

Regular Meeting of the Sandy Springs City Council was held on Tuesday, May 6, 2014, at 6:00 p.m., Mayor Rusty Paul presiding

INVOCATION

Reverend Joe B. Martin, Mount Vernon Presbyterian Church, offered the invocation.

CALL TO ORDER

Mayor Paul called the meeting to order at 6:01 p.m.

ROLL CALL AND GENERAL ANNOUNCEMENTS

City Clerk Michael Casey reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

Mayor: Mayor Paul present

Councilmembers: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman present.

PLEDGE OF ALLEGIANCE

Mayor Rusty Paul led the Pledge of Allegiance

PUBLIC COMMENT

Bill Gannon, 505 Taunton Way, stated he attended the charity event that Councilman Paulson helped coordinate. He is proud of the City, community, and areas that were represented at the charity event. The revenues were high and the costs were low for the event, and everyone had a good time.

APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman Sterling moved to approve the Regular Meeting agenda for May 6, 2014. Councilman DeJulio seconded the motion. The motion carried unanimously.

CONSENT AGENDA

(Agenda Item No. 14-078)

1. Meeting Minutes:
 - a) April 15, 2014 Regular Meeting
 - b) April 15, 2014 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 14-079)

2. Resolution to Adopt the 2014 CDBG Annual Action Plan
(Angela Parker, Director of Community Development)
Resolution No. 2014-05-34

(Agenda Item No. 14-080)

3. Consideration of Approval of the Georgia Department of Transportation (GDOT) Lighting Agreement for SR9/Roswell Road Streetscape Enhancement, P.I. No. 0002310 (Sandy Springs Project CIP T-0008, Roswell Road Streetscape – Cliftwood to Hammond)
(Garrin Coleman, Director of Public Works)

Resolution No. 2014-05-35

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for May 6, 2014. Councilman DeJulio seconded the motion. The motion carried unanimously.

PRESENTATIONS

There were no presentations.

PUBLIC HEARINGS

City Clerk Michael Casey read the rules for the Public Hearings segment of the meeting.

(Agenda Item No. 14-081)

1. **TA14-001** - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance Related to Neighborhood Camera Systems

Director of Community Development Angela Parker stated this item is the last step in the process of implementing the neighborhood camera system. In March 2014, the Council directed staff to prepare a policy and that policy was approved by Council. This item is a zoning ordinance amendment. This amendment will allow a pole taller than four feet to be placed in the front yard of a homeowner for the purpose of installing a neighborhood camera system.

Mayor Rusty Paul called for public comments in support of or in opposition to the ordinance. There were no public comments. Mayor Paul closed the public hearing.

Motion and Second: Councilmember DeJulio moved to approve Agenda Item No. 14-081, TA14-001 - An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance Related to Neighborhood Camera Systems. Councilman McDonald seconded the motion.

Councilman Andy Bauman asked if the Planning Commission discussed permit fees.

Director of Community Development Parker stated no citizen spoke at the meeting on this item, but the Planning Commission spent a lot of time discussing it. The Planning Commission had many concerns and would like a permit fee to be charged. There was no dialogue in terms of what the fee should be.

Councilman Bauman asked if the City has fees for traffic calming or street light applications.

Director of Community Development Parker responded no, and staff is not recommending a fee for this item.

Councilman Bauman asked about the legal ramifications, liability insurance, and indemnifications.

Director of Community Development Parker stated staff did speak to the Planning Commission about those items, because the neighborhood camera policy was included in the package, and those topics are covered in the policy.

Vote on the Motion: The motion carried unanimously.

Ordinance No. 2014-05-11

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

(Agenda Item No. 14-082)

1. Donation and Sale of Police Department Vehicles

Chief of Police Ken DeSimone stated this item is a proposal to donate ten used City owned police vehicles to the Georgia Public Safety Training Center in Forsyth, GA. These vehicles have in excess of 100,000 miles and some are up to eight years old. The Public Safety Training Center is used for driver's training and is a location that the Sandy Springs police officers use at no cost. Both in-service and pre-service officers are sent to this training facility. The training center has previously received vehicle donations from Troup County, the City of LaGrange, Cherokee County, the GBI, and DNR.

