

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

Invocation – Scott Saulson, Community Rabbi offered the invocation.

Call to Order

Mayor Galambos called the meeting to order at 6:03 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 Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnergy.

Pledge of Allegiance

Mayor Galambos led the Pledge of Allegiance.

Approval of Meeting Agenda

Motion and Second: Councilmember Fries moved to approve the meeting agenda. Councilmember Jenkins seconded the motion.

Motion and Vote: Councilmember MacGinnitie move to amend the agenda by adding an item under “New Business” for consideration of approval of an amendment to the City of Sandy Springs City Council Meeting Schedule. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Vote on Main Motion: There was no Council discussion. The motion carried unanimously.

Presentations

Proclamation - Sandy Springs Chapter of the Daughters of the American Revolution Celebration

Mayor Galambos read and presented the Proclamation to the Daughters of the American Revolution, Dee Redkevitch, Joyce Christenson, and Susan Dunn.

New Business

Consideration of approval of a Resolution of the City of Sandy Springs, Georgia to set Qualifying Fees for Municipal Elections.

Resolution No. 2009-01-01

City Attorney Willard stated the year 2009 is an Election year and the first step in the process for City Council to adopt a Resolution setting forth the qualifying fees. Qualifying fees shall be fixed no later than February 1st of any year in which a general election is to be held. State law provides that such fees be three (3) percent of the total gross salary of the office paid in the preceding year, if a salaried office. This will start the process for the November 2009 Election.

Motion and Vote: Councilmember Jenkins moved to approve Agenda Item No. 09-002, a Resolution of the City of Sandy Springs, Georgia to set Qualifying Fees for Municipal Elections. Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

(Item added by motion and vote)

Consideration of approval of an amendment to the City of Sandy Springs Regular City Council Meeting Schedule.

Motion and Second: Councilmember MacGinnitie moved to approve (Agenda Item No. 09-007), a revision to the City of Sandy Springs Regular City Council Meeting Schedule, to hold both a Regular Meeting and a Work Session on the first Tuesday of each month. The calendar revision will be effective February 2009. Councilmember Jenkins seconded the motion.

Discussion on the Motion: Councilmember MacGinnitie addressed the fact the last few agendas of City Council have been light. To make it more efficient, he would like to combine the Regular Meeting and the Work Session to be held on the first Tuesday of each month.

Mayor Galambos stated the City's Zoning Agenda has cut down because of the economy. Once the zoning situation improves, Council can go back with the previous schedule.

City Manager McDonough stated that staff supports the change to the Meeting Schedule. This change would allow staff to focus more on ongoing projects. He can see no reason Council could not combine the Work Session agenda with the first meeting of the month. Council could hold the Regular Meeting and adjourn and then move into Work Session. The City Charter only requires that a meeting be held on the first and third Tuesday of each month. This would give staff two weeks to prepare recommendations to City Council and present them at the third meeting of the month.

Councilmember DeJulio questioned the policy about advertisement should the need arise to hold a special called meeting. He questioned if the CH2M Hill contract would allow pullback of staff. He would like for staff to take a look at the contract to see if it could be done.

City Attorney Willard stated the City has the ability to give a 24-hour notice for any special called meeting.

City Manager McDonough pointed out there is an opportunity to reduce staff attendance at a meeting by twelve (12).

Vote: The motion carried unanimously.

Consideration of approval of a Resolution to amend the Resolution of City Council adopted on October 21, 2008 activating the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia ("COSS") and Johns Creek, Georgia ("COJC") for the purpose of specifically stating the name of the authority as requested by the Georgia Secretary of State in connection with the filing required by the provisions of O.C.G.A. § 36-75-1, et seq (the "Act")
Resolution No. 2009-01-02

City Attorney Willard stated that a resolution activating a joint public safety and judicial facilities authority with the City of Johns Creek was adopted by Council in October 2008. This resolution was filed with the office of the Secretary

of State as required by the provisions of the Act. A copy of the intergovernmental agreement between the City of Sandy Springs and City of Johns Creek was attached to the Resolution as Exhibit B. Because Article 1 of the IGA states that the joint public safety and judicial facilities authority will be known as the "Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia and Johns Creek, Georgia, doing business as the Chattahoochee River 911 Authority, the Secretary of State was confused about the name of the Authority. The Secretary of State has requested an amended Resolution which specifically states the name of the Authority.

