
Regular Meeting and Work Session of the Mayor and City Council of the City of Sandy Springs was held October 9, 2007 at 6:00 p.m., Mayor Eva Galambos presiding.

Call to Order

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

Roll Call and General Announcements

City Clerk Rowland 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 Rowland called the roll.

Councilmembers Present: Councilmember Dianne Fries, Councilmember Rusty Paul, Councilmember Ashley Jenkins, Councilmember Tibby DeJulio, Councilmember Karen Meinzen McEnerny.

Approval of Meeting Agenda

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

New Business:

Consideration of a Resolution to Activate the City of Sandy Springs Development Authority, to Appoint a Board of Directors, and to provide for filing with the Georgia Secretary of State and the Georgia Department of Community Affairs pursuant to O.C.G.A. § 36-62-1, et seq.
Resolution No. 2007-10-56

City Attorney Willard stated that City Council was presented with an overview of this Resolution on September 11, 2007. Staff recommends the City create its own Development Authority to partner with the Perimeter Community Improvement Districts ("PCID"s) for possible partial funding of the half diamond interchange at Hammond Drive Project. The Development Authority will be getting funds for \$5,000,000 to be used by Georgia DOT for the construction. The nominees will be attached to the Resolution as Exhibit A.

Mayor Galambos announced the nominees to serve on the Development Authority: Jennifer Steele, Ralph Thurmond, John Willis, Ken Gregor, Nagel Haddad, Betty Crawford and Rusty Paul.

Motion and Vote: Councilmember DeJulio moved to approve a Resolution to Activate the City of Sandy Springs Development Authority, to Appoint a Board of Directors, and to provide for filing with the Georgia Secretary of State and the Georgia Department of Community Affairs pursuant to O.C.G.A. § 36-62-1, et seq. Councilmember Meinzen McEnerny seconded the motion. There was no Council discussion. The motion carried unanimously.

Reports and Presentations:

Staff Reports

Public Safety Interoperable Communications (PSIC) Grant Program

City Manager McDonough stated that staff would like to apply for this Grant which requires a Memorandum of Understanding. Staff would like to make application in partnership with the City of Roswell. The purpose of the application would be to receive funding so that in case of an emergency situation, staff could communicate with the City's police, fire and public safety departments and outside agencies. There is a variety of different types of radio

frequencies available. This grant would require a 20% match and staff is requesting approval in the amount of \$150,000 to come out of the City's contingency funds. Staff's recommendation is to pursue this grant and partnership with Roswell.

Motion and Vote: Councilmember Fries moved to approve the Public Safety Interoperable Communications (PSIC) Grant Program partnership with the City of Roswell. Councilmember Jenkins seconded the motion. There was no Council discussion. The motion carried unanimously.

Consideration of Approval of Litigation Settlement - 5210 Powers Ferry Road

City Attorney Willard stated that the City has on going litigation with the property located at 5210 Powers Ferry Road. This property was approved for redevelopment by Fulton County on March 25, 2005, prior to the creation of the City of Sandy Springs. This is the appropriate site plan of the footprint of all improvements on the property. There are issues addressing the pool, adding a pool house and a retaining wall in the back of the property. The major issues address the area at the back of the property where the owner wants to put the retaining wall. The owner has a pool house and a very small pool at this location. The property owner went back to Fulton County seeking approval to increase the size of the pool house and pool and approval of the retaining wall. This has not been approved by the City and Fulton County did not have the ability to do it at the time the property owner requested it because in June 2005, Fulton County had changed their setback for the stream buffer from 25 feet to 75 feet and could not do this with an administrative variance. All parties recognize that was an act by Fulton County. Under the law it is recognized by all parties that this is what binds the City to this site plan. The City could enter into a settlement agreement with Council's approval. This would recognize the existing site plan as the appropriate site plan about development and address the section of property in the rear.

Councilmember Meinzen McEnery stated that Council discussed this issue in an earlier Executive Session. She questioned if public notice should have been given and if there could be problems from the adjacent property owners.

City Attorney Willard stated that he did not see a problem and believes this to be the appropriate way to resolve the issue. He feels that if the City does not resolve this, a court would. Staff is stating that the property owner has a site plan that was approved by Fulton County and the City can not undo this.

Mayor Galambos stated that you would grandfather whatever the law was at the time.

Motion and Vote: Councilmember Meinzen McEnery moved to enter into settlement agreement for property at 5210 Powers Ferry Road per site plan approved by Fulton County on March 25, 2005. Councilmember Paul seconded the motion. There was no Council discussion. The motion carried unanimously.

