care of and understand where this is going.

Councilmember Meinzen McEnery stated I would like to make a substitute motion. City Council is talking about the policy right now and I agree with Mr. Davis. I sent an email to City Council and to the neighborhood saying that folks like granite, but they do not want to pay any extra. My amendment would be to adopt the policy that is in front of City Council, and add a third option: "to maintain the stormwater functionality of the type of curbing installed in our City". The most cost effective way would be to raise the larger curbstones that are no longer functional for stormwater. Raise them up and mill the street. I believe this would be the least costly approach if there were existing curbstones. I am glad to see that Dianne's document does not require 100% participation, but a 100% payment of the additional cost. We may find in some of these neighborhoods that some of the neighbors will step up to the plate for the share of someone who is unwilling to participate. I totally agree that the neighbors who want the granite curbstone upgrade should have to pay the additional cost over and above the concrete curbing. We have had a tremendous range of cost estimates from \$22 to \$50 from the City of Atlanta; to our own Public Works estimating \$40 per linear foot for concrete; and up to \$70 for curb stone. I think in every instance City Council should give the neighbors the choice of granite curbstone or concrete curbing and add a provision to the policy stating as such. I will support a deferral if additional time is needed to talk this out. Perhaps Councilmember Fries and I can work together to draft language that would allow this third option.

Substitute Motion: Councilmember Meinzen McEnery moved to adopt the policy before Council, and add a third option to maintain the stormwater functionality of the type of curbing installed in our City. The motion failed for lack of second.

Councilmember MacGinnitie asked if there is any urgency for approval on this policy from staff's prospective.

Ms. Parham stated that there is no urgency, only to resolve the questions staff has been getting regarding the project.

Councilmember Jenkins asked if staff needs direction from City Council to prepare the repaving list.

Ms. Parham stated if the streets have granite curb and are in the same type of condition as Mystic Drive, then a decision would need to be made before the paving of the streets.

Mayor Galambos asked if there was an option to fix only the areas needed rather than the whole street. Ms. Parham stated no.

Councilmember DeJulio asked if there is a difference in the way granite curbing and concrete curbing handle water.

Ms. Parham explained if granite and concrete curbing are both installed correctly, then both handle water properly.

Councilmember DeJulio does not understand why he received so many emails on this matter, since it is not going to make a difference in handling the water. His feeling is, if someone wants granite, fine, put it in and let them pay the difference in cost.

Councilmember MacGinnitie stated I do not want City Council to be in the position of having to approve every curb and gutter project in the City.

Mayor Galambos stated this item came before City Council, because everyone thought there was a terrible stormwater problem with water undermining driveways. City Council has now been told that this spot has been fixed. Does City Council need to take action on anything?

Councilmember Fries stated the City needs to have a policy, so that this does not come up again. It's not just the water issue. The complaints are that the asphalt does not go up to the rocks. If you look at all the pictures staff has given City Council, there is one photo showing a straight section and one showing jagged pieces. It is impossible to get right up to the curb, so we need to have a provision for staff to look at these situations and evaluate whether new curb and gutter is needed or if the street can just be resurfaced.

Councilmember Meinzen McEnery stated we need to free our citizens from government policies. Every time something comes up, we do a policy. She does not want Public Works to start tearing up people's beloved granite curbstones. People in the older neighborhoods love the granite. What she wants to get from all this, is for Council to give the neighbors a choice on whether they keep their granite pieces, or keep their curbstone; and not take away their right of choice to keep whatever they already have. It's cost effective to leave it as it is. If staff finds that it is going to cost \$10,000, then she is perfectly fine with tearing up this whole policy and going with the least cost effective way and allowing these people to keep their granite.

Councilmember Paul stated Councilmember Meinzen McEnery's recommendation is the highest cost solution, which is to reset the granite pieces.

Councilmember Meinzen McEnery stated that the new installation of granite would be the highest cost.