Motion and Second: Councilman Paulson moved to approve Agenda Item No. 14-082, the Donation and Sale of Police Department Vehicles. Councilman Dishman seconded the motion.

Councilman John Paulson asked for an estimate of the value of the vehicles that will be donated.

Chief of Police DeSimone stated if the Police Department sold the vehicles, the department would receive between \$2,000 to \$3,000 for each. There is no cost to strip the vehicles. The State will do that for the department. All of the equipment that can be reused will be removed from the vehicles.

Vote on the Motion: The motion carried unanimously.

(Agenda Item No. 14-083)

2. A Resolution Confirming and Re-appointing Members of the City of Sandy Springs Public Facilities Authority and Appointing Certain Officers for the Authority

Assistant City Attorney Cecil McLendon stated this resolution appoints the Mayor and Council as members of the Public Facilities Authority. The Authority members have staggered terms. The Mayor will be taking the seat that expires May 1, 2016. In the resolution it states the members shall continue to be reappointed as long as they are in office. Councilmen Paulson, Dishman, and McDonald have terms that expire May 1, 2015. Councilmen DeJulio, Sterling, and Bauman have terms that expire May 1, 2017. The resolution also appoints Ms. Ellis as the Treasurer for the Authority and Michael Casey as the Secretary. If the Council approves this resolution, they will become boardmembers and later this evening the boardmembers will have a meeting.

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-083, a Resolution Confirming and Re-appointing Members of the City of Sandy Springs Public Facilities Authority and Appointing Certain Officers for the Authority. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-05-36

(Agenda Item No. 14-084)

3. Consideration of a Resolution Authorizing the City of Sandy Springs, Georgia, to Execute Subleases with the Sandy Springs Public Facilities Authority for Suites 301 and 401 of the Morgan Falls Office Park

Assistant City Attorney Cecil McLendon stated this agenda item and the next are subleases for the City with the Sandy Springs Public Facilities Authority. The leases are for buildings 300 and 400, where the police department is located, as well as building 500, where City Hall is located. The Public Facilities

Authority can enter into longer term leases than the City. The Facilities Authority will enter into a lease with the landlord for these properties. Because this is in Intergovernmental Agreement between the Facilities Authority and the City, the City can then enter into the agreement by virtue of a sublease with the same terms. The landlord is satisfied with the lease and it is the City that is responsible for the lease obligations.

Mayor Rusty Paul asked for an explanation of why the City goes through this process of approving leases.

Assistant City Attorney McLendon stated the City's authority to contract is limited to a year-to-year basis with a non-government entity. Since the Public Facilities Authority is a governmental entity, the City can be bound to the longer agreement terms. The term of the subleases is five years. The reason for this process is so the City can be responsible for a five year lease. The leases are for buildings 300, 400, and 500. He asked that Council approve a resolution that will authorize the City Manager to enter into the sublease for buildings 300 and 400. The terms of the sublease are in the agenda package. There is a slight increase of the rental rate for the first year of the lease in July 1, 2015. The rates being proposed in the leases and subleases are very advantageous to the City. The term of the lease includes a tenant allowance price that will not exceed \$5.26 per square feet for each building and the landlord will give that amount to the City. For buildings 300 and 400 that amount equates to \$187,083.42. Pursuant to the terms of the amended lease, the landlord will pay half of that amount upon execution of the lease. The other half will be paid at the commencement of the term of the lease on July 1, 2015. The City Manager believes that continuing with this location of the police services for the entire five year term is staff's preference at this point. He asked that Council approve the resolution that will authorize the City to enter into the sublease for buildings 300 and 400 with the Public Facilities Authority.