Adjournment

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. There was no Council discussion. The meeting adjourned at 6:16 p.m.

Work Session Agenda

Staff Discussion Items

Discussion of Early Warning System

City Manager McDonough stated that the City does not have an early warning system in place at this point in time. Some of our neighboring communities will have towers and have bullhorns on them for announcements, and start the siren when there is an emergency of some type. If the City had a warning system, it could potentially save peoples lives. Staff applied for grant money for an outdoor siren warning system and was denied funding in August due to South

Georgia needs. Several months from now, the tornado season will start and he would prefer that the City not wait another year on the chance of receiving grant funds. Contingency funding to fund such a system is less than \$200,000. He feels this is a very proactive step that the City can take.

Senior Deputy Fire Marshall Scarbrough stated that these systems have been used for several years to warn people about emergencies including bomb/raids, and severe weather. It is not new technology though it has improved some. The City currently has two systems in place, Fulton County's Reverse 911 calling. The draw back with this system is unlisted numbers and cell phones will not be contacted through this system. Staff has used the data base a couple of times and the information is not getting out like we would like it to in the community, some of the people are not being contacted. Secondly, Sandy Springs E-Blast, the draw back with this is that the citizens must be signed up or registered to receive it. Citizens that do not have access to email can not be communicated through this. Sandy Springs citizens would have to be educated on the warning system.

Benefits of Outdoor Warning System

- Ability to initiate early warning of severe weather
- Capability to originate local emergency messages through the emergency web network to those residents with a NOAA weather radio

Limitations of Siren System

- Unable to communicate the nature of the emergency of any specific message to those who do not have a NOAA weather radio
- Will not notify the hearing impaired
- Pole locations for sirens could be a challenge in some areas of the City
- Tends to create community fear potentially resulting in large call volume into City Call Center, 911, Fire, Police

System installation plan

- First Phase: Healthcare Region, High Density Recreational Region, Residential Region, Business & Historical Region. Install within 3 months contingent upon right-of-way issues. Secure Phase 2 pole locations working with HOA's. (Roswell Road corridor)
- Second Phase: Install sirens in remaining residential areas, schools and one fire station.

Rotating Directional Siren Capabilities: Covers 3.5 +/- square miles, Produces 3 to 6 types of high powered signals, 130dBC +/- at 100 feet, AC, DC, or AC/DC available, Supplies minimum of 15 to 30 minutes full power from batteries after AC power loss, Produces 60 degree projection of sound which rotates at 3 rpm, Audible and silent testing can be performed.

Senior Deputy Fire Marshall Scarbrough stated that the estimated cost for the Outdoor Siren Warning Systems which includes 10 sirens is \$205,000.

Councilmember Meinzen McEnery questioned how often the City would have to test them on audible and how would the citizens know it was a test.

Senior Deputy Fire Marshall Scarbrough stated that most of the jurisdictions staff test them once a month. It helps the citizens to know what the sound is. Staff would have to educate the community on the specific sounds and what each means.

City Manager McDonough stated that the City is going to try and make this as simple as possible. What we want to make people aware that there is an impending event about to happen. Typically, we want them to seek shelter immediately and then turn on a radio. We will be working in partnership with our communications department and with some of our local radio stations so that when we activate this system there will be a message that will correspond to this. It takes time to educate a community of 100,000 people.

Mayor Galambos stated that using sirens does not seem to be the highest technology that might be available. She questioned if the City should search for higher technology.

City Manager McDonough stated that there is higher technology but the issue is that people respond to an audible sound and it tells them that there is something that they need to pay attention to immediately.

Councilmember Jenkins stated that her concern about the audible sounds is that when they go off, no one does anything. She agrees with Mayor Galambos and would prefer to see use of higher use of technology. A lot of campuses have a way to send out text messages to cell phones.

City Manager McDonough stated that this is a good insurance policy for our community. You can not put a price on someone's life. If a tornado were to hit someone's home and the City had the ability to employ this type of technology at this cost to give them an opportunity to go from their bedroom into the basement and save a life he would suggest this would be a very good expenditure of public funds.

Councilmember DeJulio stated that his concern with the 911 system and questioned the average warning time. Mr. McDonough stated that it could vary. Sometimes you can see the storm coming and other times you might only have three to five minutes to respond.

Councilmember Paul stated that he has had experience with the siren system and when the siren goes off people pay attention to it. He does not mind looking at other technology but this is just common sense to him since you do not have much time when you have a weather emergency and every second counts.

Councilmember Fries questioned if sound bytes could be put on the City's website so that the citizens could hear the different sounds and what they mean.

