

Regular Meeting of the Sandy Springs City Council was held Tuesday, April 7, 2009, 6:00 p.m., Mayor Galambos presiding.

Invocation

Rabbi Ron Segal, Temple Sinai 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 at 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 Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnerny. Councilmember Rusty Paul was absent - excused.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Vote: Councilmember Fries moved to amend the meeting agenda, by adding under New Business, Agenda Item No. 09-084, Consideration of Approval to Compete for the Atlanta Regional Commission's (ARC) Livable Centers Initiative (LCI) Supplemental Funds for an Access Management Study along Roswell Road and Approval of a Resolution to Provide Matching Funding if Selected. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

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

Consent Agenda

(Agenda Item No. 09-079)

1. Meeting Minutes:
 - a. December 9, 2008 Work Session
 - b. February 3, 2009 Regular Meeting
 - c. February 3, 2009 Work Session
 - d. March 3, 2009 Regular Meeting
- (Michael Casey, Interim City Clerk)*

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

Presentations

Community Partner Award

Chief Jack McElfish presented the Community Partner Award to Jim Cook and Frank Daniels, ESI.

Senior Deputy Fire Marshall Jeff Scarbrough stated that the Fire Department did a chopper crash exercise at Northside Hospital last year. ESI helped conduct the exercise.

Jim Cook, President of ESI University, the training, education and certification arm of ESI, stated that ESI is the world's leading provider for crisis information management systems that organizations use to manage emergencies and disasters. ESI is located in Sandy Springs.

Frank Daniels, Training Manager, appreciates the opportunity to work with the City's Fire Department.

Proclamation – National Donate Life Month

Mayor Galambos read the Proclamation for National Donate Life Month.

New Business

Proposed Amendments to Adult Establishments, Zoning, Alcohol, and Obscenity Ordinances

City Attorney Wendell Willard asked City Council to defer this item to the second regular meeting of the month. Staff would like to give the Mayor and City Council a chance to review the materials that were given to them this evening. Attorney Scott Berghold will present this item to City Council at the next regular meeting.

Motion and Vote: Councilmember DeJulio moved to defer (Agenda Item No. 09-080) Amendments to Adult Establishments, Zoning, Alcohol, and Obscenity Ordinances to the April 21, 2009 Regular Meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of the Approval of a Consulting Engineer Contract with Jordan Jones & Goulding, Inc., for the Environmental Assessment Work for the Johnson Ferry – Glenridge Earmark Project (T-0011)

Director of Public Works Angelia Parham stated staff would like to request funding for the Environmental assessment work for the Johnson Ferry - Glenridge Earmark Project (T0011). This project is for design and environmental services. Initial design services will include public involvement, concept design, and an approved environmental document.

The department will be looking at phased projects within this T-0011 Project at Sandy Springs Circle and Johnson Ferry; at Glenridge Drive and Johnson Ferry. It's another option to enter the triangle area, but in order to move forward the City has to have the environmental study done for the entire corridor.

Councilmember Jenkins stated that she knows that Jordan Jones & Goulding is already contractually working with the City on T-0011. She questioned if this was to pay them for what they have already produced for the City.

Director of Public Works Parham stated that it is within the capital expenditure that's allocated for this project. Jordan Jones & Goulding has been paid for the Concept Report which is being reviewed by GDOT currently. This is a continuation of their contract which was bid in January 2007. This is for an additional phase of the project.

Mayor Galambos stated that no decision has been made on which alternatives are preferred.

Councilmember Meinzen McEnerny stated that she thought the Johnsons Ferry piece from Abernathy (west) to Sandy Springs Circle was being done as a part of the Abernathy Road widening.

Director of Public Works Parham stated that this is the part that goes through the triangle area and is not part of the Johnson Ferry/Abernathy Widening Project.

Councilmember Meinzen McEnerny stated that in Exhibit B of the contract it states that the corridor begins along Johnsons Ferry Road from Abernathy Road through Roswell Road to Mount Vernon Drive and questioned if Jordan Jones & Goulding were doing any work at the intersection of Abernathy and Johnson's Ferry, west of the Fire Station?

Director of Public Works Parham stated that the design at the intersection in front of the Fire Station is part of this project.