Councilmember Paul stated that this is the highest cost solution. Last week Council discussed adding additional money to the City's Capital Improvement Program. He has no problem giving the residents a choice for protecting their gutters, but believes it is very important to have a policy that gives the lowest cost solution, not a higher cost solution. If the neighborhoods want the higher cost solution and are willing to pay for it, then this seems to be the fiscally responsible solution to our dilemma.

Councilmember Jenkins stated that Councilmember Fries' policy would only apply to repaving. The reason the City has so many policies is so that staff doesn't get six different directions from six different Councilmembers.

Motion and Second: Councilmember Paul moved to defer (Agenda Item No. 09-129), "Resurfacing Operations on Streets with Granite Curbing" to the June 2, 2009 meeting. Councilmember DeJulio seconded the motion.

Discussion on the Motion: Councilmember Fries stated that if this is just a policy, she does not think it is necessary to defer, because this will not affect what Council does or does not do on Mystic Drive. This is only giving guidance to staff. There might be a new list of roads in June and staff needs this policy in order to prepare the list.

Councilmember Meinzen McEnery stated that City Council is sensitive to being fiscally prudent with taxpayer resources. Concrete curbing is not as long lasting. Look at the prices per linear foot. There are a lot of people that say \$40 is way too much and she does not want to go into what is the right cost. This will be determined by obtaining bids for resetting the curbing. This is how we will determine what the cost will be and the residents will have a choice. Concrete curbing is not a long term solution. Granite curbstones are the long term solution.

Vote: The motion passed 4 -2, with Councilmember Fries and Councilmember Jenkins voting in opposition.

Mystic Drive Curb Replacement

Public Works Director Angelia Parham stated that this item was presented to City Council at a Work Session regarding options for Mystic Drive curb replacement. The same information has been provided to City Council as before, including an alternative to leave Mystic Drive as it is.

Councilmember Jenkins asked if there were storm water issues associated with leaving the curb as it is now, since Public Works has fixed the hole in Councilmember Meinzen McEnery brother's driveway.

Field Service Manager Ron Adderley stated the hole was fixed and he does not think it had anything to do with the paving in particular.

Councilmember Jenkins stated the pictures show water runoff in someone's yard and asked if leaving the curb as is could cause storm water problems.

Mr. Adderley stated Public Works made an honest effort not to impact the drainage while doing this paving job.

Councilmember Meinzen McEnery stated in this instance the stormwater jumped the granite pieces.

Mayor Galambos asked if there is still a problem along various parts of this street.

Mr. Adderley stated it is possible. He is not sure if staff has any documented cases that occurred at this location. It may very well be a pre-existing condition.

Councilmember DeJulio asked Mr. Davis if he would mind answering the same question.

Mr. Davis stated he does not know of any storm water drainage problems that came about as a result of the repaving. He saw it both before and after. The water goes down the street and it doesn't jump in anyone's yard.

Councilmember Jenkins asked if the silt was building up on somebody's yard. This is what Council was told.

Mr. Davis stated he has only looked at this the past two or three days, but he has gone up and down the street, and the only place he saw a problem was at Rob Meinzen's.

Councilmember Meinzen McEnery stated there is a problem at Gary Jacob's residence as well. She has pictures.

Mayor Galambos stated Council wants to know how pervasive the problem is.

Councilmember Meinzen McEnery stated there is not a similar problem to the ones her brother and Mr. Jacobs have encountered. The future fix for spreading asphalt that does not go all the way to the granite pieces is an issue, and if it could be handled by hand tapping asphalt into it, that's a great deal.

Mayor Galambos stated it rained quite a bit over the weekend, and asked Mr. Davis what kind of huge streams of water he observed during the heavy rain.

Mr. Davis stated he does not know of any problems. If they had a problem before, it is still there. He does not see any difference as a result of paving.