City Manager McDonough stated that the City will do everything possible to educate the community on what to expect and what to do. There will be public information coming from the City from our communication department.

Councilmember Jenkins questioned where the funds would come from and questioned if this could wait.

City Manager McDonough stated that the funds would come out of the City's contingency funds. The serious weather season is forthcoming with the ice storms and the spring tornado season. It will take several months to put this into effect; staff would like to move forward on this now.

Mayor Galambos stated that Georgia Tech is looking into a proposal which would be funded from the outside that would involve evaluating Sandy Springs and also comparing it to other jurisdictions with special emphasis on two-way communication between the community and the government. Before Council makes any decisions on this, she would like to know whether or not there are any other high tech ways to utilize communication systems that would be an alternative to this.

City Manager McDonough stated that public safety is first and foremost our City's responsibility. It does not require a public hearing. This is a big deficiency that we have in this community right now and for \$200,000, which is essentially an insurance policy for the folks that are sleeping in our community, provides them with an early warning system if something were to happen. This is the only thing that will get people's attention. Text messaging will not do it, people's phones may not be working, or they are not on the call list. There may be technology out to get certain types of information out when you have ample time to get it out. This is meant to provide a snap opportunity for somebody to take action.

Councilmember Paul stated that from personal experience this sort of system is crucial in an emergency. Lives are at stake in this community and we have an opportunity to spend a small amount of money to do something that could save untold numbers of lives.

Police Chief Wilson stated that tornados come very fast and are violent and do a lot of damage. One of the first things to go down is the electronics, telephone lines and cell towers. There are many people in the community that do not have high tech devices.

Councilmember Jenkins expressed her concerns about this never being mentioned to Council before now.

City Manager McDonough stated that this has always been a staff priority and staff understands the philosophy of the Council. Staff always attempts to find other people's money to improve the situation for our community. This is exactly what staff did. The City has a good track record with grants. In this case, staff was very optimistic about getting this grant that would pay 100% of this warning system. Unfortunately, this did not happen and that is why the City has a contingency budget. As soon as staff found out the grant funding was not available, they moved forward and made other recommendations.

Mayor Galambos questioned Council on whether or not this item should be on the next regular scheduled meeting agenda. There was a consensus of Council to have this item heard at the next regular meeting.

Discussion of Bus Shelter Advertising Participation Agreement between MARTA and Sandy Springs.

City Attorney Willard stated that the City has been in negotiation and working with MARTA representatives and attorney. MARTA has been very cooperative in the provisions the City has asked for. The City has an opportunity to be a participant in determining where the bus shelters will be located.

Councilmember Fries stated that Council had discussions about this and she had made it very clear that she did not want Towne Center to be included in this contract. Council voted and agreed that MARTA could have all of Roswell Road except for the Towne Center area.

City Attorney Willard stated that it will be non advertising bus shelters in the Towne Center area.

Councilmember Fries explained that it was agreed that no bus shelters would be in this area except for the ones that are already there and the City will maintain them. The City is going to use the revenue to buy more attractive ones to put in the Town Center.

City Attorney Willard stated that he would make the change in the agreement before it is finalized. He will bring back the revised agreement at the next meeting. There will be a prorated share of the fees coming in for the advertiser based on the actual shelters as well as the monthly commissions received by MARTA which will be one half coming to the City which will be the revenue stream the City has to work with. One of his concerns was with the 15 year agreement. He asked that the City have a right to cancel it which has been included in the terms. Should the City desire to terminate this Agreement, the City shall provide six (6) months prior written notice to the Authority by certified mail. If there is still an unappreciated value of the bus shelters we are to sit down and work out that agreement with them upon cancellation. There is a compliance policy on advertising in the agreement that states in the event the City has a concern regarding the content of any specific advertising placed on a bus shelter located in the City, the City shall notify the Authority's advertising coordinator and that advertisement would be removed, also the use of the City's name, logo, slogans, or other graphic representations on the shelters or benches or in any advertising copy placed in the City shall be subject to advanced approval by the City.

Mayor Galambos stated that this change to the agreement needs to be done before the next regular meeting. She questioned staff on the status of MARTA and the stops.

Deputy Director Drysdale explained that Phase I was completed last month and staff is now working on Phase II. Part of Phase II is the down size of one of the buses.

Councilmember Jenkins stated that David Hill, Fairfax Condominium Association expressed the association's displeasure of the bus stop being moved to the middle of their flowerbed. Originally Fairfax had a bus stop at the

entrance and at the exit. Mr. Drysdale stated he would speak with Mr. Hill and did not see MARTA having a problem with it being moved.