Deputy Director of Public Works Jon Drysdale stated that the streetscape in this section is going to be done with SSRI money. There will be streetscape in front of Johnsons Ferry and Abernathy and as you approach the Sandy Springs Circle they will do it there as well.

Motion and Vote: Councilmember Jenkins moved to approve (Agenda Item No. 09-081) Consulting Engineer Contract with Jordan Jones & Goulding, Inc., for the Environmental Assessment Work for the Johnson Ferry – Glenridge Earmark Project (T-0011). Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

COPS Grants

Chief of Police Terry Sult stated that this item was discussed at the last Work Session. The department has an opportunity to apply for a COPS Grant for Police Officers. This would provide 100% financing at the line level for a three year period. The catch is you have to maintain the allocated positions through a fourth year. It would also include a cost the first year of \$292,000 to get the equipment and things the officers will need. This Grant only covers the officers' salaries. Staff is recommending that the City apply for the Grant for 11 Police Officers. This would help the organization evolve from one that is primarily reactive to one that is more preventive and proactive in nature. Specifically, aligning Police forces with the neighborhood, and providing more direct interaction on a personal nature with problems that are occurring on a reoccurring basis within these neighborhoods and with the schools. The department is having some communication issues with the schools. Obviously, what is going on in our schools is a microcosm of what is going on in our community. We want to make sure the department is proactively addressing those in the school system as well.

Since the start up of the Police Department in 2006 through 2008 the calls for service have increased 26%. The City's officers have done an extraordinary job. So far, year to date, this year it's down about 20%. The department is moving in the right direction. The key is to stay on top of the bubble and that is the reason he is requesting approval to apply for this Grant.

Councilmember Jenkins stated that in the Executive Summary Report it states the Grant includes a 4% salary and operating factor over four years. Does the COPs program require this?

Chief of Police Terry Sult stated that this is something the Finance Department looked at. The spreadsheet in the Council packet projects the actual cost to the City over that period. Staff is being conservative on the estimate of the cost. City Council has to approve salary increases each year. COPs will reimburse the City for its actual costs at a line level officer. In other words, if we have a senior officer, the City would then pay the difference between the two positions.

Councilmember Fries questioned if the number of officers has to stay at this level. She questioned how many officers the City has now.

Chief of Police Terry Sult stated that the department will have to maintain the 11 allocated positions through year four. If we don't maintain through year four, then the department will be unable to apply for additional COPs funds for a three year period. At this time there are 125 officers allocated and this would bring us up to 136 officers.

Councilmember MacGinnitie questioned if it was his intent to keep staff at 136 for the long term.

Chief of Police Terry Sult stated that looking at the crime numbers, looking at the cost for service, knowing we need to be 25% proactive time on the street, I believe the real number should be around 140 or 145. I would like to be able to have the numbers to show Council how that number was arrived at, but at this time the department does not have the capacity to do so. I hesitate to give Council the call for service numbers because it is based on Fulton County's numbers. The department will have those numbers one year from date of start up of the 911 center. Someone from Grady Hospital and Gastonia Police Department is looking at the department's numbers in order to give us an idea. He should have some idea in a couple of months on what those numbers will be. He is very confident that these 11 positions are needed simply to address the challenges that the department is currently facing.

Councilmember MacGinnitie questioned when we could next apply for this application or if it is a use it or lose it application.

Chief of Police Terry Sult stated that right now it is funded for this year. He does not know if it will be funded next year.

Councilmember MacGinnitie questioned if the department applies, are we committed to taking the funds.

Chief of Police Terry Sult stated no. If Council decides at a later time this is not something they want, the grant can be turned down.

Councilmember MacGinnitie expressed his concern on not having enough time to think on this. Basically, what you are saying is we are going to spend \$250,000 over the next three years, just shy of \$1,000,000 each year, year four and out.

Chief of Police Terry Sult stated that the application deadline date is April 14, 2009. To apply without Council's knowledge and approval of the application would be inappropriate. The department needed to let Council know what is being applied for and certainly Council has the opportunity at a later date not to allow the department to accept the grant.

Mayor Galambos stated that the issue of how many officers the City would have in total in years to come, would this be an issue that would come before Council at budget hearings yearly?