Motion and Vote: Councilmember DeJulio moved to remove (Agenda Item No. 09-130), Mystic Drive Curb Replacement from the Agenda. Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations

Mayor Galambos stated the City needs to appoint a Citizens Advisory Committee on stormwater permits as required by the EPD. She suggested staff contact the Stormwater Advisory Team that Council appointed in 2008. It needs to be a very distinguished list of people who know something about engineering and let's see if we can get six (6) out of the list of twelve (12) to serve on this task force.

Councilmember Meinzen McEnery asked if Ms. Berkovitz is on the list.

Mayor Galambos stated no. This is a list of engineers: Robert Donner, Lonnie Mimms, Derek Norton, Patrick Dennis, Lawrence Frank, Jim Lynch, Tony Simon, Kevin King, Michael Toner, Mike Chavez and Marcia Koch.

Councilmember Meinzen McEnery stated Patrick Dennis is not an engineer and neither is Robert Donner. He is a developer and Patrick is a government lobbyist. I would like to replace Patrick's name with Ms. Berkovitz, who has served on the Fulton County Stormwater Facility and is extremely familiar with stormwater and can be considered an advocate for the watershed.

Councilmember Paul called for a point of order. He asked the City Attorney if these were the Mayor's appointments.

City Attorney Wendell Willard explained that the Mayor makes the recommendation and City Council votes.

Councilmember Paul stated City Council's options are either vote for approval or deny the list. He asked if City Council can make amendments to the list.

City Attorney Willard stated it reads that the Mayor makes the recommendations and that the Council either approves or disapproves.

Councilmember Meinzen McEnery asked Mayor Galambos if she would consider a substitution to her recommendation.

Councilmember DeJulio stated it is more appropriate to make this type of recommendation to the Mayor in private, rather than in a public meeting.

Mayor Galambos stated these people have already worked on the City's stormwater problems and this is a continuation of people that have already been involved. This is only a matter of choosing six (6) out of the 12 to continue the work.

Councilmember Paul asked if these people were selected from the list City Council submitted.

Mayor Galambos stated they were approved by Council in January 2008.

Mayor Galambos stated the City is very pleased that Mr. Don Howell has officially been named as our CH2M HILL liaison. She had a long conversation with Rick Hirsekorn, who will eventually be back in our area.

Eventually, everyone is going to have to come to grips with the idea that the contract ends at the end of five (5) years. Council members Jenkins, Paul and Fries have worked on some ideas on contract changes. She appointed Council members Jenkins and DeJulio to work with the City Manager in terms of changes in the contract this year. We need to think about the long run strategy, because in the year 2010 the City will have to put out an RFP. Councilmember Jenkins has done some good work in terms of the questions that have come up regarding the

+contract. We need to know what is expected from the companies, so that it will be delivered. She made it very clear to Mr. Hirsekorn what CH2M HILL needs to produce and accomplish in delivering what is expected.

Councilmember Paul stated this will have to be rebid in another year or two, so the competitive market place will force the City to bid the contract out.

Mayor Galambos stated this is why we need to go ahead and appoint a committee and get ready for the RFP that will go out in the middle of next year.

Mayor Galambos asked that everyone check their Atlanta water bill, because Atlanta has added an additional cost of \$4.50 per account, if paid electronically or by credit card.

Public Comment

Andy Malcolm, 831 N. Island Terrace stated he is here to speak about the condition of the pavement on his street. He is pleased to hear Mayor Galambos talk about getting the children to school safely. He grew up in Sandy Springs, moved away and came back about three years ago. His family looked hard to find a piece of property they would love, and did find a great street, North Island Terrace. He has pictures of his street that show his car having to park in front of a mud hole.

Mayor Galambos stated the City is aware of this street being one of the worst paving situations in the City.

Mr. Malcolm explained that it is beyond worst. He has triplets age nine (9); the neighbors have two (2) children under the age six (6); the new house being built on the corner has four children under 12. His children have never been able to ride their bicycles on this street because the street is deplorable.