Motion and Vote: Councilman DeJulio moved to approve Agenda Item No. 14-084, a Resolution Authorizing the City of Sandy Springs, Georgia, to Execute Subleases with the Sandy Springs Public Facilities Authority for Suites 301 and 401 of the Morgan Falls Office Park. Councilman Dishman seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-05-37

(Agenda Item No. 14-085)

4. Consideration of a Resolution Authorizing the City of Sandy Springs, Georgia, to Execute a Sublease with the Sandy Springs Public Facilities Authority for Suites 501, 520, 540 and 550 of the Morgan Falls Office Park

Assistant City Attorney Cecil McLendon stated this item is for building 500. The terms are the same as previously with there being a slight increase for the rental rates and an escalation over the five year period. There is also a tenant allowance on this lease as well that equates to \$321,170.34. Half of this amount will be delivered upon execution of the amended leases and half at the commencement of the term next year. The total allowance for the two leases is \$508,252.76. The only different aspect for building 500 is that for this building there is the flexibility to relocate some of the administrative functions of City Hall. The City will not be committed to a five year lease for all of that space. Starting with the 2017 term on this lease, as long as the City provides the landlord with six months written notice, the City will be allowed to partially terminate the lease for the administrative section of the building. The administrative section of the building includes everything except from the door near Public Works all the way to the court and the revenue section.

Motion and Vote: Councilman Dishman moved to approve Agenda Item No. 14-085, a Resolution Authorizing the City of Sandy Springs, Georgia, to Execute a Sublease with the Sandy Springs Public Facilities Authority for Suites 501, 520, 540 and 550 of the Morgan Falls Office Park. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-05-38

(Agenda Item No. 14-086)

5. Nomination of a Member to the Economic Development Advisory Committee (Josh Belinfante)

Mayor Rusty Paul stated the process of adding additional members to different City boards has started again. Josh Belinfante is an attorney and the former general counsel for the Governor of Georgia. He also worked very closely with the Economic Development Department of the State of Georgia. He has many contacts that will be useful to the City's efforts in strengthening the economic climate in the community.

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-086, the nomination of Josh Belinfante to the Economic Development Advisory Committee. Councilman Bauman seconded the motion. The motion carried unanimously.

Resolution No. 2014-05-39

(Agenda Item No. 14-087)

6. Consideration of a Resolution Reappointing a Member to the Board of Ethics of the City of Sandy Springs for a Second Three Year Term (David Price)

Mayor Rusty Paul stated the City has been fortunate that this committee has had nothing to do and he hopes it will stay that way. That is a tremendous reflection on the City and City officials. By ordinance and law the City is required to have a Board of Ethics. He asked that Council approve reappointing David Price for a second three year term to the Board of Ethics.

Motion and Vote: Councilman Dishman moved to approve Agenda Item No. 14-087, a Resolution Reappointing David Price to the Board of Ethics of the City of Sandy Springs for a Second Three Year Term. Councilman Paulson seconded the motion. There was no Council discussion. The motion carried unanimously.

Resolution No. 2014-05-40

(Agenda Item No. 14-088)

7. Consideration of a Resolution Regarding Google Fiber

Assistant City Manager Eden Freeman stated this item is a resolution for Council's consideration authorizing the City Manager to execute any and all necessary agreements to complete the Google fiber checklist process. As staff worked through the process with the other eight cities in metro Atlanta, Google was very agreeable to making some needed changes that staff wants to have in the hut license agreement. Google has now agreed to that and the agreement will not be executed until such time when Google completes their system design work and determines if they will bring the product to Sandy Springs. This resolution is asking for authorization for the City Manager to execute that agreement once Google makes that decision.

Motion and Second: Councilman Sterling moved to approve Agenda Item No. 14-088, a Resolution Regarding Google Fiber and allowing the City Manager to execute a contract at such time as necessary. Councilman Paulson seconded the motion.

Councilman John Paulson asked if there is a cost associated with this.

Assistant City Manager Freeman responded no. If Google decides to bring the product to Sandy Springs, Google will submit a network design to staff. If any of the valid sites where the huts are to be placed are City property, there will be questions on what documents need to be executed. If that happens, Google will pay the City a lease figure for the use of that City property. Google is fully aware there is very limited City property available. It is possible that Google may not need to place any huts in Sandy Springs and may be able to place them in other locations. Google would pay the City \$3.50 per square foot.

Vote on the Motion: The motion carried unanimously.