The City Attorney's Office recommends the City Council approve the amended resolution.

Motion and Vote: Councilmember DeJulio moved to approve (Agenda Item No. 09-003) a Resolution to amend the resolution of City Council adopted on October 21, 2008 activating the Joint Public Safety and Judicial Facilities Authority for the Cities of Sandy Springs, Georgia ("COSS") and Johns Creek, Georgia ("COJC") for the purpose of specifically stating the name of the authority as requested by the Georgia Secretary of State in connection with the filing required by the provisions of O.C.G.A. § 36-75-1, et seq (the "Act"). Councilmember MacGinnitie seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of Approval of a Contract for Morgan Falls Athletic Field Complex Design Build and Authorization for the City Manager to Sign the Contract.

Assistant City Manager Rapson stated that the City issued a Request for Proposal for the Morgan Falls Athletic Field Complex Design Build in September 2008. A pre-proposal meeting was held in October 2008, twenty-three (23) consultants attended the pre-proposal meeting. Four (4) firms responded to the RFP, and a bid opening was held on October 29, 2008. Staff reviewed and ranked all the proposals, and cost proposals were opened for the top two firms. The firm ranked as the most qualified, JJG Corporation, also had the lowest base cost proposal of \$4,090,290. Staff recommends awarding the Morgan Falls Athletic Field Complex Design Build contract in two phases: Phase I being for \$3,000,000 this fiscal year with the remaining \$1,090,290 to be funded in Phase II as part of the FY10 Capital Project budget.

If approved, the City Manager will be authorized to enter into a \$3,000,000 contract with JJG for Phase I, Morgan Falls Athletic Fields Design Build. The City has these funds budgeted for FY09 execution and will include the remaining funding required to complete the project as part of the FY10 Capital Improvement Program.

City Manager McDonough explained that the \$3,000,000 is targeted to include everything on the east side of the drive that comes in, all the upper fields.

Mayor Galambos questioned if staff thought the \$3,000,000 would cover the whole thing.

City Manager McDonough stated that staff believed it would require phasing. Staff wanted to be ahead of the game, and that is the reason the entire project was put out in the RFP. If the timing works for us, we would be ready to go with the funding available so that there would be no interruption to the project.

Motion and Vote: Councilmember Jenkins moved to approve (Agenda Item No. 09-004) a Contract for Morgan Falls Athletic Field Complex Design Build and Authorization for the City Manager to Sign the Contract. Councilmember DeJulio seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations

- a) Mayor and Council Reports
- b) Staff Reports
 1. Brief Presentation by the City Solicitor, Bill Riley.

City Solicitor Riley announced that the Police Department and the Community Development Department Code Enforcement brought the persons working at the Ocean Spa business to the Solicitor's office. The madam made a determination that rather than going to jail she would close the business, Ocean Spa. Negotiations have been going on since last August. Ocean Spa was able to terminate their lease as of December. He is happy to report that there is no longer an Ocean Spa conducting business across the street from Sandy Springs City Hall.

(Item added by motion and vote)

Consideration of approval of a Resolution to appoint Members to the City of Sandy Springs Planning Commission.

Resolution No. 2009-01-05

Mayor Galambos announced the Planning Commission Board has two vacancies. David Rubenstein communicated that he would like to continue. The other member, Bob Riley's time is up. Al Pond has expressed an interest in becoming a member of the Planning Commission. With Mr. Pond's experience with the BZA Board, she believes him to be a good choice for the position.

Mayor Galambos nominated David Rubenstein (Post 5) and recommend appointing Al Pond (Post 4) to serve four (4) year terms commencing February 1, 2009.