Discussion of the acceptance of the Temporary Construction Easement Located at 1034 Hammond Drive, City of Sandy Springs, Fulton County, Georgia

Public Works Director Parham stated that this is for an acceptance of a temporary construction easement for a PCID project. This property was donated by Wachovia Bank at 1034 Hammond Drive and is part of the Hammond Drive sidewalk project.

Councilmember Fries reminded everyone she wants consistency, some of them say donation and some say one dollar.

Discussion of the Acceptance of the Donation of Right-of-Way and Approve the Temporary Construction Easements that are Located in the PCID Fulton Phase I Intersection and Sidewalk Project

Public Works Director Parham stated that this is for a donation of right-of-way and temporary construction easement for another PCID project, phase I intersection improvement project, approximately 5,000 square feet of temporary easement and maintenance easement located on Mt. Vernon.

Discussion of the Authorization of the City Manager to Execute a Contract with ARCADIS U.S., Inc., for Concept Design for the I-285 Tunnel Sandy Springs Circle Underpass Project (T-0023).

Public Works Director Parham stated that this is to execute a contract with ARCADIS for the concept design for the tunnel to go under I-285.

Mayor Galambos questioned if staff was asking for three alternatives.

Public Works Director Parham stated for preliminary concepts staff would like for them to give us some alternatives for various ways it could be constructed. Staff will come back to City Council for input before taking it forward to seek additional funding and approval for the concept.

Mayor Galambos questioned if the cost is more than what is allotted in the capital budget.

City Manager McDonough stated that it is about \$130,000 more than in the capital budget. He stated this is a priority for the Council and Council should anticipate there may be issues that will come up with this.

Public Works Director Parham stated that some of this money can be used for the design cost which will help defer some of the additional cost for this concept design.

Discussion of the Authorization of Honorable Mayor to Sign the GDOT Project Framework Agreement (PFA), Project No. STP00-9252-00(007), Fulton County, P.I. # 751420 for Project No. T-0011, Johnson Ferry-Glenridge (Earmark)

Public Works Director Parham stated that item is for the Mayor to sign the project framework agreement with Georgia Department of Transportation for the Johnson Ferry-Glenridge project to earmark. This is a standard agreement with GDOT that outlines the City's responsibility and the States responsibility on this project.

Councilmember Fries requested that staff communicate with the property owners on Johnson's Ferry because Council has received many calls from citizens wanting to know what is going on.

Councilmember Jenkins requested staff to send out a press release and information through email with the specifics of what is going on with this project. She informed everyone that there will be a public meeting on November 5, 2007 at 6:00 p.m. at the Benson Center regarding this matter.

Mayor Galambos questioned if the major impact on this particular agreement to study the triangle and to do the streetscape from one end of Johnson Ferry to the other.

Deputy Director Drysdale stated that this is to study the entire length from Abernathy Road all the way down to Glenridge. The focus of the main problem is where the triangle is. The entire length will be studied and recommendations will be made. One of the previous projects was moved to this project and this is the reason the funding is so high.

Discussion of Right-of-Way Deed and Permanent Construction Easement Agreement with Holy Innocents School for the Mt. Vernon Parkway Sidewalks Project, No. T-0007.

Public Works Director Parham stated that the next two items on the agenda are related to Mt. Vernon Parkway. The first is the acceptance of a right-of-way and construction easement from Holy Innocents School.

Discussion of the acceptance of the Conveyance of Temporary Driveway Easements that are located on Mt. Vernon Parkway for Mt. Vernon Parkway Sidewalks Project No. T-0007.

Public Works Director Parham stated that this item is for the acceptance of temporary driveway easements along Mt. Vernon Parkway.

Discussion of RZ07-033 – An Ordinance to Amend Article 19, Administrative Permits and Use Permits, of the City of Sandy Springs Zoning Ordinance.

Director of Community Development Leathers stated that the Zoning Ordinance includes the provision for festivals and events in the City's administrative permits provision. The City also has a Special Events Ordinance. Staff recommends deleting the provision in the Zoning Ordinance so that there will be no confusion to anyone.

Councilmember Meinzen McEnery questioned when Council would receive the next quarterly updates.

Director of Community Development Leathers stated that staff will provide City Council with a list in November.

Adjourn

Motion and Vote: Councilmember Meinzen McEnery moved to adjourn the meeting. Councilmember Fries seconded the motion. The meeting adjourned at 7:07 p.m.

Date Approved: November 6, 2007



Eva Galambos, Mayor



Christina V. Rowland, City Clerk