Resolution No. 2014-05-41

Councilman Gabriel Sterling asked if there is anything the City can do to help Google decide to locate the fiber in Sandy Springs.

Assistant City Manager Freeman stated staff has done all that can be done. When the registration process is opened, citizens can give input online. The Google contacts have promised the City contacts that Sandy Springs will be kept updated.

City Attorney Wendell Willard stated Assistant City Manager Freeman and Staff Attorney Kathy Williams took a leadership role for all of the cities being considered by preparing this document that was ultimately approved by Google. Because of their leading role, Google recognizes that Sandy Springs is very anxious to see Google come to the City.

Mayor Rusty Paul thanked Assistant City Manager Freeman and Staff Attorney Kathy Williams.

REPORTS

1. Mayor and Council Reports

Councilman Gabriel Sterling stated the Taste of Sandy Springs was a very successful event this weekend. About \$14,000 was raised and that amount will be split with the restaurants. The remainder will go to the Taste of Sandy Springs fund and the Sandy Springs Police Benevolent Fund.

2. Staff Reports

a) March 2014 Financial Report – Finance Director Karen Ellis

Finance Director Karen Ellis stated in the agenda package this evening is the March 2014 financial report. The City is on target with revenues and expenses.

b) Northridge Interchange Update – Director of Public Works Garrin Coleman

Director of Public Works Garrin Coleman gave a PowerPoint presentation on the Northridge interchange construction project.

Councilman John Paulson asked if the project is on schedule.

Director of Public Works Coleman responded per GDOT, yes.

PUBLIC COMMENT

There were no public comments.

Motion and Vote: Councilman DeJulio moved to recess the regular meeting to hear the Work Session agenda items. Councilman Sterling seconded the motion. The motion carried unanimously. The meeting recessed at 6:36 p.m.

Motion and Vote: Councilman Sterling moved to end the recess and resume the regular meeting. Councilman DeJulio seconded the motion. The motion carried unanimously. The recess ended at 7:24 p.m.

EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilman DeJulio moved to enter into Executive Session to discuss litigation and real estate matters with the City Manager, Assistant City Manager and Director of Community Development included. Councilman Sterling seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman Dishman, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive Session began at 7:24 p.m.

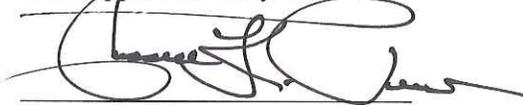
Councilman Dishman left the Executive Session prior to the adjournment.

Motion and Vote: Councilman DeJulio moved to adjourn Executive Session. Councilman Bauman seconded the motion. The motion carried unanimously, with Councilman Paulson, Councilman McDonald, Councilman Sterling, Councilman DeJulio and Councilman Bauman voting in favor of the motion. Executive session adjourned at 8:05 p.m.

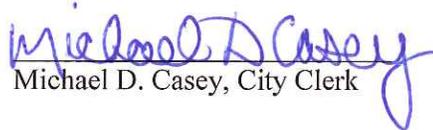
ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Bauman seconded the motion. The motion carried unanimously. The meeting adjourned at 8:05 p.m.

Date Approved: May 20, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk

CITY OF SANDY SPRINGS, GA

STATE OF GEORGIA
FULTON COUNTY

May 6, 2014

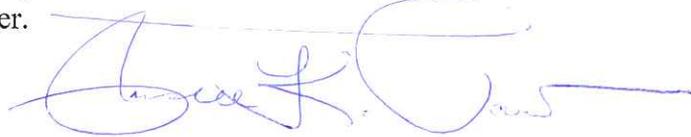
AFFIDAVIT FOR EXECUTIVE SESSION

Personally comes Russell K. Paul, Mayor of the City of Sandy Springs, who on oath says that to the best of his knowledge and belief, on the 6th day of May, 2014, in the city aforesaid, a meeting of the Council was closed to the public for the following reason(s):

Discussion or voting on real estate matters pursuant to O.C.G.A, 50-14-3(b)(1);

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.



Russell K. Paul, Mayor

Sworn to and subscribed before me,
this 6th day of May, 2014.



Notary public (SEAL)