Chief of Police Terry Sult stated that every year you look at what your staffing levels are, and where they need to be. This is something that has to be looked at every year with hard numbers. He explained that there is a difference between allocated and actual positions. The department has to allocate these positions. If we choose not to hire those positions until the vacancies then we can choose to do that. COPs can award it either way. Our worst case scenario would be if we don't fund them after year three, then we don't accept any more COPs funds for a couple of years.

Councilmember Meinzen McEnerny stated that the number of police officers allocated in the City's current budget for FY-2009 is 125. In fact, through January, we are approximately \$2.9 million positive in our expenditures and the biggest positive variance is coming from the Police Department because of unfilled positions. She questioned of the 125 allocated for this fiscal year, how many officers does the department actually have?

Chief of Police Terry Sult stated that right now there are 123 officers. He is meeting with two more tomorrow and hopes to bring it up to 125. When he started with the City there were 115 officers, so those positions have been filled and they are committed for asking for additional people to remain at full staff. He wants to make sure the City's citizens get what they deserve in extra services and the people on the street that they need.

Motion and Second: Councilmember Fries moved to approve (Agenda Item No. 09-082) COPS Grant. Councilmember DeJulio seconded the motion.

Discussion on the Motion: Councilmember Jenkins expressed her concerns about federal funding and that she cannot support this grant.

Councilmember MacGinnitie stated that he will vote to move forward with application, but he would like to reserve discussion on increasing staffing levels to the budget process that will be taking place within the next 60 days.

Councilmember DeJulio stated that would be appropriate.

Mayor Galambos urged City Council to vote in favor of this grant.

Councilmember Meinzen McEnery stated that it is judicious to conserve tax payer's funds by substituting with federal money when appropriate in order to reduce the burden of taxes.

Chief of Police Terry Sult stated that the department should hear something back in about 90 days. It could take a little longer.

Mayor Galambos stated that Council can always amend the budget should it come in too late.

Chief of Police Terry Sult stated that it would be inappropriate for him to not bring this item forward to Council for consideration. He respects the opinions of City Council very much and understands this is a Council decision on the staffing level. His responsibility is to bring the item forward to Council with the information and opportunity.

Vote: The motion carried 4-1, with Councilmember Jenkins voting in opposition.

(Added by motion and vote to amend Agenda)

Consideration of Approval to Compete for the Atlanta Regional Commission's (ARC) Livable Centers Initiative (LCI) Supplemental Funds for an Access Management Study along Roswell Road and Approval of a Resolution to Provide Matching Funding if Selected.

Director of Public Works Angelia Parham requested permission to apply for funding and approval of Resolution so that the City can get matching funds for a proposed ARC Livable Centers Initiative (LCI) supplemental fund study. The match funding will be for a proposed access management study along the Roswell Road corridor south of I-285. The proposed study would be used as a template for improving traffic flow and relieving congestion as well as looking at driveway consolidations where practical as redevelopment occurs. This would also make safer traveling along Roswell Road.

Councilmember DeJulio questioned if this is similar to what was done by the Prado.

Ms. Parham stated it is.

Mayor Galambos questioned if this would be in essence the recommendations for where we can diminish some of the curb cuts.

Director of Public Works Angelia Parham stated it would and also consolidate and make it work better for that whole area. This goes from Abernathy to the southern City limits, because that's the area designated for LCI study area. We would be able to add an alternate to it to take it onto Abernathy to the northern City limits, but would be outside this funding.

Mayor Galambos questioned how much the study would cost.

Director of Public Works Angelia Parham stated that the total cost is \$100,000 and the City would be responsible for \$50,000.

Councilmember Meinzen McEnerny stated that businesses value very highly their curb cuts. She would like to make sure that there is ample opportunity for public involvement in this process and questioned how that would occur.

Director of Public Works Angelia Parham stated that the City certainly wants to have public involvement in this project as is done with all our projects. Details will have to be worked out. She is not trying to impose anything at this point, only to try to come up with a future plan.

Councilmember MacGinnitie questioned where the \$50,000 would come from.

Director of Public Works Angelia Parham stated from the City budget grant account. If the City is selected for this, the money would come out of the FY-2010 budget. Generally, there are funds in the Grant account to be used as Mayor and City Council designates.

Councilmember MacGinnitie stated that this would be pre-approving an expenditure of \$50,000 for the next fiscal year.

Councilmember Jenkins stated that Council cannot allocate now for next year's budget.