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-008) a Resolution to reappoint David Rubenstein (Post 5) and appoint Al Pond (Post 4) to serve four (4) year terms commencing February 1, 2009 and ending on January 31, 2013 to the City of Sandy Springs Planning Commission. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Mayor Galambos announced that the Mayor's of North Fulton will meet with Ed Lindsey tomorrow regarding his Bill that would freeze all property tax assessments, not only for residential but for commercial as well. This could have a tremendous bad effect for the City's future. It would freeze the assessment at 3% a year, the cost of living. The commercial assessments are lumpy and do not get changed gradually as residential because of the computer programs not being able to keep up with the sales. There are not many commercial sales, while there are a lot of residential sales that automatically bring up all the assessments for residential property. The burden is shifted to the residential properties. The North Fulton Mayor's meeting with Mr. Lindsey is to discuss taking the commercial property out of the proposed Bill.

Mayor Galambos announced that the annual meeting of the cities of Sandy Springs, Johns Creek and Milton will be held at the Capitol, January 29, 2009.

Public Comment

Consideration of approval of Resolutions to Adopt and Transmit Final Solid Waste Management Plan.

Resolution No. 2009-01-04

Resolution No. 2009-01-03

Assistant Director of Community Development Miller stated that the Solid Waste Management Plan was initially submitted to DCA on November 20, 2007 per City Council approval of Resolution No. 2007-11-69. In conjunction with its review, DCA provided written comments to the City and requested a re-submittal of the Solid Waste Management Plan. The Plan was rewritten by the Community Development Department staff and resubmitted to the Atlanta Regional Commission on November 25, 2008.

The Solid Waste Management Plan, as revised, follows the State's approved outline and addresses the comments received from DCA. The Plan makes key findings regarding the City's progress relative to solid waste going to landfills.

The final 2007-2017 Solid Waste Management Plan was approved by Atlanta Regional Commission and the State of Georgia Department of Community Affairs in December 2008. The Plan is now ready for adoption by the Mayor and City Council and transmittal back to the State of Georgia DCA.

Brief discussion was held by City Council.

Kathy Reed, Executive Director, Keep North Fulton Beautiful said she is delighted the final Solid Waste Management Plan is before City Council tonight for approval. Keep North Fulton Beautiful is working very hard to be good stewards of the City and explained that a lot of hard work has gone into creating this plan. Keep North Fulton Beautiful is delighted to be a part of the City in enacting this plan. The organization is contracted to help reduce the solid waste output from the City. Keep North Fulton Beautiful appreciates the City's support and is working very hard with City funds as efficiently as possible. They are aggressively restructuring the organization to be more efficient and are negotiating agreements with vendors.

With the current economy, the commodities market has completely dropped. Basically, the organization is receiving almost nothing for recycled commodities. The organization has to pay \$250.00 for the vendor to take away the product. The market for plastic now pays \$0. The vendor took their last shipment as a favor. This is not just happening at the North Fulton Center, but all over the country. Recycling Centers are backing up and there are no markets. She has no idea of what will happen with their next shipment. They may have to pay someone to take it. The organization used to get \$40.00 a ton for paper and now only receives \$7.50. Aluminum has gone from \$80.00 to \$20.00 and is dropping. Basically, it will be a struggle for them to try and maintain the operation. The organization is working hard to keep the doors open to serve the City by having fundraising events and is looking for creative ways to bring in additional funds. The organization normally expects to receive \$50,000 in commodities sales annually. This year they hope to get \$5,000. It may actually cost the organization money by paying the vendors to haul the stuff away. Once the economy picks back up, they should be able to start moving forward.

Councilmember Jenkins stated that one of the biggest challenges for Keep North Fulton Beautiful is getting apartment complexes involved in recycling. She questioned if Ms. Reed had been in touch with the Atlanta Apartment Association to get them involved with setting up recycling on site at all apartment complexes. The DCA Report noted that apartment complexes need to get involved.

Ms. Reed stated that the problem with that is it is based on increased volume and the organization is not getting in any revenue now.

Mayor Galambos questioned if Keep North Fulton Beautiful did not want anymore materials at this time.