Mr. Malcolm stated his family loves Sandy Springs. His mother was the Head Master of Holy Innocents. He grew up in Sandy Springs and rode bikes all over this city. He suggested someone from the City speak to Waste Management about their trucks leaking oil all over the street and how it is destroying their street. These trucks use this street as a turn around area. The street stinks and is very bad. They paid a lot of money to buy property on this street because of its location. It is embarrassing for them. They don't even want friends from up north stopping by on their way to Florida.

Director of Public Works Angelia Parham stated this street will require total reconstruction. To date, Public Works has not done any streets for total reconstruction. The vote last year was to move forward with resurfacing only. This is something that will need to be decided as we move forward this year with the paving program. Mayor and Council will need to give staff direction as we go through the budget process. This is one of the very worst streets in the City.

Mayor Galambos explained the City's ranking system. There is a truck with a camera that photographs the condition of all roads in Sandy Springs and ranks them. It is a very scientific system in terms of what percentile the road falls into. Unfortunately, Mr. Malcolm's road falls into the lowest percentile. The road he lives on needs to be totally rebuilt. It can't be repaved.

Councilmember Meinzen McEnerny stated streets ranked 30 and less need to be rebuilt and this street was ranked zero (0) three (3) years ago.

Mr. Malcolm stated three (3) years ago the street was rough and today the street is literally dangerous. Does the City have any liability for issues that could be caused on this street?

Mayor Galambos stated the City does.

City Attorney Wendell Willard stated there is a potential liability.

Mayor Galambos stated the Council had discussion at last Monday's meeting, and this is still a viable topic. She asked Mr. Malcolm if he would prefer a millage rate rollback whereby he would get maybe \$150 or would he prefer that the City not do a millage rate rollback and possibly hope to address some of these horrible problems.

Mr. Malcolm stated he would have to think on it before answering the question. He does not mind paying taxes, but wants to see results.

Mayor Galambos stated the City has not figured out where the money will come from to rebuild roads. The City is repaving first.

Mr. Malcolm stated he will rebuild the road, and the City can pay him eight (8) percent. He said he is serious; give him eight (8) percent interest on \$1,000,000 and he will have it done right now.

Councilmember Paul stated the engineering of the street is not the issue. To keep more roads from getting this way, the City has spent more to maintain those roads that were on the bubble. Council has talked about this and he hopes that there is a consensus of Council to start working on the roads that are the worst. It will take up more of the City's capital budget to do it. This is something Council has discussed in the budget meetings. We can go only as far as the money will allow. He will support working on the streets that are like Mr. Malcolm's. The City has a number of streets that it needs to start rebuilding.

Mayor Galambos stated, as Councilmember Paul indicated, our rationale up to this year has been to try to repave streets because we can repave probably 10 miles to one (1) that requires a total rebuild. We are trying to keep the other streets from getting as bad as Mr. Malcolm's, while we can afford to do so. Now we have to fiscally find a way to get into his situation.

Mr. Malcolm asked if the City could approach Waste Management. Waste Management is part of the problem. He does not know if the whole street has to be completely redone. There are some seriously bad spots in the road that could probably be excavated and backfilled with stone. The City possibly could repave it. Mr. Malcolm asked the City to do something about the street.

Mayor Galambos stated the City can contact Waste Management, and thanked Mr. Malcolm for bringing this matter to Council's attention. The City will try to work with him.

Bill Gannon commended Council on its discussion on spending for sidewalks and street maintenance.

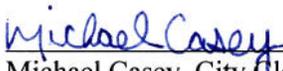
Adjournment

Motion and Vote: Councilmember Paul moved to adjourn the meeting. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously. There was no Council discussion. The meeting adjourned at 7:20 p.m.

Date Approved: September 1, 2009



Eva Galambos, Mayor



Michael Casey, City Clerk