Director of Public Works Angelia Parham stated that the application requires a Resolution that the City is in favor of applying for the grant.

Councilmember DeJulio questioned if the grant has to be accepted if the City gets it.

Director of Public Works Angelia Parham stated that she does not think so.

City Attorney Willard stated that commitment is when you sign the agreement for the grant.

Councilmember Jenkins questioned if this isn't Mark Moore's job to look at curb cuts.

Director of Public Works Angelia Parham stated that Mr. Moore looks at them when they come through on a specific basis for development. This study will be for the entire corridor, an extensive study.

Councilmember Jenkins questioned why it is needed based on parcels being redeveloped.

City Attorney Wendell Willard stated that this would be a study that will give the desirable places for locations of curb cuts. The City cannot compel someone to do a curb cut except under a redevelopment of their property, or condemnation. It is based on someone coming in with one or two parcels for development and based on a desirable plan on why and where we want the curb cuts placed.

Councilmember Jenkins stated that this is what the City pays Mark Moore to do in the Public Works Department. She is not sure why a study is needed.

Mayor Galambos questioned how much additional staff would Ms. Parham need to accomplish what the \$100,000 grant would do?

Director of Public Works Angelia Parham stated that it could either be done in house or contracted out. The Department has wanted a plan for the last two years, but has not been able to get to it as a priority. It is important to have a plan because we could look long term, at how we want the city develop, and it ties in with the Land Use Plan for the City.

Mayor Galambos questioned if it would take a large amount of staff time to do the study.

Director of Public Works Angelia Parham stated that she believes it will.

Councilmember DeJulio questioned if City Council adopted a plan like this, would it put the City in a stronger legal position when someone comes in for redevelopment and we tell them to go by this plan and get rid of curb cuts or we are not going to give them as many as they want or whatever it happens to be.

City Attorney Wendell Willard stated that the City has strong control in redevelopment and can tell a property owner what would be acceptable as far as curb cut locations for safety reasons in egress to the property. He does not believe it would change anything. It may give the department a better guide in looking at the Land Use Plan we have as an overlay with special districts of where they want to see cuts that are provided for access to properties. It would still depend upon on who comes in with one or two parcels. There will still be some need to find out how their building will be located, parking located and where the curb cuts are going to be.

Motion: Councilmember Fries moved to approve (Agenda Item No. 09-084), to Compete for the Atlanta Regional Commission's (ARC) Livable Centers Initiative (LCI) Supplemental Funds for an Access Management Study along Roswell Road and Approval of a Resolution to Provide Matching Funding if Selected. There was no second. The motion failed.

Reports and Presentations

Councilmember Fries stated that the Bike Race is coming up and coming along really well. She addressed some of the concerns from last year's event regarding parking at shopping centers. Events added are the 5K, the Art Festival and Track-side dining.

Executive Session - Pending Litigation

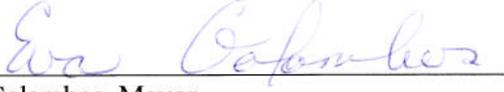
Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss pending litigation. Councilmember Fries seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session began at 6:48 p.m.

Motion and Vote: Councilmember Jenkins moved to adjourn Executive Session. Councilmember DeJulio seconded the motion. The motion carried unanimously with Councilmember MacGinnitie, Councilmember Fries, Councilmember Jenkins, Councilmember DeJulio, and Councilmember Meinzen McEnery voting in favor of the motion. Executive session adjourned at 7:14 p.m.

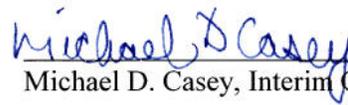
Adjournment

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Jenkins seconded the motion. The motion carried unanimously. The meeting adjourned at 7:15 p.m.

Date Approved: April 21, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

April 7, 2009

AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Eva Galambos, Mayor of the City of Sandy Springs, who on oath says that to the best of her knowledge and belief, on the 7th day of April, 2009, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Attorney/client privilege in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved, pursuant to O.C.G.A. 50-14-2(1).

and that except for the foregoing, no portion of the closed meeting involved discussion, presentation, or action on any other matter.

Eva Galambos
Eva Galambos, Mayor

Sworn to and subscribed before me,
this 7TH day of APRIL, 2009.

Michael D Casey
Notary public (SEA)