Ms. Reed indicated that the organization wants to fulfill its contract with the City in reducing the solid waste output in the landfill.

Mayor Galambos stated that is in contradiction with not wanting the apartments to participate.

Ms. Reed explained that at the moment the organization is recycling 2000 tons per year. Keeping it at a steady rate would actually meet the City's waste reduction goals as she understands.

Mayor Galambos stated it would cost them money if they continued to collect more materials. A long term plan needs to be in place for when the commodity prices come back up. She has always expressed the need to have more collection bins throughout the City. Many people will take their newspaper and Magazines to a grocery store to recycle before driving to the Morgan Falls center.

Ms. Reed stated that the organization has plans to work with vendors to set something up and are working very hard to continue providing and expanding their services to the City.

Councilmember Jenkins explained that is why she would like for Ms. Reed to get in touch with the apartment complexes now because by the time they get everything worked out, hopefully the economy will be back up.

Councilmember Meinzen McEnery stated that only 3.5 percent of the recyclable waste is being recycled and questioned who did the tracking on how much of it goes to the Waste Management Facility in Gwinnett and if the amount being reported by the waste haulers was correct.

Ms. Reed commented that the Waste Management Plan does call for better tracking and does need to be improved. This process would be in two phases, first to confirm that each of the current waste haulers are actually in compliance with all regulations and are reporting at the right location. Secondly, establish a program for enforcing those who are hauling without being properly licensed. She has a draft proposal on how to do this. The Solid Waste Plan has many requirements and must be reported to the DCA. This would be helpful to the City and also could be outsourced to Keep North Fulton Beautiful.

Mayor Galambos questioned if they have spoke with City staff about what changes are needed in the contract with the haulers.

Assistant Community Development Director Miller stated this is something the City currently requires with the haulers as a part of the franchise agreement with them. One of the things identified through the report is that staff needs to take a stronger lead and work with each hauler to make sure that the reports submitted are accurate as far as what is collected in the city and what is transported from the City of Sandy Springs to the individual landfills. This is something that staff will focus on as part of the Solid Waste Plan.

Mayor Galambos stated that she is not convinced that the City's homeowners are using the curbside recycling. A meeting of all the Homeowner Associations, sponsored by the City's Communications Department will be held. She has requested that at that time the message be brought to the Presidents of the Homeowners Association, to start emphasizing to their homeowners that they should recycle at the curb. She suggested Ms. Reed attend the meeting as well in order to get their message out.

Councilmember Jenkins stated that the reason she does not recycle at the curb and go to Keep North Fulton Beautiful site is that she has to pay Waste Management an additional fee if she wants to recycle at the curb and they will only pick up so much.

Ms. Reed stated that not all haulers take recycling because they do not have a good way of collecting it.

Mayor Galambos stated that the City's haulers are supposed to be collecting recycling products; it is part of being licensed to haul in the City of Sandy Springs.

Senior Planner Eldridge, author of the Solid Waste Plan revealed that during review of the waste hauler contract it was discovered that there is no requirement for them to recycle.

City Manager McDonough stated that there is no requirement to recycle but there is a requirement to provide recycling if a customer asks for it.

Ms. Eldridge explained that it is optional, but at an extra charge and a financial penalty if you choose to recycle. She has contacted the haulers and is being told that the City's contract does not require them to offer recycling. Therefore, they do not have to.

Councilmember DeJulio stated that staff needs to revisit the hauler's contract.

City Manager McDonough stated that staff will review this matter. The fact of the matter is there is no market for these recyclables right now, so the whole premise of increasing advertising to create a waste stream to go to the dump does not make sense. Staff will monitor it; work with Keep North Fulton Beautiful; and go back to look at non-compliance.

Early on, the City received a lot of complaints about hauling. Those complaints have virtually gone away thanks to diligent enforcement efforts of Code Enforcement and police. Very few complaints have been received over the last 18 to 24 months related to solid waste. Mr. McDonough does not know of one complaint related to recycling.

Alan Box, 230 Glen Lake Drive, explained that he works for a company that buys about 5,000 tons of newspaper a month. They pay the Waste Management, Allied to the World and Amerihaul an index price plus \$20.00 per ton, \$25.00 per ton, \$30.00 per ton a ton respectfully plus freight for it. In his opinion it is absurd. They may not right now because of the economic situation. In July the price for newspaper was \$150 per ton in the southeast, plus \$30.00, plus freight. Now, his company is paying \$30.00 per ton, plus \$30.00, plus freight. It is a vicious cycle and you do not throw it out when times are bad. You do the right thing going forward because this market will come back and it will come back quickly.

Cindy Eade, 545 Burrige Trail, Education Director, Keep North Fulton Beautiful, communicated to City Council that she has read over the Solid Waste Plan. Staff did a great job and was very thorough it with a lot of attainment of the Solid Waste goals is about education. We are talking about something that is long term because the market is bad right now. She has been teaching the last two years at Johns Creek and Milton schools primarily on recycling waste, reduction, storm water management and pollution. She will continue teaching to influence the kids and change behavior. No funding for education has been received from Sandy Springs, which is a big part of this plan as well as the Stormwater Management Plan. Keep North Fulton Beautiful would like to start up a couple of other plans. The Evergreen Business Award Program they once had would be given out at the Sandy Springs Chamber of Commerce. This would be a monthly award. It would be given to a business that went above and beyond the call of duty in terms of recycling, waste reduction or some kind of a greener program for the purpose of educating other business on what they can do in their place of business. She noticed in the Solid Waste Plan that the City is trying to educate businesses and get more businesses to recycle to get their numbers back. The City's number is probably a little higher than 3.5 percent. Adopt a Road Program is being launched with Johns Creek. Keep North Fulton Beautiful would love to work with the City of Sandy Springs with the Adopt a Road Program. The apartment complex idea is great but would not necessarily be product that would be coming back to their center.

Mayor Galambos explained that it was her suggestion to the Chamber of Commerce to give an annual award to someone that is outstanding in terms of aesthetics. It was not for something green, it was for something that looks good in the Sandy Springs area. In fact, the last award given was to the Morgan Falls Complex for the waterfall, which is a very attractive feature. She would like for them to go back and review what the award is suppose to be for. Is it for something green or doing something that enhances the aesthetics of Sandy Springs.

Ms. Eade stated that the whole point in working with the City is to find out exactly what the City wants to do. Whether it is in education, a solid waste reduction plan or any kind of an award that is appropriate with the City, it is fine with Keep North Fulton Beautiful.

City Attorney Willard explained that there are two Resolutions for the Solid Waste Management Plan. The first Resolution is to adopt the City of Sandy Springs Solid Waste Management Plan. The second Resolution is authorizing transmittal of the Solid Waste Management Plan to the Atlanta Regional Commission and the Department of Community Affairs for review and approval. He requested that City Council vote on each Resolution separately.

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-005) a Resolution to adopt the City of Sandy Springs 2007-2017 Solid Waste Management Plan. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Motion and Vote: Councilmember Paul moved to approve (Agenda Item No. 09-006) a Resolution for transmittal of the City of Sandy Springs 2007-2017 Solid Waste Management Plan to the Atlanta Regional Commission (ARC) and Department of Community Affairs. Councilmember Fries seconded the motion. There was no Council discussion. The motion carried unanimously.

Public Comment

Joe Roach, President, Sandy Springs Youth Sports, thanked Ronnie Young, Al Crace, John McDonough, and Steve Rapson for their help and support. Sandy Springs Youth Sports looks forward to working in the Park that will benefit the children of Sandy Springs for years to come.

Mayor Galambos thanked the Sandy Springs Youth Sports for adding this program for the Sandy Springs community.

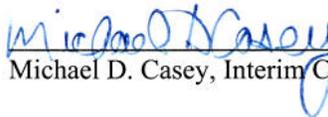
Adjournment

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously. The meeting adjourned at 7:02 p.m.

Date Approved: February 17, 2009



Eva Galambos, Mayor



Michael D. Casey, Interim City Clerk